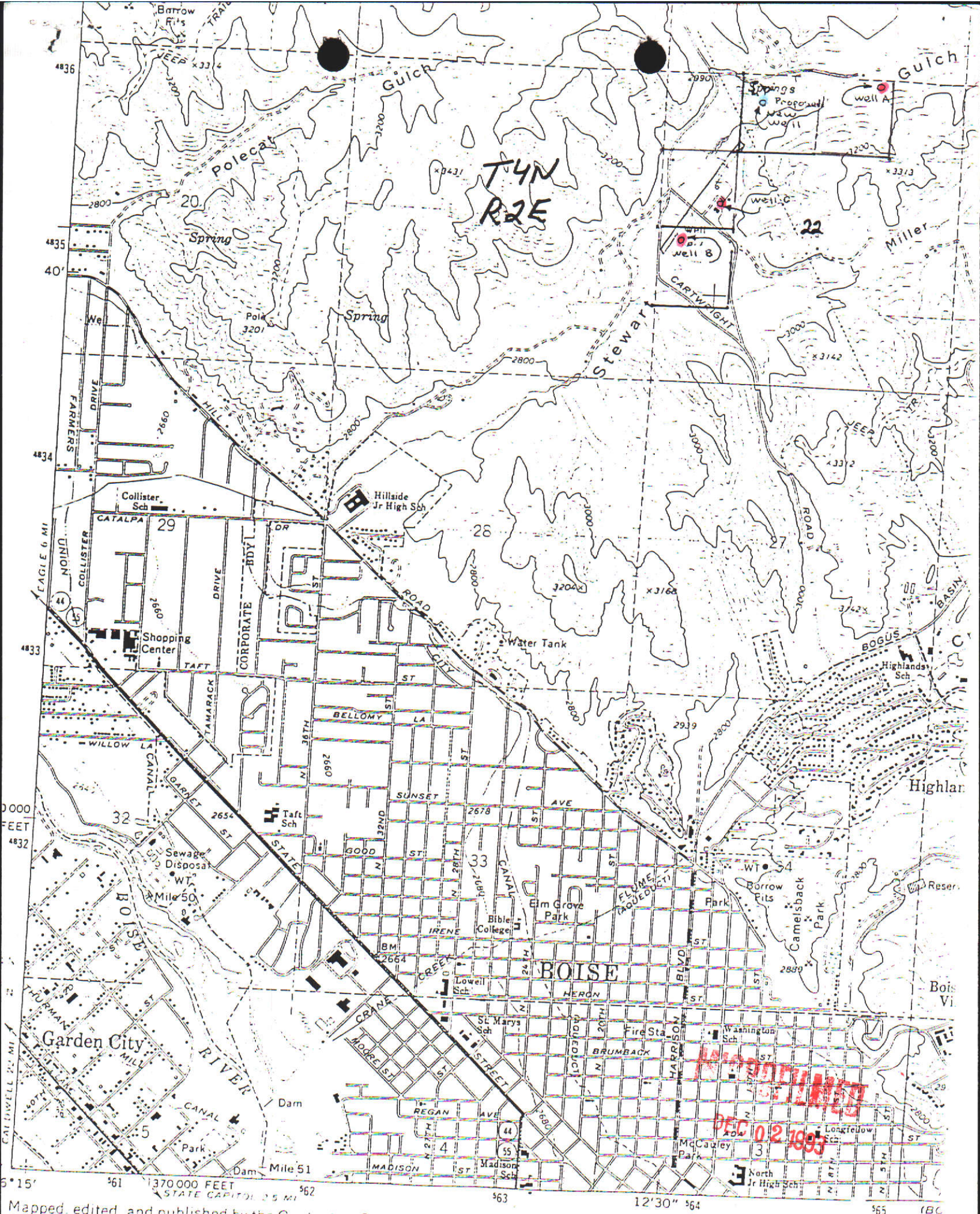
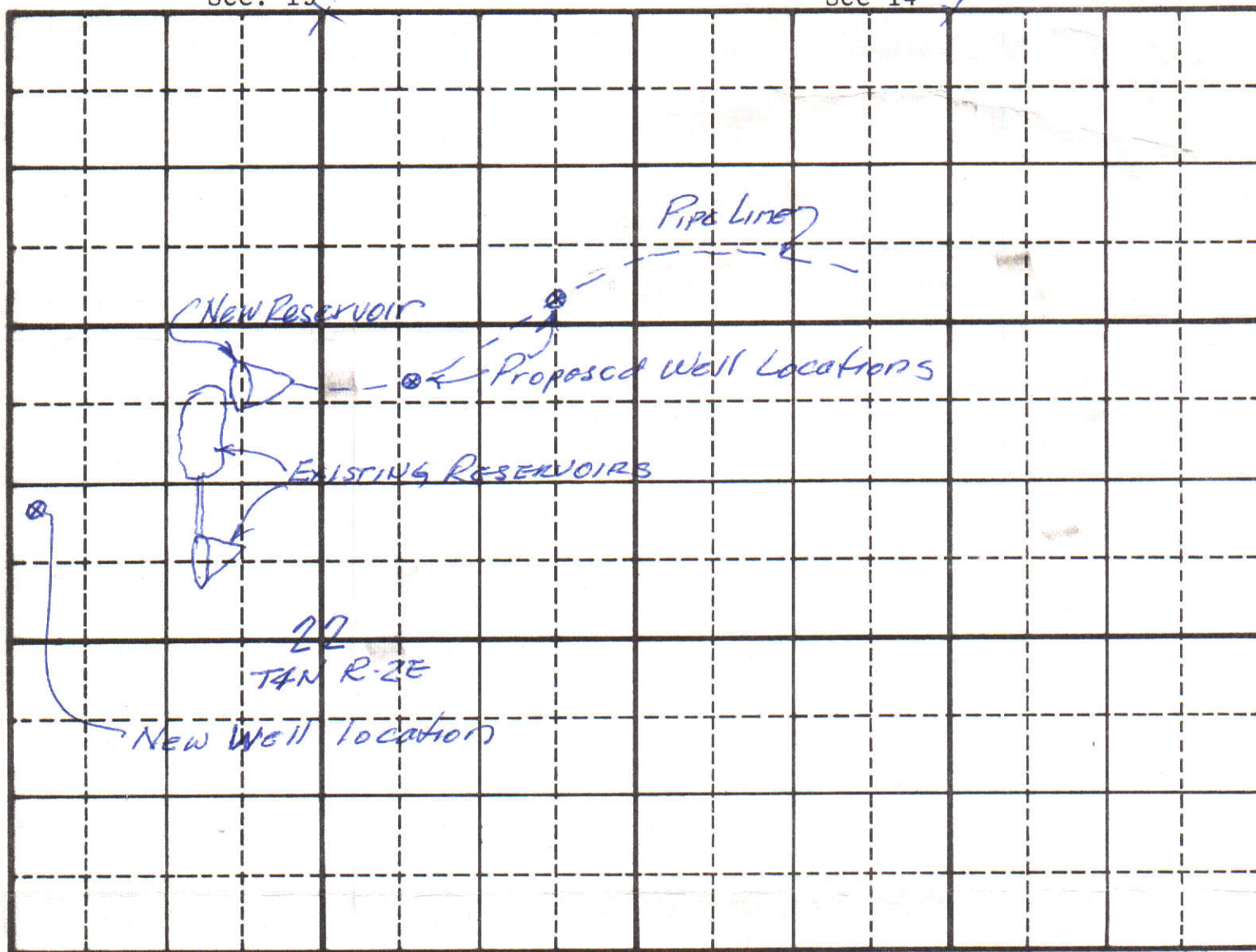




Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at BOISE IDAHO, this 26 day of JUNE, 1974.

J. A. Taitelberg
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

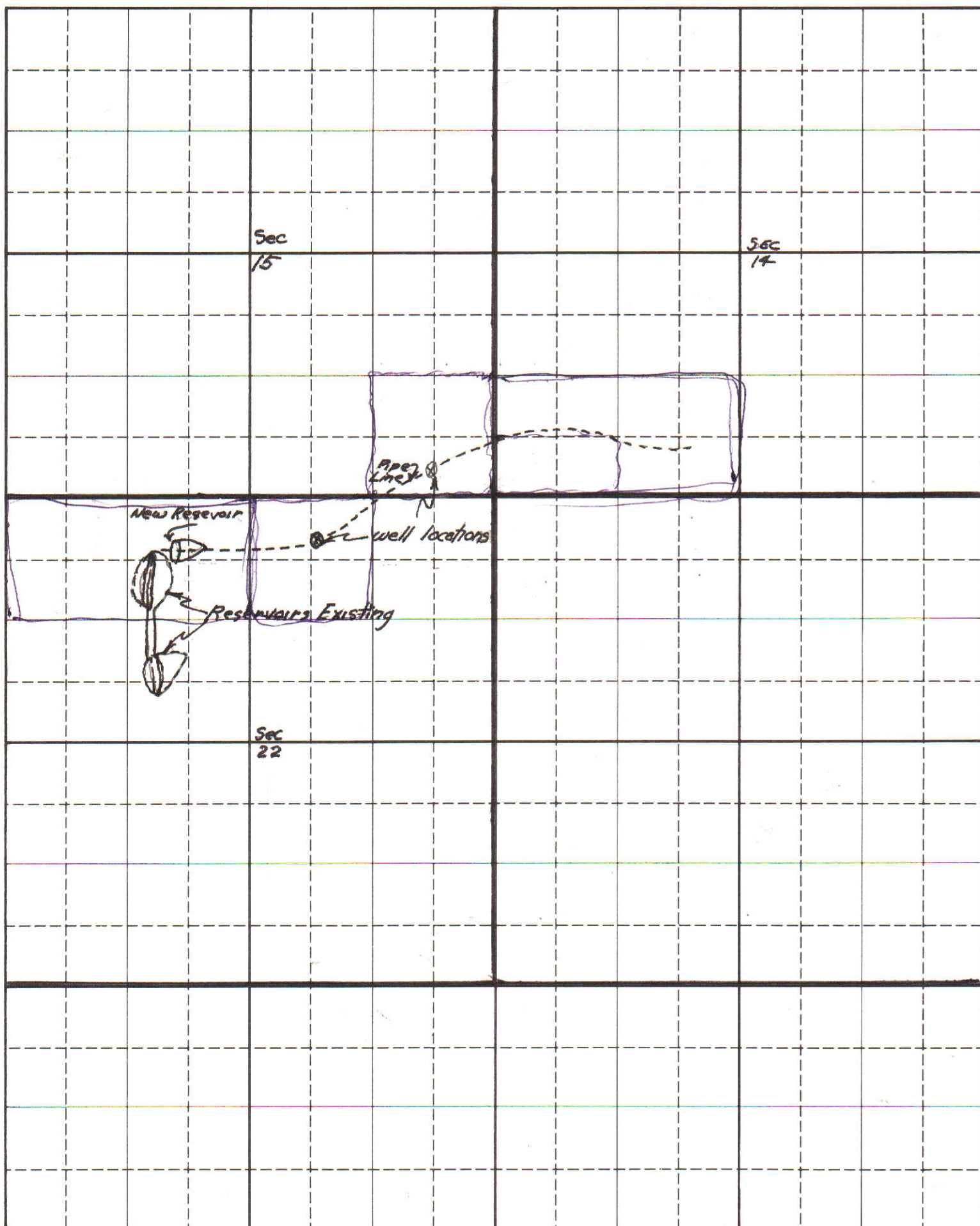
I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 63-7595.

Witness my hand this 9 day of July, 19 74.

R. Keith Higgins
Director

63-7595

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.

J. J. Seabring
(Applicant)

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

Georgene Davis

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two consecutive insertions, beginning with the issue of May 11, 1972, and ending with the issue of May 18, 1972.

Georgene Davis

Subscribed and sworn to before me this 24th day of May, 1972.

Jana A Young

Notary Public for Idaho, Residing at Boise, Idaho

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that J. L. Terteling, Box No. 1428, Boise, Idaho, has on May 3, 1972 submitted Application No. 63-7595 for a permit to appropriate 2.0 cubic feet per second and/or 100 acre feet per annum of water from a ground water source by means of well and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, both within T. 4 N., R. 2 E., B.M., Ada County to be used from Jan. 1, to Dec. 31, for stock watering purposes and domestic purposes within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 4 N., R. 2 E., B.M., and from April 1, to Nov. 1, for the irrigation of 103 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 22, all within T. 4 N., R. 2 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before May 29, 1972.

R. KEITH HIGGINSON
Director
Pub. May 11, 18, 1972.

209

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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NOV 30 1992

Department of Water Resources

A. GENERAL INFORMATION

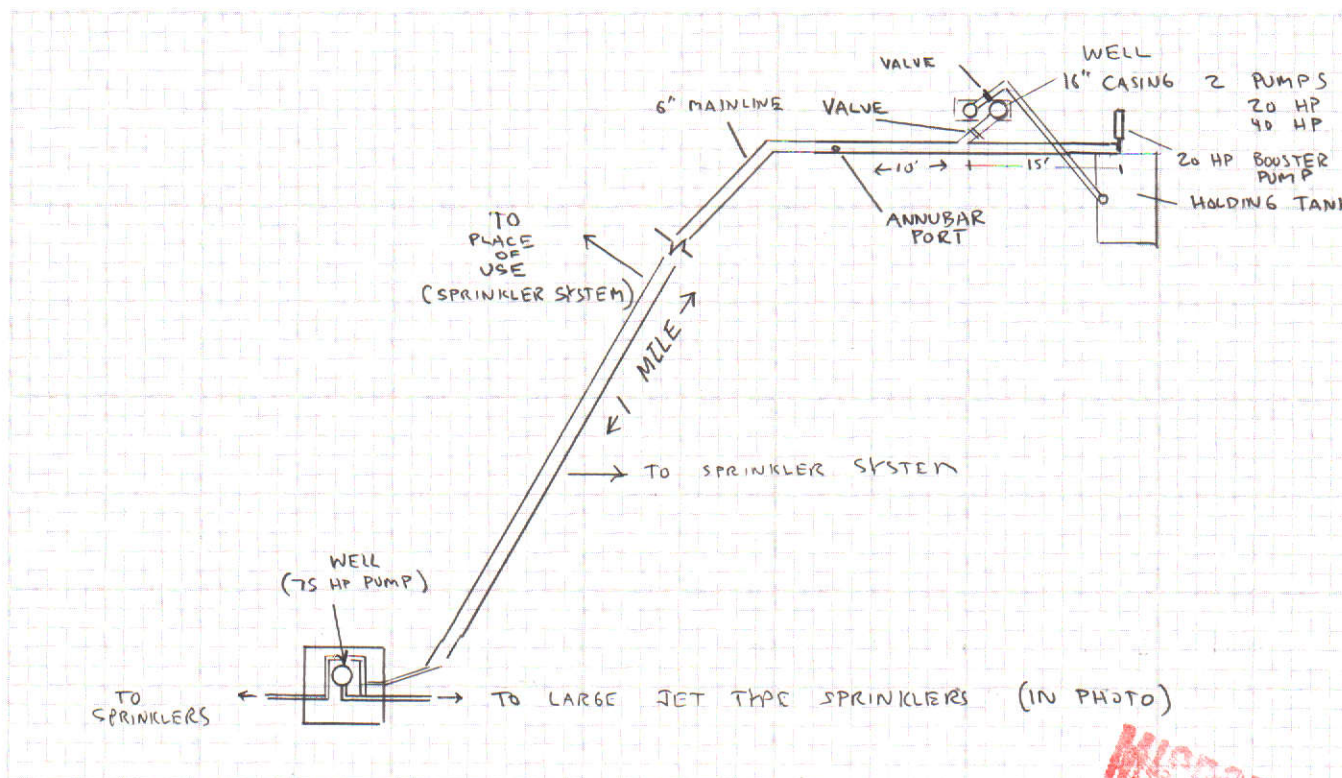
Permit No. 63-7595 *
Phone No. 376-6700338-5200
1. Owner: J.L. Terteling
Current Address: P.O. Box 4127 Boise Id. 83704
2. Accompanied by: J.L. Terteling EXAM. DATE: 7-21-87
Address: - Phone No. -
Relationship to Permit Holder: -
3. Source: Ground Water tributary to -

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-3604 63-3603
Decrees / 63-0308 63-0307 ☐ Copies Attached
2. Other water rights with same point of diversion: 63-3603
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



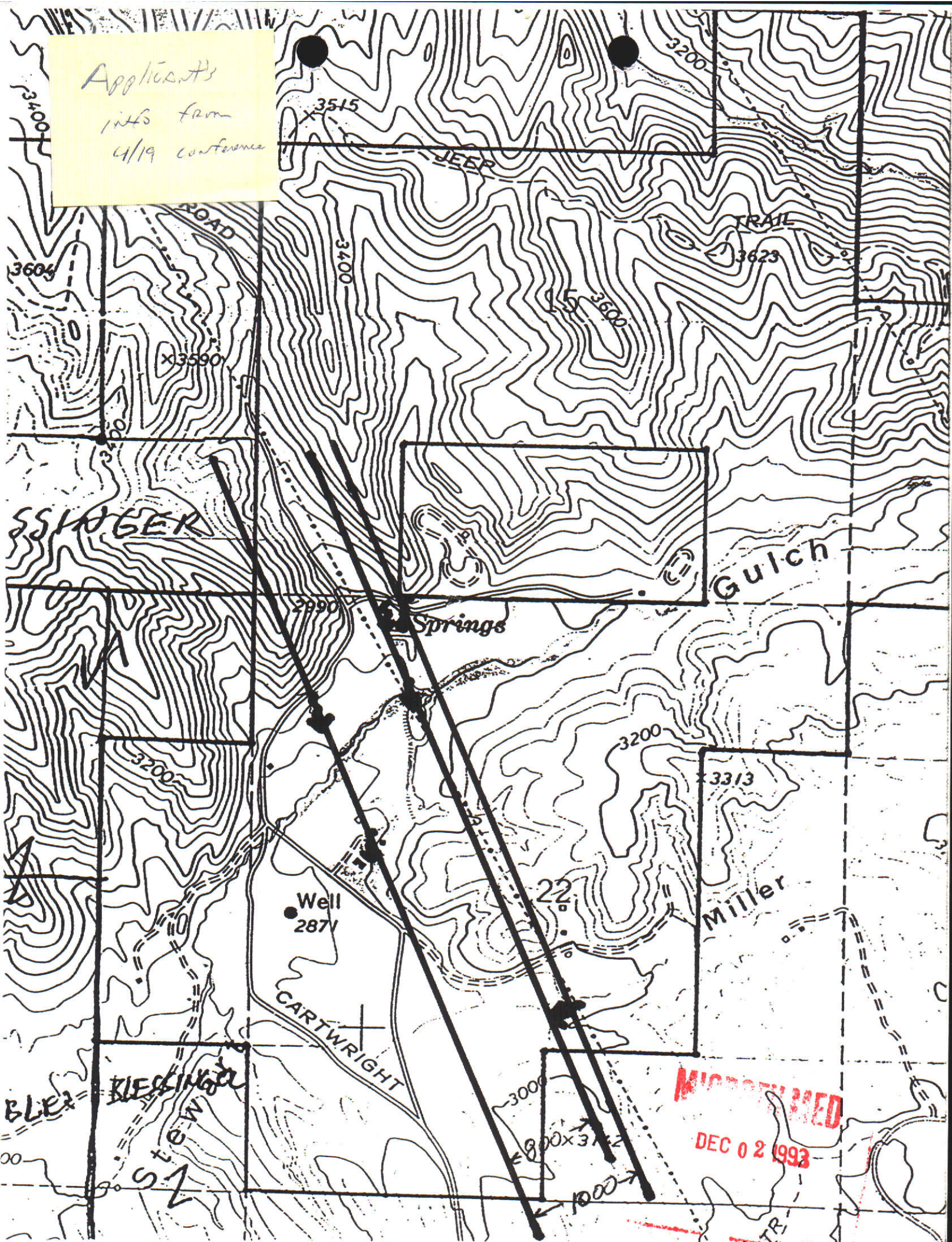
Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

* NO. changed per
directing into 5/16/90
SL

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Applicants
info from
4/19 conference



4839

4838

2771 III NE
(EAGLE)

4837

4836

4835

40'

x 3299

8

Spring

3367

CARTWRIGHT

Springs

Daniels

Creek

Creek

63-07595

T4N

R2E

11

3806

3800

x 3419

FEB 02 1933

x 3266

PARK

ROAD

Gulch

3241

Pierce

x 3343

JEER

TOTAL PM } 63-07595 (103 AC)
 } 63-03603 (78 AC)

JEER

TRAIL

3623

17

16

TRAIL

TOTAL AC = 178

=

15

14

Barrow Pits

TRAIL

JEER x 3314

Gulch

2990

Springs

Gulch

POINT OF
DIVERSION
"A"

Gulch

Polecat

x 3431

20

Spring

POINT OF
DIVERSION
"B"

Well

2871

Pole

3201

Spring

x 3349

"C" from
aerial photo

82
5/10/90

Miller

3412

3408

ROAD

CARTWRIGHT

x 3142

JEER

Gulch

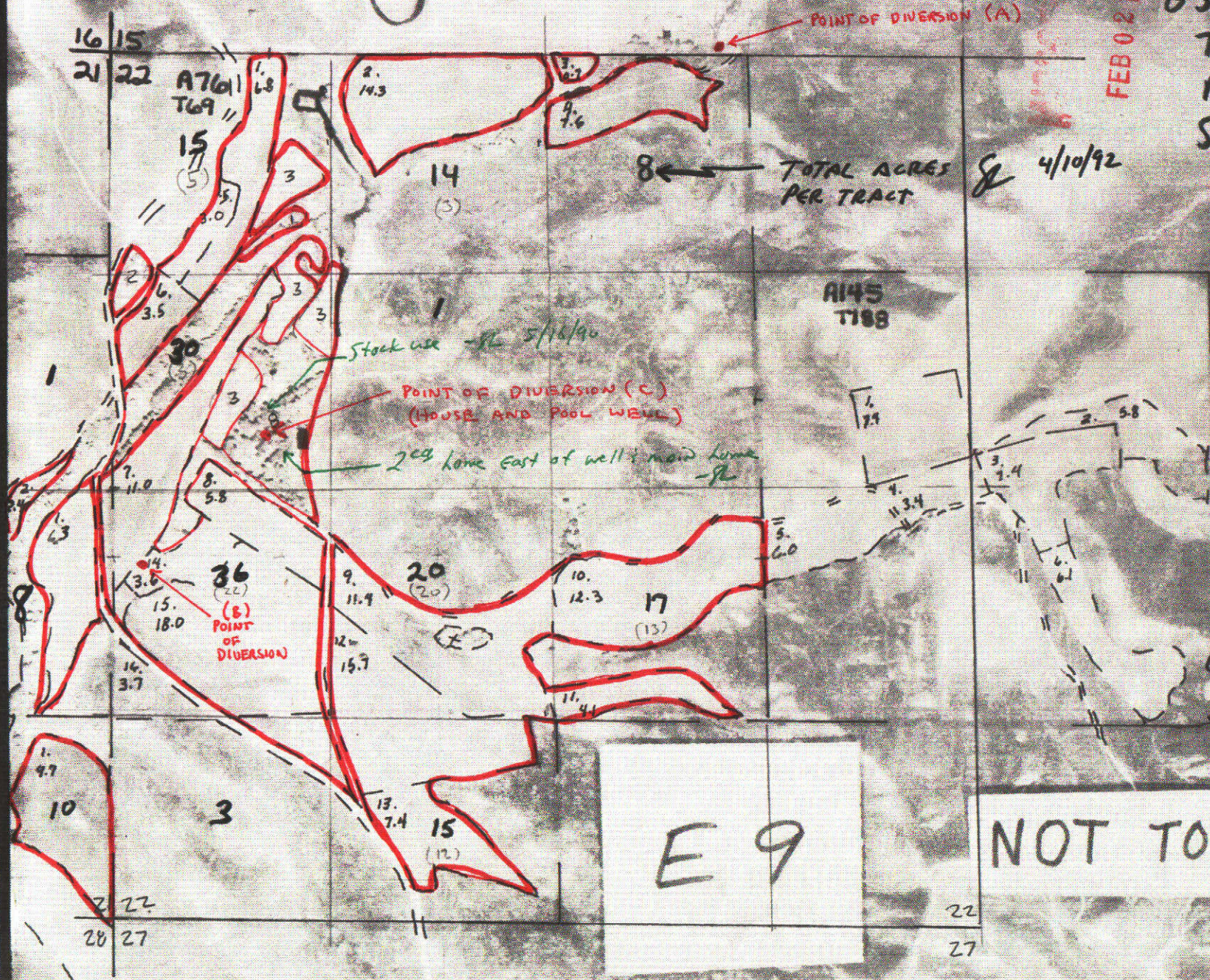
JEER

FARM

DRIVE

River

HILL



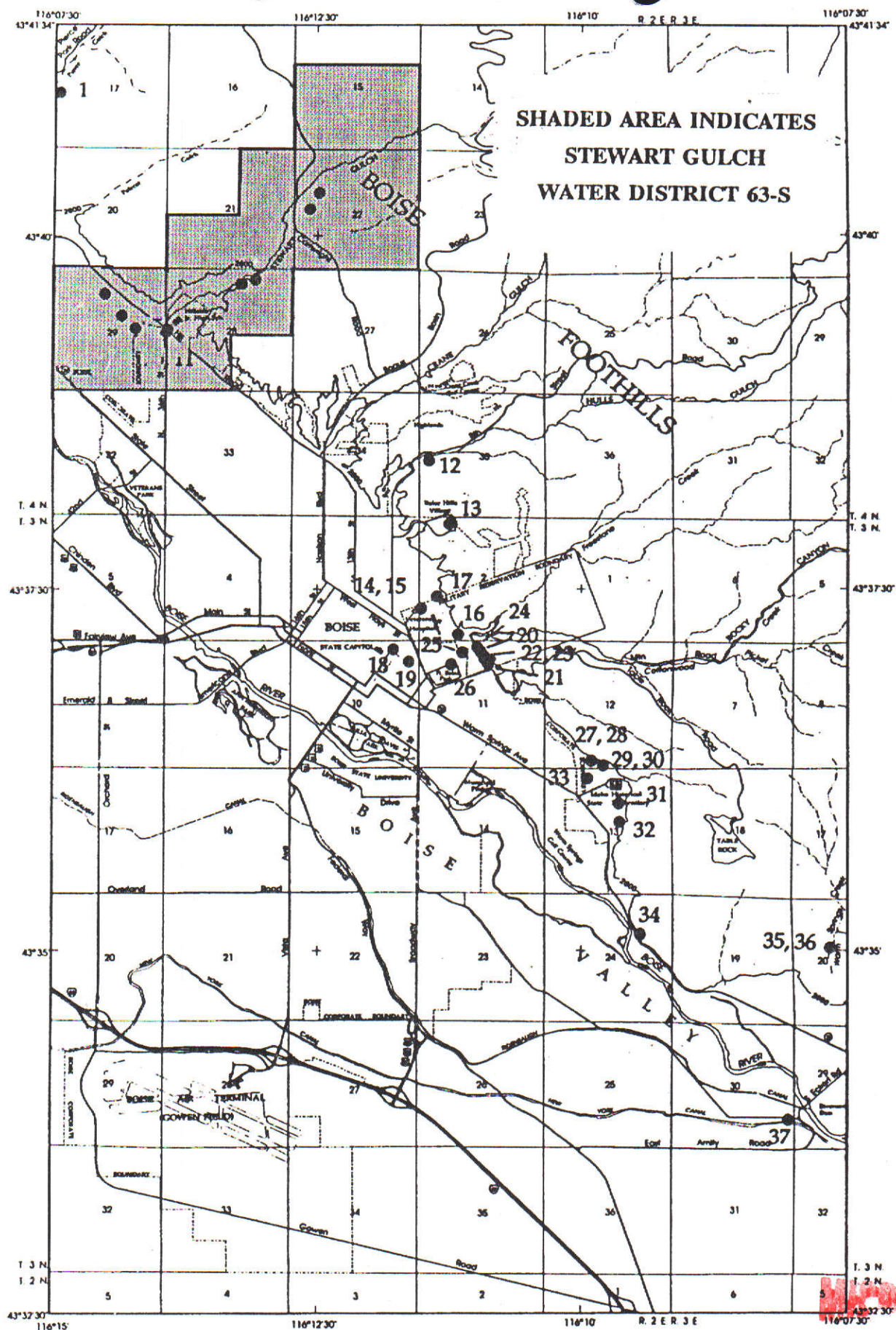
63-07595
T4N
R2E
S. 15
21
22

TOTAL ACRES
PER TRACT

TOTAL AC=178
63-03603= 78
63-7595= 103
Some overlap

E 9

NOT TO SCALE



SHADED AREA INDICATES
STEWART GULCH
WATER DISTRICT 63-S

Base from U.S. Geological Survey
1:24,000 quadrangles

1 5 0 1 MILE
1 5 0 1 KILOMETER

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63-03603
Exam

Well "a"
ID 63-07595

459

459B

These 2 are
different wells
than in
63-07595
NENW's SWW

area of house
and well "C" in
63-07595

III = across ID because
63-03603. Most if
not all of these are
same area identified
in aerial photo of
exam in 63-07595.

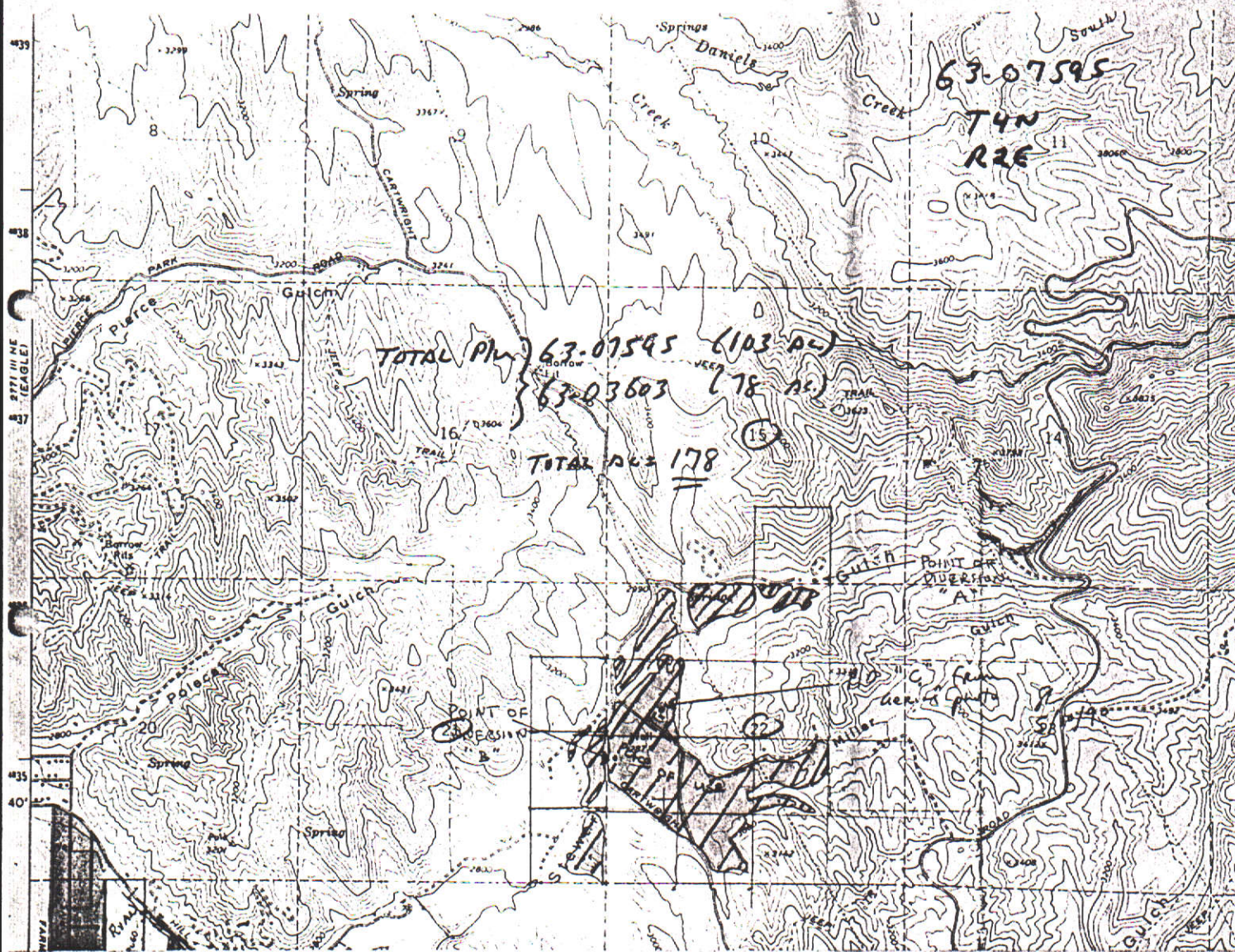
WIDENING

FEB 2 1993

↑
appears to
be same
well as
in
63-07595
(PID "B")

closest to 1/4 - 1/4 line
map update 8L 5/16/90

63-3602





PLACE OF USE
LOOKING SOUTHWARD
DOWN STEWART GULCH



(A)
POINT OF DIVERSION
TWO SUBMERSIBLE
PUMPS ARE SET
IN A SINGLE CASING



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PLACE OF USE
IN BACKGROUND

PUMP IN FOREGROUND
DIVERTS WATER
TO PLACE OF USE



(B)

POINT OF DIVERSION
SINGLE 75 HP PUMP
IN A PUMP HOUSE



FEB 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 12, 1982

J. L. Tartelling
P O Box 1127
Boise, ID 83704

Re: 63-7595 (63-7595)

Dear Customers:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐

A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒

A field examiner will contact you to arrange to examine your system.

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

Sincerely,

Judy Pense

Judy Pense
Secretary

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4202
WATER RIGHT NO. 63-07595

This is to certify that: **TERTELING TRUST NO 7**
877 W MAIN ST #706
BOISE ID 83702

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.00 CFS	463.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.0 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	1.2 AF
	Totals	2.00 CFS	466.7 AF

SOURCE

GROUNDWATER

Priority: 03/07/1973

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 22, Township 04N, Range 02E
NENW , Sec. 22, Township 04N, Range 02E
SWNW , Sec. 22, Township 04N, Range 02E
NWSW , Sec. 22, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 02E 21	SENE 1	NESE 8	SESE 10	19
22	NWNE 8	NENW 11	NWNW 10	
	SWNW 27	SENW 1	NESW 3	
	NWSW 14	SWSW 3	SESW 3	
	NWSE 4			84
		Total number of acres irrigated:		103

PLACE OF USE: STOCKWATER

TWN RGE SEC
04N 02E 22 SWNW

RECORDED
DEC 02 1993

PAGE 2

TRANSFER NO. 4202
WATER RIGHT NO. 63-07595

PLACE OF USE:

DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Right No. 63-07595 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4202.

Dated this 27th day of October, 19 93

A. M. Gayton

Chief, Water Alloc. Bureau

DEC 02 1993

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4262

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Changes approved by: TET
date: 2-18-93Name of applicant Terteling Trust No. 7 Phone 208-338-5200Post Office address 877 W. Main St., Suite 706, Boise, Idaho 83702

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 Shallower hotter Water.See Remarks.Department of Water Resources
Western Regional OfficeWell A - CX description is clarified per recent survey, its location is not physically changed.

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

License 1. Right-Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-07595</u>	<u>March 7 1973</u>	<u>2.0</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
		<u>0.05</u>	<u>Stockwater</u>	<u>01/01</u> to <u>12/31</u>
		<u>0.05</u>	<u>Domestic</u>	<u>01/01</u> to <u>12/31</u>
				to _____

* 2. Total amount of water being transferred 2.00 cubic feet per second and/or 466.7 acre-feet per annum.3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	22	4N	2E	ADA	} Existing wells
		SW	NW	22	4N	2E	ADA	
		NW	SW	22	4N	2E	ADA	
		NE	NW	22	4N	2E	ADA	Proposal well

5. Lands irrigated or place of use: NO CHANGE IN PLACE OF USE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	2E	21				1									8			10	19
4N	2E	22		8			11	10	27	1	3	14	3	3		4			84
4N	2E	22							D										
									S										

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* corrected per license 2/9/93 -82

Total acres 103

PART 1**6. General Information:**a. Description of diversion system Wells, Pumps, Storage Reservoir, Sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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:

None

d. Remarks:

*TET
2-13-97* A new well in NENW S.22 will decrease dependence on well B in NWSW S.22. Well B is believed to be inter-related to golf course well (63-04037), but new well & other wells are thought to be less related or unrelated to golf course well (Nidher well).

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 _____, 19____.

DEC 02 1993

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.

SEE ATTACHED

Attachment B = applicant's map

"

C = IDWR map per applicant's
2/17/93 office visit

-FL

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

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	same			to
				to

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

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

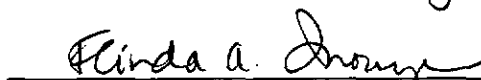
none

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 11th day of January, 19 93

(Signature of Applicant)



(Notary Public)

My commission expires 5-1-97**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by st Date 2-4-93 Protest filed by _____Prelim. check by gl Fee \$50.00 # W015902Receipted by JDN Date 2-4-93Published in 1st Statesman Copies of protest forwarded by _____Pub. dates 3/4 & 3/11/93 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

*TEF
2-18-93*

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

*SRBA claim A63-07595 is
on file with IDWR.
SEE Attachment D for details
of A63-07595.*

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-07595 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for 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 Groundwater tributary to _____

4. Date or priority March 7, 1973

5. Water is used for the following purpose:

amount 2.0 for Irrigation purposes from 03/15 to 11/15
(cfs/ac-ft) 0.05 for Stockwater purposes from 01/01 to 12/31
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount 0.05 for Domestic purposes from 01/01 to 12/31
(cfs/ac-ft) _____

* 6. Total amount of water under right 2.00 cubic feet per second and/or 466.7 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	15	4N	2E	ADA	
		SW	NW	22	4N	2E	ADA	
		NW	SW	22	4N	2E	ADA	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	2E	21				1									8			10	19
4N	2E	22		8			11	10	27	1	3	14	3	3	4				84
* 4N	2E	22							D										
									S										

* CORRECTED per license - 82 2/9/93

Total acres 103

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

63-03603, 63-03604, 63-9288

10. To your knowledge, has any portion of this 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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:

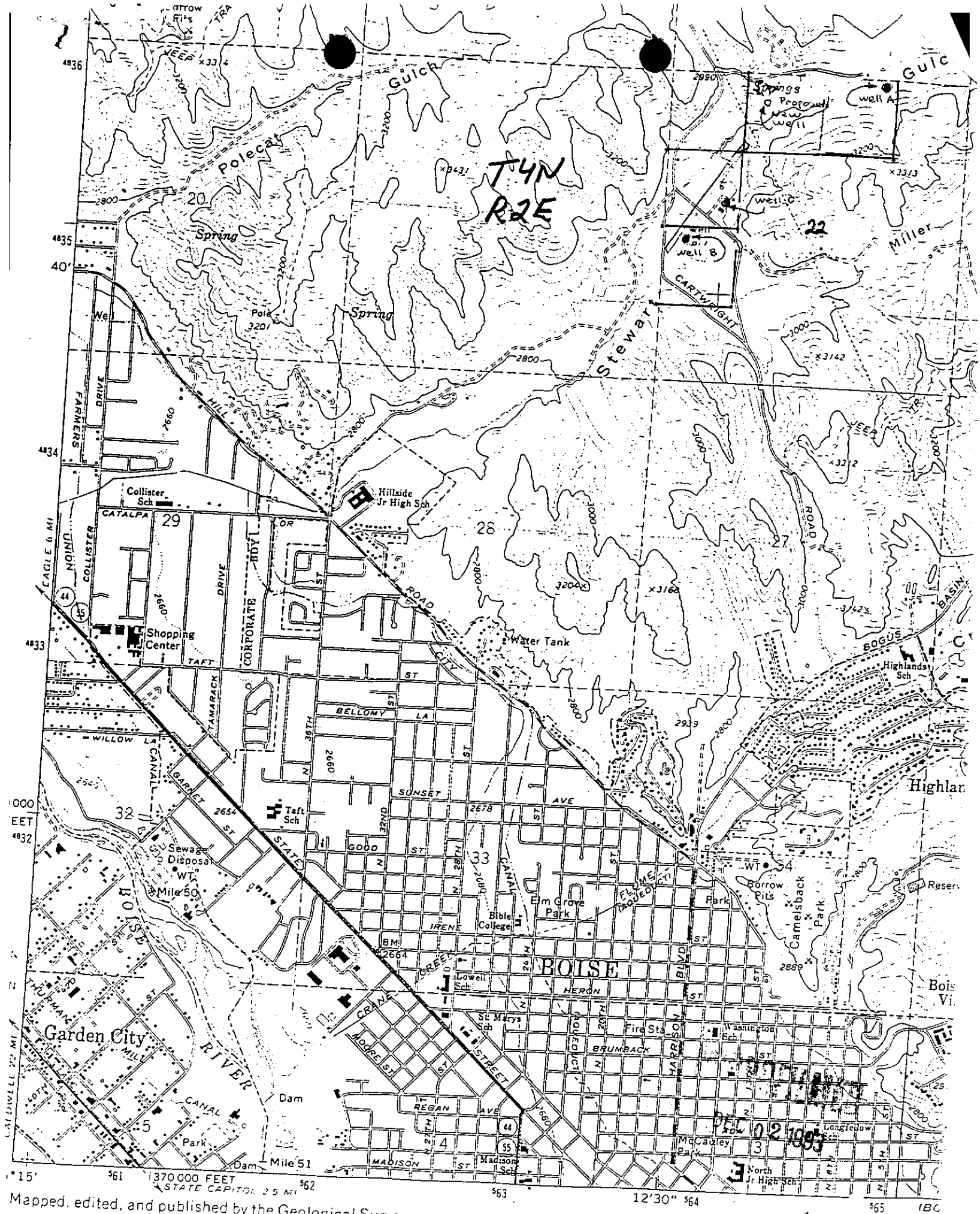
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

DEC 02 1993

Total acres _____



Attachment B

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-07595

Priority: March 7, 1973

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 466.7 AF

This is to certify, that TERTELING TRUST NO 7
877 W MAIN ST #706
BOISE ID 83702

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 3, 1972; and
has submitted Proof of Beneficial Use on June 29, 1982. An examination indicates
that the works have a diversion capacity of 2.930 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.00 CFS	463.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.0 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	1.2 AF
	Totals	2.00 CFS	466.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 15, Township 04N, Range 02E
SWNW , Sec. 22, Township 04N, Range 02E
NWSW , Sec. 22, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	02E	21	SENE 1	NESE 8	SESE 10	19
		22	NWNE 8	NENW 11	NWNW 10	
			SWNW 27	SENW 1	NESW 3	
			NWSW 14	SWSW 3	SESW 3	
			NWSE 4			84

Total number of acres irrigated: 103

PLACE OF USE: STOCKWATER

TWN RGE SEC

04N 02E 22 SWNW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this

FEB 02 1993

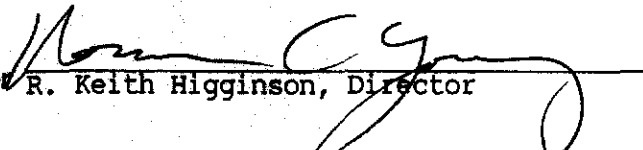
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 63-07595

CONDITIONS/REMARKS:

- right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
 3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
 4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
 5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
 6. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
 7. Diversion and use of low temperature geothermal resource water under terms of this license is subject to the control of the watermaster of Water District 63-S, Stewart Gulch, upon a determination of interconnection with other low temperature geothermal water users in the district.
 8. Domestic use is for 2 homes.
 9. Stockwater use is for 150 mixed stock.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 14th day of JANUARY, 1993.

Acting for  R. Keith Higginson, Director

FEB 02 1993

State of Idaho
Department of Water Resources

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-07595

RECEIVED

JAN 7 1993

Department of Water Resources

Date of Priority: March 7, 1973

Maximum Diversion Rate: 2.00 CFS

Maximum Diversion Volume: 466.7 AF

Comes now

PO-BOX-4127

BOISE-ID-83704

J L TERTELING

877 W. Main St., Suite 706

Boise, Id. 83702 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-07595, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.00 CFS	463.5 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.0 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	1.2 AF
	Totals	2.00 CFS	466.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 15, Township 04N, Range 02E
SWNW , Sec. 22, Township 04N, Range 02E
NWSW , Sec. 22, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	02E	21	SENE 1	NESE 8	SESE 10	19
		22	NWNE 8	NENW 11	NWNW 10	
			SWNW 27	SESW 1	NESW 3	
			NWSW 14	SWSW 3	SESW 3	
			NWSE 4			84

Total number of acres irrigated: 103

PLACE OF USE: STOCKWATER

TWN RGE SEC

04N 02E 22 SWNW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

APPROVED

FEB 02 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-07595

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at BOISE, IDAHO, this 6TH day of JAN, 1993.


(Signature)

FEB 02 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-07595

FOR DEPARTMENT USE ONLY

Preliminary check by CS Fee = \$26.00 Receipted by [Signature] # 0626467 Date 1-7-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-07595 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Domestic use is for 2 homes.
7. Stockwater use is for 150 mixed stock.

Witness my hand this 14th day of JANUARY, 19 93.

[Signature]
Acting for R. Keith Higginson, Director

FILED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, J. L. Terteling, hereby assign to Terteling Trust No. 7
of 877 W. Main St., Suite 706, Boise, Idaho 83702
Address

All my right, title, and interest in and to Permit No. 63-07595
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. 63-07595 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)

See Attached NONAPPLICABLE

Made this 7th day of January, 1993.

J. L. Terteling
Permit Holder
A SINGLE MAN

Spouse of Permit Holder

State of Idaho)
County of Ada) SS

On this 7th day of January, 1993, personally appeared before
me the signer(s) of the above instrument, who duly acknowledged to me that
he (she) (they) executed the same.

Furda A. Shoup
Notary Public residing at
Boise, ID

seal

My commission expires:

5-7-97

NOTARY PUBLIC

FEB 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 63-7595 IN THE NAME OF	)	ORDER OF REINSTATEMENT
	)	
J. L. TERTELING	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 63-7595 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 63-7595 to appropriate the public waters of the State of Idaho with a proposed priority of MAY 03, 1972.
2. On APRIL 17, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 16, 1986.
3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

FEB 02 1993

4. The license examination fee was received on
APRIL 20, 1987, 308 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 63-7595 should be advanced 308 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 63-7595 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 63-7595 is advanced to MARCH 07, 1973.

Dated this 9th day of December, 1992.

J. Glen Saylor
Chief, Water Allocation Bureau

FEB 02 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 63-7595

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

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FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 13

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)
County of Ada)

Permit No. 63-7595

J. L. TERTELING of P.O. BOX 1428 Boise, Idaho 83701
(name) (address)

State of IDAHO, being first duly sworn, upon his oath 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. 63-7595.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 19 77.

That he has heretofore performed the following work described under said permit:
Has drilled one well and using water from well.

Costing \$ 3,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Plans to drill two more wells and complete irrigation system. Will schedule one well in near future. Other will need added time.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to July 1, 19 82.

J. L. Terdeling
(signature) *

Subscribed and sworn before me this 3 day of June, 19 77.

seal

Lele E. Lowndes
Notary Public residing at
Boise, Idaho

My commission expires 5-20-79

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water be extended to July 1, 1982.

Witness my hand this 21 day of June, 19 77.

Billy D. Hansen
Chief, Operations Bureau

*IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4202 OF WATER RIGHT)
NO. 63-07595 IN THE NAME OF)
TERTELING TRUST NO. 7)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference in the matter and having issued a recommended order to which no exceptions were filed, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 14, 1993, the department issued license no. 63-07595 in the name of Terteling Trust No. 7 (applicant) authorizing the diversion of 2.0 cfs of ground water from wells located in the SW1/4SE1/4 Section 15, SW1/4NW1/4 and NW1/4SW1/4 Section 22, all in T4N, R2E,B.M. for the irrigation of 103 acres in Sections 21 and 22, T4N, R2E,B.M. The priority of use is March 7, 1973.

2. On February 4, 1993, the applicant submitted application for transfer no. 4202 of licensed right no. 63-07595 to the department proposing to add a point of diversion (well) in the NE1/4NW1/4 Section 22, T4N, R2E,BM.

3. The application was advertised as required by law and was protested by Jeff J. Jayo, Maryann Duggan, Helen M. Miller, Edwards Greenhouses, Clifton Johnson and Sherman Nelson. All protests have been withdrawn except the protest of Sherman Nelson.

4. The department scheduled a hearing in the matter to be held on August 11, 1993. The department did not conduct the hearing, however, since the protestant advised the department that the department should consider the information already submitted to the department as the protestant's position.

5. The department advised that the applicant could respond in writing to the protestant's position and that the department would then consider the information submitted and would issue a decision in the contested matter.

6. The applicant's intent is to construct and use a well

RECORDED
DEC 02 1993

which is less hydraulically connected to other wells in the Stewart Gulch area than one of the applicant's existing wells which is located in the NW1/4SW1/4 Section 22, T4N, R22E, BM.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. On December 5, 1989, the department created Water District 63-S, Stewart Gulch, due to concerns about the use and distribution of the low temperature geothermal water resource in Stewart Gulch.

3. The points of diversion for the water right sought to be transferred in this action are within the boundaries of the water district and are subject to watermaster regulation.

4. Approval of the application will not injure existing water rights if the approval is properly conditioned.

5. Approval of the application will not constitute an enlargement in water use over that amount already authorized if the approval is properly conditioned.

6. The application is consistent with the conservation of water resources in Idaho.

7. The application is in the local public interest.

8. The department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4202 of licensed water right no. 63-07595 is **APPROVED** subject to the following conditions:

1. Prior to diversion and use of water from the new well to be constructed under this approval, the right holder shall install and maintain per department specifications flow and pressure measurement devices that allow the department to determine the rate

DEC 02 1989

of diversion from the well.

2. The right holder shall conduct an investigation, subject to the approval of the department, to determine the impact of the new well on the existing wells within Water District 63-S. Upon a determination by the department that use of water from the new well should be administered with other rights in the district, use of water under this approval is subject to the control of the watermaster of Water District 63-S, Stewart Gulch.

3. Construction of the new well is subject to the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules regarding the construction of low temperature geothermal wells.

4. If diversion from the new well is found to have more impact on the water available to a senior water right than the impact of the presently installed system during times the senior water right is entitled to use water, as determined by the Director of the department, the right holder shall cease to use the new well and/or shall abandon the new well as specified by the Director.

5. This right when combined with all other rights for the same land shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands irrigated.

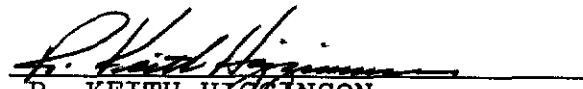
6. The right holder shall use the full allotment of surface water rights, to the extent water is available, in conjunction with ground water diverted pursuant to this approval.

7. The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the Director for good cause.

8. Failure to comply with the conditions of this approval is cause for the Director to rescind approval of the transfer.

9. This approval does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Signed this 27th day of October, 1993.


R. KEITH HIGGINSON
Director

MICROFILMED

DEC 02 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of October, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

Flora Company
Jeff T Jayo
3823 N 36th Stve
Boise, ID 83703

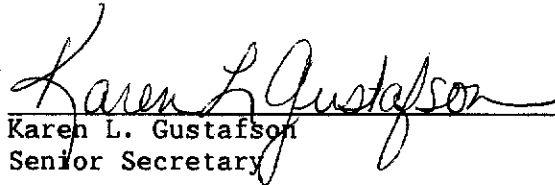
Clifton W Johnson
3907 Whitehead
Boise, ID 83703

Maryann Duggan and/or
Helen M Miller
4023 Whitehead St
Boise, ID 83703

Sherman F Nelson
c/o WF Ringert
PO Box 2773
Boise, ID 83702

Edwards Greenhouses
Mike Monnie/Paul Edwards
4106 Sand Creek St
Boise, ID 83703

Tertling Trust No.7
877 W Main St Ste 706
Boise, ID 83702



Karen L. Gustafson
Senior Secretary

RECEIVED
OCT 27 1993
DEU 021

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4202 OF WATER RIGHT)
NO. 63-07595 IN THE NAME OF)
TERTELING TRUST NO. 7)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 14, 1993, the department issued license no. 63-07595 in the name of Terteling Trust No. 7 (applicant) authorizing the diversion of 2.0 cfs of ground water from wells located in the SW1/4SE1/4 Section 15, SW1/4NW1/4 and NW1/4SW1/4 Section 22, all in T4N, R2E,B.M. for the irrigation of 103 acres in Sections 21 and 22, T4N, R2E,B.M. The priority of use is March 7, 1973.

2. On February 4, 1993, the applicant submitted application for transfer no. 4202 of licensed right no. 63-07595 to the department proposing to add a point of diversion (well) in the NE1/4NW1/4 Section 22, T4N, R2E,BM.

3. The application was advertised as required by law and was protested by Jeff J. Jayo, Maryann Duggan, Helen M. Miller, Edwards Greenhouses, Clifton Johnson and Sherman Nelson. All protests have been withdrawn except the protest of Sherman Nelson.

4. The department scheduled a hearing in the matter to be held on August 11, 1993. The department did not conduct the hearing, however, since the protestant advised the department that the department should consider the information already submitted to the department as the protestant's position.

5. The department advised that the applicant could respond in writing to the protestant's position and that the department would then consider the information submitted and would issue a decision in the contested matter.

6. The applicant's intent is to construct and use a well which is less hydraulically connected to other wells in the Stewart

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DEC 02 1993

Gulch area than one of the applicant's existing wells which is located in the NW1/4SW1/4 Section 22, T4N, R22E, BM.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. On December 5, 1989, the department created Water District 63-S, Stewart Gulch, due to concerns about the use and distribution of the low temperature geothermal water resource in Stewart Gulch.

3. The points of diversion for the water right sought to be transferred in this action are within the boundaries of the water district and are subject to watermaster regulation.

4. Approval of the application will not injure existing water rights if the approval is properly conditioned.

5. Approval of the application will not constitute an enlargement in water use over that amount already authorized if the approval is properly conditioned.

6. The application is consistent with the conservation of water resources in Idaho.

7. The application is in the local public interest.

8. The department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4202 of licensed water right no. 63-07595 is **APPROVED** subject to the following conditions:

1. Prior to diversion and use of water from the new well to be constructed under this approval, the right holder shall install and maintain per department specifications flow and pressure measurement devices that allow the department to determine the rate of diversion from the well.

RECOMMENDED ORDER - Pg 2

RECORDED
DEC 02 1993

2. The right holder shall conduct an investigation, subject to the approval of the department, to determine the impact of the new well on the existing wells within Water District 63-S. Upon a determination by the department that use of water from the new well should be administered with other rights in the district, use of water under this approval is subject to the control of the watermaster of Water District 63-S, Stewart Gulch.

3. Construction of the new well is subject to the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules regarding the construction of low temperature geothermal wells.

4. If diversion from the new well is found to have more impact on the water available to a senior water right than the impact of the presently installed system during times the senior water right is entitled to use water, as determined by the Director of the department, the right holder shall cease to use the new well and/or shall abandon the new well as specified by the Director.

5. This right when combined with all other rights for the same land shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands irrigated.

6. The right holder shall use the full allotment of surface water rights, to the extent water is available, in conjunction with ground water diverted pursuant to this approval.

7. The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the Director for good cause.

8. Failure to comply with the conditions of this approval is cause for the Director to rescind approval of the transfer.

9. This approval does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Signed this 29th day of September, 1993.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED
DEC 02 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 29th day of September, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Recommended Order to the following:

Flora Company
Jeff T Jayo
3823 N 36th Stve
Boise, ID 83703

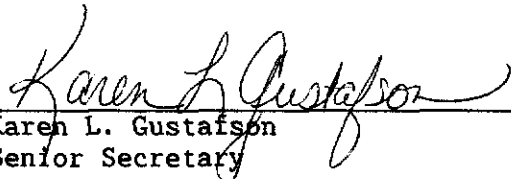
Clifton W Johnson
3907 Whitehead
Boise, ID 83703

Maryann Duggan and/or
Helen M Miller
4023 Whitehead St
Boise, ID 83703

Sherman F Nelson
c/o WF Ringert
PO Box 2773
Boise, ID 83702

Edwards Greenhouses
Mike Monnie/Paul Edwards
4106 Sand Creek St
Boise, ID 83703

Tertling Trust No.7
877 W Main St Ste 706
Boise, ID 83702


Karen L. Gustafson
Senior Secretary

NOTED
DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 4202)	
OF WATER RIGHT NO. 63-07595 IN THE)	ORDER GRANTING EXTENSION
NAME OF TERTELING TRUST NO. 7)	OF TIME TO COMPLETE TRANSFER
_____)	

On October 27, 1993, the Department of Water Resources (department) approved the above captioned transfer with the following condition:

The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the Director for good cause.

In October 1994, the department extended the completion date for an additional year to October 27, 1995.

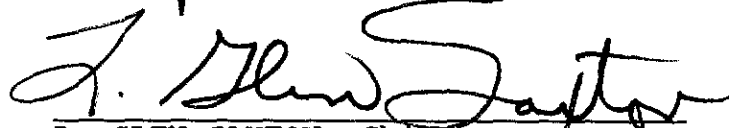
In October 1995, the department extended the completion date for an additional year to October 27, 1996.

On September 30, 1996, the water right holder again contacted the department for a third extension to January 31, 1997 and has shown good cause why the department should approve the extension request.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 4202 is granted addition time to January 31, 1997 to complete construction under the approved transfer.

Dated this 30th day of September, 1996.



L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 4202)
)
OF WATER RIGHT NO. 63-07595 IN THE)
)
NAME OF TERTELING TRUST NO. 7)

ORDER GRANTING
EXTENSION OF TIME
TO COMPLETE TRANSFER

On October 27, 1993, the Department approved the above referenced Application for Transfer with a condition that:

The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the Director for good cause.

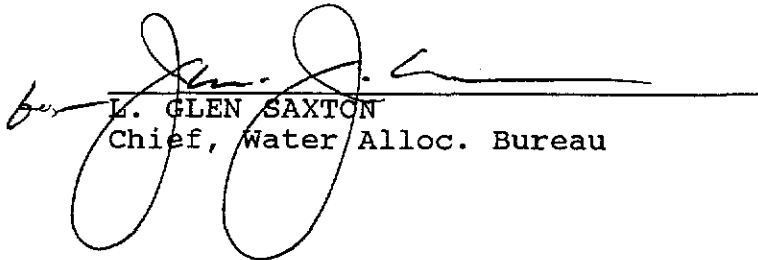
In October of 1994, the water right holder notified the Department that the transfer had not yet been accomplished due to extensive aquifer testing in Seaman's Gulch and requested an extension of time for completion of the transfer.

On October 12, 1994, the department granted a one year extension period in which to complete the transfer.

The water right holder has again notified the Department that the transfer has not yet been accomplished due to 1) extensive aquifer testing in Seaman's Gulch and 2) question of boundary in Stewart Gulch; the right holder has requested an extension of time for completion of the transfer.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 4202 is granted a one year extension period in which to accomplish the transfer.

Dated this 5TH day of October, 1995.


L. GLEN SAXTON
Chief, Water Alloc. Bureau

RECORDED

OCT 16 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 4202)
)
OF WATER RIGHT NO. 63-07595 IN THE)
)
NAME OF TERTELING TRUST NO. 7)

ORDER GRANTING
EXTENSION OF TIME
TO COMPLETE TRANSFER

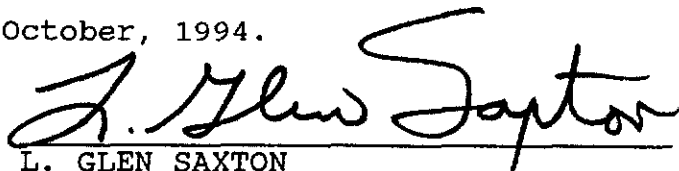
On October 27, 1993, the Department approved the above referenced Application for Transfer with a condition that:

The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the Director for good cause.

The water right holder has notified the Department that the transfer has not yet been accomplished due to extensive aquifer testing in Seaman's Gulch and has requested an extension of time for completion of the transfer.

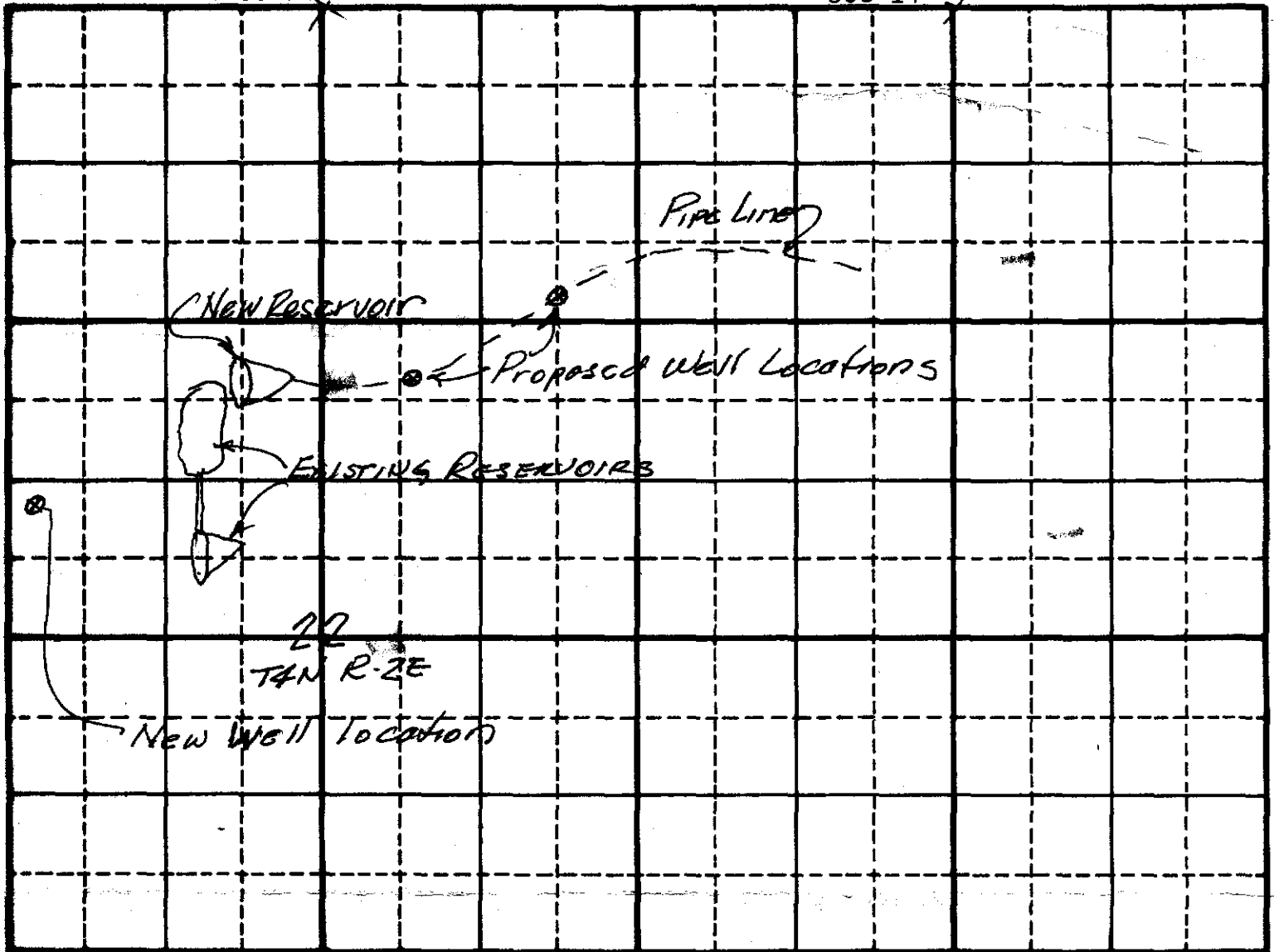
IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 4202 is granted a one year extension period in which to accomplish the transfer.

Dated this 12th day of October, 1994.


L. GLEN SAXTON
Chief, Water Alloc. Bureau

OCT 21 1994

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at BOISE IDAHO, this 26 day of JUNE, 1974.

J. A. Teutling
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 63-7595.

Witness my hand this 9 day of July, 19 74.

R. Keith Higgins
Director

63-7595

Identification No. _____

Application No. 43-7595

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant J. L. Terteling
post office address Box 1428, Boise, Idaho 83701
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15 Township 4N
Range 2E B.M. Ada County; additional points of diversion if any: _____
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22 T. 4 N. R. 2E BM Ada County
- b. If water is not consumed, it will be discharged into _____ 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 0.05 for stock watering purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 100 for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.05 for domestic and stock watering purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.0 cubic feet per second and/or
b. 100 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well

b. Height of storage dam 19 feet, active reservoir capacity 10 acre feet; total reservoir capacity 10 acre feet, materials used in storage dam: Earth Fill
Period of year during which storage will occur Jan. 1 to Dec. 31 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 600 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 \$ 25,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15 Township T4N
Range 2E 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 _____
150 Hd. Cattle
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2E	15																32	32
"	"	14											11	6					17
"	"	22		9			21	24											54

Total number of acres to be irrigated 103

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

Spring run off from Stuart Gulch & Springs in Sec. 22

9. a. Who owns the property at the point of diversion Applicant

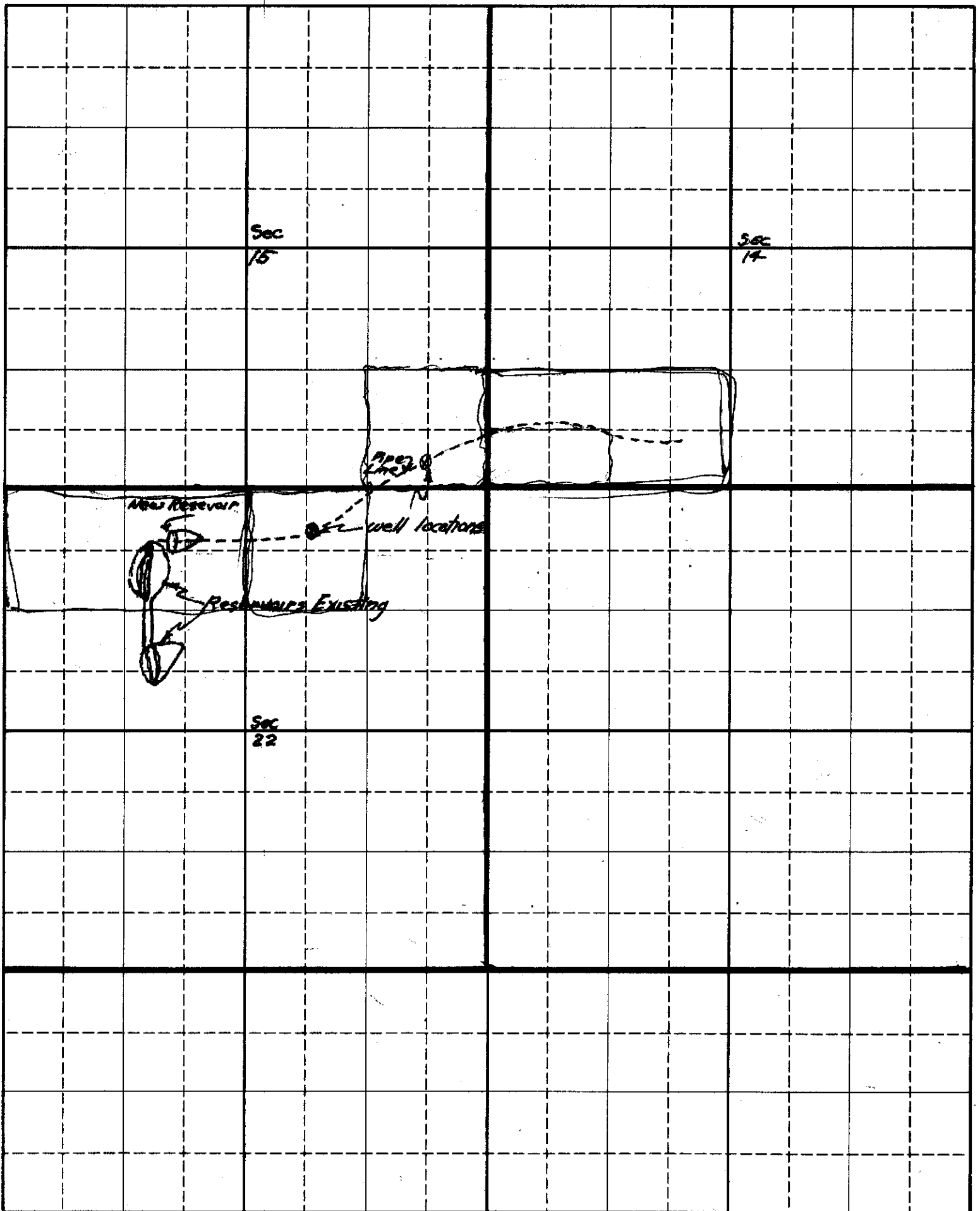
b. Who owns the land to be irrigated or place of use "

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

10. Remarks _____

Irrigation by Sprinkler System

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.

J. A. Fackling
(Applicant)

63 7595

Received by ef Date 5-3-72 Time 8:00 A
 Preliminary check by JA Fee \$ 35.00
 Receipted by ef Date 5-4-72
 Publication prepared by C.S. Date 5-5-72
 Published in Idaho Statesman
 Publication dates 5-18 5-11-72 & 5-18-72
 Publication approved C.S. Date 5-30-72
 Priority reduced to 5/3/72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JA KHPD BDFX

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63 7595, 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 July 1, 19 77.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 21 day of July 19 72.

R. Keith Higin
 Director

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Georgene Davis

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

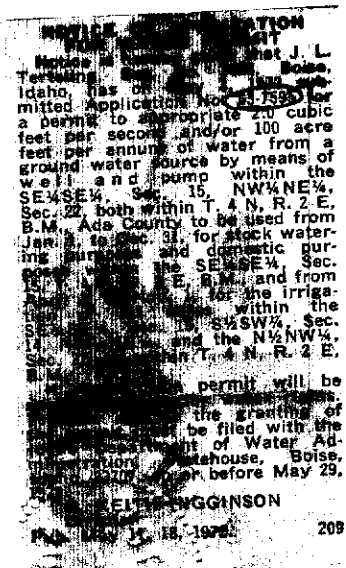
Two consecutive insertions, beginning with the issue of May 11, 1972, and ending with the issue of May 18, 1972.

Georgene Davis

Subscribed and sworn to before me this 24th
day of May, 19 72.

Jana A. Gaunig

Notary Public for Idaho, Residing at Boise, Idaho



THE IDAHO STATESMAN

BOISE, IDAHO

FOR LEGAL ADVERTISING

Idaho Dept. Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

DATE	DESCRIPTION	LINES/TIMES	CHARGES	CREDITS	BALANCE
	BALANCE STATEMENT RENDERED				
MAY 18 72	APPL 63 7595 J. L. Terteling	31L 2x	11.90		11.90
I hereby certify that the above account is correct and just; that services were actually rendered as charged and that we have not received payment therefor. Signed STATESMAN PRINTING CO. By _____					

TERMS: NET 10 DAYS
THE IDAHO STATESMAN

63 7595

LAST AMOUNT IN
THIS COLUMN
IS BALANCE
DUE

THE IDAHO STATESMAN

BOISE, IDAHO

FOR LEGAL ADVERTISING

Idaho Dept. Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

DATE	DESCRIPTION	LINES/TIMES	CHARGES	✓	CREDITS	BALANCE
	BALANCE STATEMENT RENDERED					
MAY 18 72	APPR 63 7595 J. L. Terteling	34L 2x	11.90			11.90
I hereby certify that the above account is correct and just, that services were actually rendered as charged and that we have not received payment therefor. Signed STATESMAN PRINTING CO. By <i>[Signature]</i>						

TERMS: NET 10 DAYS
THE IDAHO STATESMAN

63 7595

LAST AMOUNT IN
THIS COLUMN
IS BALANCE
DUE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 30 1992

Department of Water Resources

A. GENERAL INFORMATION

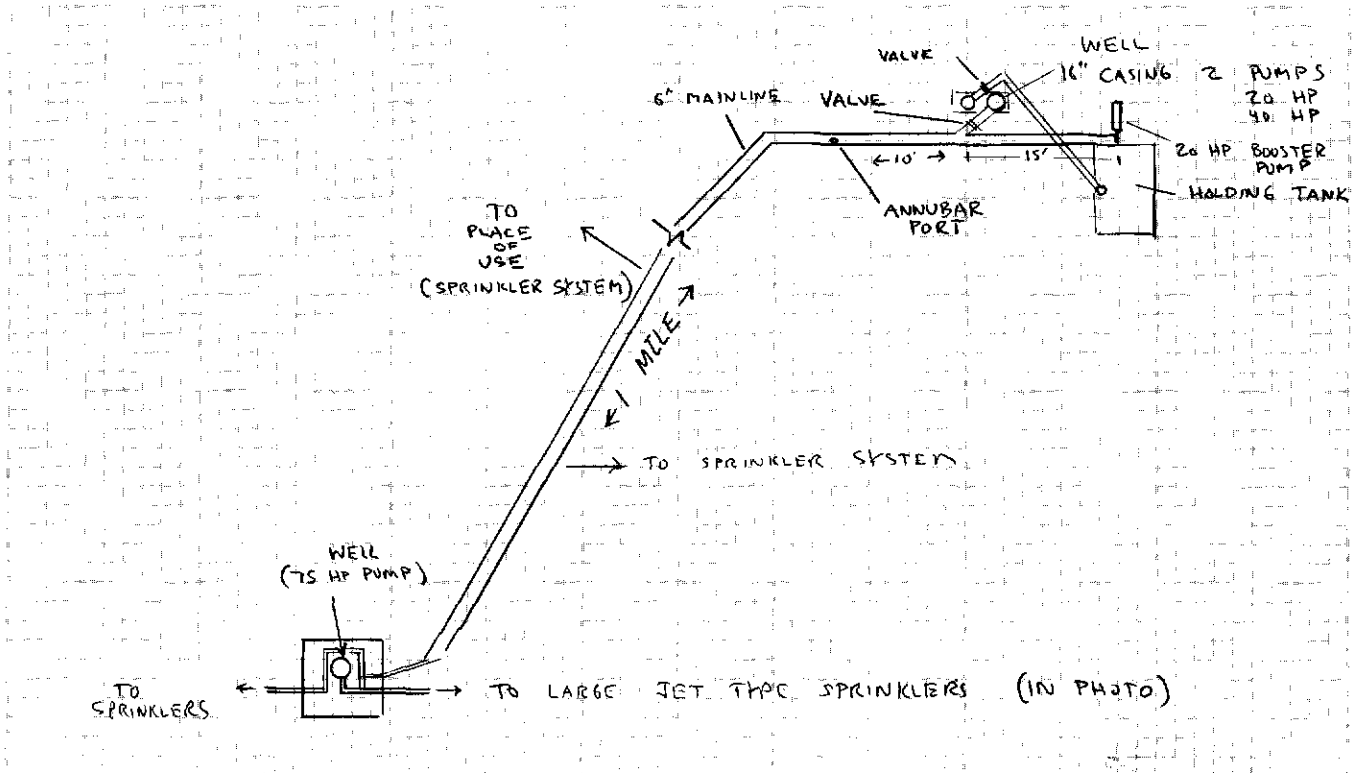
Permit No. 63-7595 *
1. Owner: J.L. Terteling Phone No. 376-6700338-5200
Current Address: P.O. Box 4127 Boise Id. 83704
2. Accompanied by: J.L. Terteling EXAM. DATE: 7-21-87
Address: - Phone No. -
Relationship to Permit Holder: -
3. Source: Ground Water tributary to -

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-3604 63-3603
Decrees / 63-0308 63-0307 ☐ Copies Attached
2. Other water rights with same point of diversion: 63-3603
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

* NO. changed per
directing into 5/16/90
SL

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A series of wells supply water to a sprinkler irrigation system. ^{These are} There are approximately 180 acres which are irrigated from this system. A dual pump system (diagramed) is powered by two 20 HP submersible ^{pumps} wells. These wells pumps divert water into a holding ^{tank} a booster pump (20 HP) creates 60 PSI for the upper sprinkler system. The lower well has a 75 HP line shaft turbine pump. The system pressure is over 100 PSI in this system.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
① Upper well	Grundfos	20	61920821 R	-	SP-45-8
Upper booster	Baldor	20	3785	Berkley	1318925
② Lower Pump		75	6278531635		

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
A			SW	SE	15	4N	2E	Ada	Aerial Photos
B			NW	SW	22	4N	2E	Ada	Aerial Photos
C			SW	NW	22	4N	2E	Ada	Aerial Photos

6. **Place(s) of Use:**

Indicate Method of Determination

ASCS Photo 5/10/90

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	2E	22		8			14	15	30		20	36		15		17			155
		21													10			10	20
		22						S											
								D											

* per follow with Mr. Tentel's sec'ty 5/16/90
SEE 4/10/92 memo

REVISED

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annubar	-	-	091406	-	6"	Spring 87'
Manometer	-	-	-	-	60"	-

2. Measurements:

See attached Annubar supplemental sheets

Well A = 1.44 cfs

Well B = 1.44 cfs

Well C = house well not measured

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: _

2. Alternate Method for Checking Purposes: _

F. PUMP EFFICIENCY DATA (Optional)

System is not compatible for pump efficiency est.

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

SEE 4/10/92 memo ✓

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 87^* \times 4.5 \text{ AFA} = 391.5 \text{ AFA}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.12 \times 214 \times 1.98 = 898.3$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 391.5$

2. Volume Calculations for Other Uses:

~~Domestic = 1.2~~
~~1 X Houses = 2.4 AFA~~

~~Stock~~
~~150 Head Llama = 2.7 AFA~~

* 165 ACRES (TOTAL IRRIGATED ACRES)
- 78 ACRES (INCLUDED IN WATER RIGHT 63-3603)
87 ACRES (INCLUDED IN THIS WATER RIGHT)

SEE ATTACHMENT: 5/1/92
4/10/92 memo - 82

H. REMARKS AND OVERLAP REVIEW ANALYSIS

WATER RIGHTS 63-3604 springs / 7 acres irrigation 4N 2E 22 NE NW
- This system is separate from springs

63-3603 Groundwater 1.03 cfs 78 acres

The two rights 63-3603 and 63-7595, when combined shall not exceed .02 cfs per acre nor 4.5 acre feet per acre per year

Decreed Rights

63-0308 3.3 acres 1 cfs from Stewart Creek

63-0309 .20 cfs from Stewart Creek

* When all rights combined, use shall not exceed .02 cfs or 4.5 AF/acre / year

I. RECOMMENDATIONS

1. Recommended Amounts

SEE 4/10/92 memo ← Dr

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	11-1	2.00	391.5
Stock watering	1-1	12-31	.05	2.7
Domestic	1-1	12-31	.05	2.4
Totals:			2.00	396.6

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Richard J Gempert

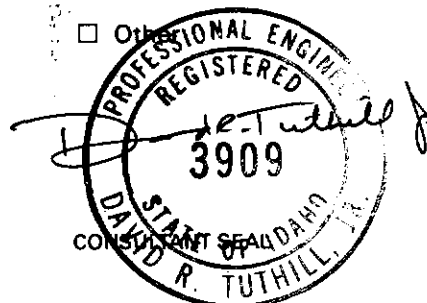
Signature

Richard J Gempert

Certification Date

Field Report Preparation Date

7-21-87



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

ROUTING SLIP

Distribution	Provided for your:	
Date: 12-5-96	Information	X
To: Cindy - Vault	Comments	
	Approval	
From: Western	Signature	
Special Notes: This copy needs to go in the water right file please.		
Thanks. Denise		

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

(XFER 4202)
↑ Extension of time
granted through
1/31/1997. *SL*

1. Applicant (please print) Terteling Trust No. 7

2. Mailing Address 877 W. Main St., #706, Boise, ID 83702
City & State Boise, ID Zip Code 83702 Telephone 338-5200
(X) Well Owner () Well Operator () Other, specify _____

3. Proposed well location NW 1/4 NE 1/4, or Gov't Lot No. _____
Sec. 22, Twp. T4N, Rge. R2E, County Ada
Street Address of Well Site Cartwright Rd
Lot, block and subdivision _____

RECEIVED
DEC 09 1996
Department of Water Resources

4. Proposed use of well:

- () Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- (X) Non-Domestic: Any beneficial use not included within the definition of domestic. *} Irrigation Domestic Stockwater per water right SL*
- () Injection
- () Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
- () Other _____
(Describe)

5. Well construction information:

- A. (X) New well () Deepen () Enlarge () Replace - See Condition 9
- B. Proposed Surface Diameter 16" Proposed Maximum Depth 400'
- C. Anticipated bottom hole temperature:
(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date December 5, 1996

7. Anticipated Well Driller Riverside
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature [Signature] Date 12/4/96
Title Trustee
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED Date Dec. 5, 1996

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

10. Use of this well is subject to the conditions of approval of the Final Order issued Oct. 27, 1993 for water right No. 63-07595 and per extension of time issued Sept. 30, 1996 (Re Transfer No. 4202).

Steve Latta
Signature of Authorized Department Representative

Deputy Regional Manager
Title

Receipt No. W021777 Received by Cyl Fee 200 Date 12/4/96

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1996

William D. Collins
WESTBERG, MCCABE & COLLINS, CTD.
516 West Franklin St.
P.O. Box 2836
Boise, ID 83701-2836

RE: TRANSFER NO. 4202 OF WATER RIGHT NO. 63-07595

Dear Mr. Collins:

Enclosed please find an Order which grants an extension of time to January 31, 1996 to complete the above referenced transfer.

If you have questions, please feel free to contact me or the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
Steve Lester

RECEIVED

SEP 30 1996

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

Department of Water Resources

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

September 27, 1996

HAND DELIVERY

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID

Re: Transfer No. 4202, Water Right No. 63-07595

Dear Mr. Saxton:

I represent Terteling Trust No. 7. On October 27, 1993 the Director issued a final order granting the above transfer subject to a number of conditions, one of which stated as follows:

The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the director for cause.

This time period has been extended twice with the last order being entered by you on October 12, 1994. This letter is to request a further extension through January 31, 1997, and to justify the extension.

At the time the application was filed, February 4, 1993, the proposed site of the additional point of diversion was in a low temperature geothermal ground water basin, District No. 63-S. Subsequently my client retained a consultant to conduct a comprehensive analysis of the District for the purpose of determining whether certain wells in the District actually affected other wells. After completing that investigation the applicant filed a petition to modify the boundaries of the district on January 25, 1995. The Department issued a final order December 8, 1995 modifying the boundaries of the District. That order excluded the site of the proposed additional point of diversion under this application. Until that order was entered going ahead with drilling this new well may have been a needless expense.

L. Glen Saxton, Chief
September 27, 1996
Page 2

Even though this additional point of diversion is now outside the boundaries of the District, the applicant felt it was essential to make certain that the new well would not be hydraulically connected with wells in the District. To complete the study of the well siting, the applicant was advised that a seismic study of the area needed to be completed.

On February 2, 1996 the applicant began discussions with Kleinfelder to complete that seismic study. After various meetings and proposals my client came to the conclusion that it could not reach an agreement with Kleinfelder on the scope and/or cost and timing. Negotiations with Kleinfelder were concluded April 12, 1996.

On May 6, 1996 the applicant received a proposal from the Boise State University Center for Geophysical Investigation of Shallow Subsurfaces to do two days of multiple-source walkway seismic tests. Those tests could not be performed until late June, 1996. The cost of those seismic tests was \$3,192.00. If those tests looked promising, then that entity would have to do several kilometers of seismic reflection work in mid September, 1996. In the first week of September 1996 that entity shot three seismic reflection lines in Stuart Gulch. The final report is due on September 30, 1996. The cost for those three lines was approximately \$15,000.00.

The applicant will need some additional time to analyze the seismic information obtained by these tests and in order to pick a site with a high probability of no or very little hydraulic connection of a well at a particular site with the wells in the District, then the well will be drilled. Until those results are received and analyzed, the applicant does not feel warranted in going ahead and contracting with a well driller to commence drilling of the well. However, the applicant has contacted River Side Drilling, has received a bid for drilling the well and a time slot when they can do the work. All the applicant needs to do is locate the site of the well.

My client would like a reasonable time period within which to evaluate those results and to drill the well. It is not anticipated that another year will be required. However, the applicant would like to request one additional extension through January 31, 1997. This amounts to approximately four months.

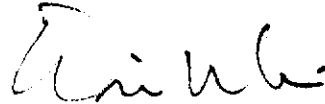
If you believe additional information is necessary to grant this extension, please give me a call and I will try to provide it to you. This has been a very costly process to bring this matter

L. Glen Saxton, Chief
September 27, 1996
Page 3

to this point and there will be considerable cost in completing the well. I believe the applicant has diligently pursued the transfer but has done so in a prudent fashion. To have gone ahead and drilled the well without obtaining a modification of the District or without doing the studies this year would have been unreasonable.

Very truly yours,

WESTBERG, MCCABE & COLLINS, Ctd.

A handwritten signature in dark ink, appearing to read 'W.D. Collins', written in a cursive style.

William D. Collins

WDC:mrs



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 5, 1995

Terteling Trust No. 7
877 W. Main St., #706
Boise, ID 83702

RE: Transfer No. 4202 of Water Right No. 63-07595

Dear Water Right Holders:

Enclosed please find an Order which grants an extension of time to complete the above referenced transfer.

If you have any questions or if I can be of further assistance, please give me a call at 327-7947.

Sincerely,

Sharla Curtis

for JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosure

RECEIVED

OCT 16 1995

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

8-29-95

RECEIVED
SEP 05 1995

Department of Water Resources

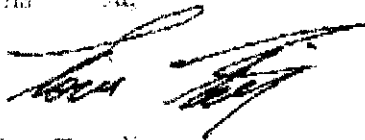
Dear Steve,

We have been unable to complete Water Right Transfer No. 4202 due to the following reasons.

1. Ongoing Aquifer testing.
2. Waiting for IDWR to make the new boundary decision in Stewart Gulch.

Would you please assist us in getting a one year extension.

This is,



Tom Terteling
Terteling Trust No. 7
877 W Main St., Suite 706
Boise, Idaho 83702

MICROFILMED

OCT 16 1995

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

8-22-95

RECEIVED

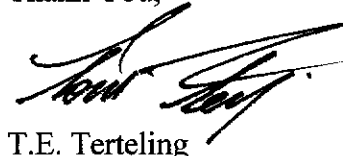
AUG 23 1995

WATER RESOURCES
WESTERN REGION

Dear Steve,

We have been unable to complete Water Right Transfer No. 4202. Would you please assist us in getting a one year extension.

Thank You,



T.E. Terteling
Terteling Trust No. 7
877 W. Main St., Ste. 706
Boise, Idaho 83702

8/28/95 - Tom returned my call.
Need reason(s) why want extension -
he will prepare i send document.

-RT

Tom T.

338-5200

any of these
tel. # ok →

✓ x 336-1166 - Left msg 8/28
x 381-5213



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

October 13, 1994

TERTELING TRUST NO. 7
877 W. MAIN ST SUITE 706
BOISE ID 83702

RE: Transfer No. 4202 of Water Right No. 63-07595

Dear Water Right Holder(s):

Enclosed please find an Order which grants extension of time to complete the above referenced transfer.

If you have any questions, or I can be of further assistance, please feel free to contact me at (208) 327-7947.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jim Johnson'.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

OCT 21 1994

Idaho Department of Water Resources
Mr. Jim Johnson
1301 N. Orchard
Boise, Idaho 83706

October 4, 1994

RECEIVED
OCT 05 1994
Department of Water Resources

Dear Mr. Johnson,

On October 27, 1993 The Department of Water Resources ordered that Transfer No. 4202 of Licensed water right No. 63-07595 is Approved for an add a point of diversion.

This year we have done extensive aquifer testing in Seaman's Gulch and have not been able to start drilling on this additional point of diversion. Would you please give us a one year extension.

Thank You,



T.E. Terteling
Terteling Trust No. 7
877 W. Main St., Suite 706
Boise, Idaho 83702
208-338-5200

RECEIVED
OCT 21 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4202 OF WATER RIGHT)
NO. 63-07595 IN THE NAME OF)
TERTELING TRUST NO. 7)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference in the matter and having issued a recommended order to which no exceptions were filed, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 14, 1993, the department issued license no. 63-07595 in the name of Terteling Trust No. 7 (applicant) authorizing the diversion of 2.0 cfs of ground water from wells located in the SW1/4SE1/4 Section 15, SW1/4NW1/4 and NW1/4SW1/4 Section 22, all in T4N, R2E, B.M. for the irrigation of 103 acres in Sections 21 and 22, T4N, R2E, B.M. The priority of use is March 7, 1973.

2. On February 4, 1993, the applicant submitted application for transfer no. 4202 of licensed right no. 63-07595 to the department proposing to add a point of diversion (well) in the NE1/4NW1/4 Section 22, T4N, R2E, BM.

3. The application was advertised as required by law and was protested by Jeff J. Jayo, Maryann Duggan, Helen M. Miller, Edwards Greenhouses, Clifton Johnson and Sherman Nelson. All protests have been withdrawn except the protest of Sherman Nelson.

4. The department scheduled a hearing in the matter to be held on August 11, 1993. The department did not conduct the hearing, however, since the protestant advised the department that the department should consider the information already submitted to the department as the protestant's position.

5. The department advised that the applicant could respond in writing to the protestant's position and that the department would then consider the information submitted and would issue a decision in the contested matter.

6. The applicant's intent is to construct and use a well

OCT 21 1994

which is less hydraulically connected to other wells in the Stewart Gulch area than one of the applicant's existing wells which is located in the NW1/4SW1/4 Section 22, T4N, R22E, BM.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. On December 5, 1989, the department created Water District 63-S, Stewart Gulch, due to concerns about the use and distribution of the low temperature geothermal water resource in Stewart Gulch.

3. The points of diversion for the water right sought to be transferred in this action are within the boundaries of the water district and are subject to watermaster regulation.

4. Approval of the application will not injure existing water rights if the approval is properly conditioned.

5. Approval of the application will not constitute an enlargement in water use over that amount already authorized if the approval is properly conditioned.

6. The application is consistent with the conservation of water resources in Idaho.

7. The application is in the local public interest.

8. The department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4202 of licensed water right no. 63-07595 is APPROVED subject to the following conditions:

1. Prior to diversion and use of water from the new well to be constructed under this approval, the right holder shall install and maintain per department specifications flow and pressure measurement devices that allow the department to determine the rate

OCT 21 1994

of diversion from the well.

2. The right holder shall conduct an investigation, subject to the approval of the department, to determine the impact of the new well on the existing wells within Water District 63-S. Upon a determination by the department that use of water from the new well should be administered with other rights in the district, use of water under this approval is subject to the control of the watermaster of Water District 63-S, Stewart Culch.

3. Construction of the new well is subject to the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules regarding the construction of low temperature geothermal wells.

4. If diversion from the new well is found to have more impact on the water available to a senior water right than the impact of the presently installed system during times the senior water right is entitled to use water, as determined by the Director of the department, the right holder shall cease to use the new well and/or shall abandon the new well as specified by the Director.

5. This right when combined with all other rights for the same land shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands irrigated.

6. The right holder shall use the full allotment of surface water rights, to the extent water is available, in conjunction with ground water diverted pursuant to this approval.

7. The change authorized under this approval shall be accomplished within one (1) year of the date of this approval unless extended by the Director for good cause.

8. Failure to comply with the conditions of this approval is cause for the Director to rescind approval of the transfer.

9. This approval does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Signed this 27th day of October, 1993.


R. KEITH HIGGINSON
Director

OCT 21 1994



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

October 27, 1993

Re: In the matter of application for transfer no. 4202 of water right no. 63-07595 in the name of Terteling Trust No. 7

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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.

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(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

DEC 02 1993



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 29, 1993

Re: In the matter of Application for Transfer No. 4202 of water right no. 63-07595 in the name of Terteling Trust No. 7

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

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DEC 02 1993

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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.

CERTIFICATE OF SERVICE

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

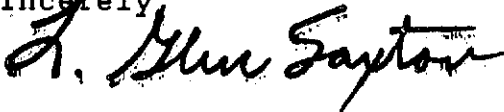
FINAL ORDER

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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

Enclosures

DEC 02 1983

WR0749NP
No. T63-07595

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 08/30/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERTEILING TRUST NO 7 877 W MAIN ST #706 BOISE ID 83702 (208) 338-5200	03/07/1973	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	2.00 CFS 0.05 CFS 0.05 CFS	463.5 AFA 2.0 AFA 1.2 AFA
TOTAL DIVERSION:					2.00 CFS	466.7 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity:

Point(s) of Diversion: T04N R02E S22 NW NE NE NW SW NW NW SW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04N	02E	21	:																	
04N	02E	22	:			08				11	10	27	01			03	14	03	03	
TOTAL ACRES																				103.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
04N	02E	22	:																	
								S												

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: ADA

Non-Irrigation Uses: S/150 RANGE, D/2 HOMES.

Other Water Rights with Same Point(s) of Diversion and Source:
63-03603 63-07595

Other Water Rights Listing Overlapping Place(s) of use:
63-00307 63-00308 63-02355 63-03603 63-03604 63-07595 63-12040 L63-09758

Remarks: Right No. 63-07595 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4202.

Dates: App. Received: 05/03/1972 Priority Date: 03/07/1973
Proof Due Date: 07/01/1982 Proof Made Date: 06/29/1982
Exam Made Date: 07/21/1987 Exam Sent to S.O.: 11/24/1992
Licensed Date: 01/14/1993

Misc: Water District Number: Field Exam Fee: R (Received)

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW
733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

August 25, 1993

6/12/93
RECEIVED
AUG 25 1993

Department of Water Resources
Western Regional Office

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

HAND DELIVERED

Mr. David R. Tuthill, Jr. *DR*
Manager, Western Regional Office
2735 Airport Way
Boise, ID 83705

RECEIVED
AUG 27 1993
Department of Water Resources

RE: Addition of Point of Diversion, 63-07595

Dear Mr. Tuthill:

It is our understanding that the protestant to the addition of the fourth point of diversion under this right, Flora Co., withdraws its protest subject to language contained in the withdrawal signed by Flora Co. May 31, 1993. That language appears follows:

1. Flow and pressure measurement devices satisfactory to the Department shall be installed on the well being added to this water right.
2. The water right holder shall conduct an investigation, subject to the approval of the Department, to determine the impact of the new well on the existing wells within Water District 63-S.
3. Construction of the new well is subject to the provisions of the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules and Regulations regarding the construction of low temperature geothermal wells.
4. If diversion from the new well is found to have more impact on the flow or pressure of the senior wells than the presently installed system, it shall be abandoned in accordance with Department-approved procedures.
5. This water right is subject to the control of the Watermaster of Water District 63-S.

It is also ^{out} understanding that the only other protestant, Sherman Nelson, agrees with all of the language set forth above except wants a different paragraph inserted for paragraph 4.

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David R. Tuthill, Jr.
August 25, 1993
Page 2

The applicant would agree to paragraphs 1, 2, 3 and 5 if a new paragraph 4 is incorporated and an additional paragraph 6 added as set forth below:

4. If diversion of water from the well or wells under this fourth point of diversion has a significant and greater affect on the water available at a well of a senior water right than the existing three wells under this water right, then no further diversion of water form this well shall occur during the time period the senior water right is entitled to protection under the laws of the State of Idaho. This restriction assumes that this fourth well is in an aquifer interconnected to a significant degree with water available at the well of a senior water right.
6. The provisions of paragraphs 4 and 5 shall be of no force or effect if the boundaries of Water District 63-S are changed so as to exclude this fourth well under this water right from that ground water basin.

It is our understanding that the language of paragraph 4 rests on a question of law and, hence, the Department can decide what conditions can be attached to the application without the submission of testimony.

The applicant objects to the language appearing in paragraph 4 as proposed by Flora Co. and Mr. Nelson and, as a consequence, requests the Department to use the new paragraph no. 4 listed above for the following reasons:

1. Language suggested by the two protestants uses the words "flow" and "pressure" as the deciding factors for determining whether an interference occurs. Pressure or the heighth of water in a well should be applied by the Department only as between the parties who were part of the Silkey v. Tiegs decision. Neither the applicant nor its predecessors in interest were parties to that action.

The applicant believes that the language it is proposing is more consistent with law. Interference is determined based upon whether there is water available at the well of the senior right holder. Appellant submits that the Department should not seek to expand the doctrine announced in Silkey v. Tiegs to persons who are not bound by that suit especially in the light of the provisions of Idaho Code, § 42-226, which eliminates the heighth of water, flow or pressure in a well as being part of the water right. For the Department to use these two criteria as deciding factors in determining whether there is well interference will cause full development of the

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water of the state to be severely hampered. Appellant submits that archaic rule announced in Silkey v. Teigs should be abandoned and, at the minimum, should not be expanded by the Department to the Applicant's new well.

2. The language proposed by both protestants uses for the deciding factor in determining there is an interference whether there is water in a senior well. The deciding factor should be whether a senior water right exists not whether a senior well exists. If the proposed language as submitted by the protestants is adopted by the Department, the Department could conceivably restrict the applicant's diversion in an effort to protect water use not represented by a senior water right. To eliminate this problem the applicant has suggested language to make certain there would be no interference unless the water being used is represented by a water right.
3. The language of both protestants does not deal with the situation where the interference ceases to exist. Therefore, the applicant is suggesting that the restriction on diverting water from this well be limited to the time period the senior water right is entitled to protection under the laws of the state. A senior right holder should not be able to prohibit a junior right holder from using water when the senior water right holder is not making a use. Also, the right created under the so-called "constitutional method" is not given preference in times of scarcity until that right is adjudicated or until the right is represented by a permit or license. Under Idaho Code § 42-608 a water master is not permitted to shut off a licensed right in favor of a prior right which is unadjudicated and not founded upon a permit or license.
4. The applicant also submits that the restriction being proposed as paragraph 4 assumes that this fourth well is in an aquifer interconnected to a significant degree with water available at the well of a senior water right. It has been the applicant's position that there may be little or no significant interconnection between this fourth well and other senior water right holders. If there is a lack of a significant interconnection, then the restrictions of paragraph 4 should not apply.

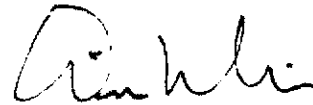
The applicant objects to paragraph 5 and rather than argue for the change of that language, the applicant suggests that a new paragraph 6 be added. The suggested language is proposed to make it clear that the Department remains free to amend the boundaries of Water District 63-S. If it can be shown that there is no

David R. Tuthill, Jr.
August 25, 1993
Page 4

substantial reason for including this fourth well within the boundaries of the district, the proposed language submitted by Flora Co. and concurred in by Mr. Nelson seems to tie the hands of the Department if, at some subsequent time, this fourth point of diversion would be excluded from the boundaries of the district.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.



William D. Collins

WDC/cp

Enclosure

cc: Joe Terteling
Jeff Jayo
William F. Ringert

1993

Glen Saylor *KS*

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER

SUITE 1000

POST OFFICE BOX 1617

BOISE, IDAHO 83701

TELEPHONE

(208) 344-6000

FAX

(208) 342-3829

POCATELLO OFFICE

125 NORTH GARFIELD

POST OFFICE BOX 4167

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-0845

SUSAN D. MINER

August 6, 1993

RECEIVED

AUG 13 1993

Department of Water Resources

Dms
David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Idaho Department of Water
Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Transfer of Water Right
No. 63-07595 in the name of
Terteling Trust No. 7

Dear Dave:

As requested, I have enclosed a Withdrawal of Protest
signed by me on behalf of Edward's Greenhouses and Mike Monnie.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY

Susan D. Miner

Susan D. Miner

SDM:cox
Enclosure
cc: S. Mike and Garnette K. Monnie

RECORDED

DEC 2 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR TRANSFER OF WATER RIGHT	)	WITHDRAWAL OF PROTEST
	)	
NO. 63-07595 IN THE NAME OF	)	
	)	
<u>TERTELING TRUST NO. 7</u>	)	

We, the undersigned, agree to withdraw our protest to the approval of the Application for Transfer of Water Right No. 63-07595 in the name of Terteling Trust No. 7, if the following conditions of approval are added to the transfer:

1. Flow and pressure measurement devices satisfactory to the Department shall be installed on the well being added to this water right.
2. The water right holder shall conduct an investigation, subject to the approval of the Department, to determine the impact of the new well on the existing wells within Water District 63-S.
3. Construction of the new well is subject to the provisions of the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules and Regulations regarding the construction of low temperature geothermal wells.
4. If diversion from the new well is found to have more impact on the flow or pressure of the senior wells than the presently installed system, it shall be abandoned in accordance with Department-approved procedures.
5. This water right is subject to the control of the Watermaster of Water District 63-S.

Signed this 6 day of ^{August}~~May~~, 1993.

Susan M. Miner attorney for Edwards Greenhous
and Mike Monnie

DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NO. 63-7595 IN THE NAME OF)
TERTELING TRUST NO. 7.)

NOTICE OF HEARING

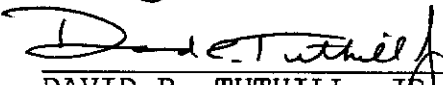
On February 4, 1993, Terteling Trust No. 7 filed with the Department of Water Resources (Department) application for transfer of water right no. 63-7595. The application was protested by Jeff T. Jayo, President of Flora Co.; Maryann Duggan &/or Helen Miller; Mike Monnie &/or Paul Edwards of Edwards Greenhouses; Clifton Johnson; and Sherman Nelson. The conference held by the Department on April 19, 1993, resolved many of the concerns. All except Sherman Nelson have withdrawn or have committed to withdraw their protests, subject to proposed conditions of approval.

The Department has scheduled the matter for hearing on Wednesday, August 11, 1993, at 1:30 p.m. in the First Floor Conference Room, Idaho Supreme Court Building, 451 W. State, Boise, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of of the department. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Glen Saxton.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 5th day of August, 1993.


DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DEC 02 1993

I hereby certify that on the 5TH day of August, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary/Office Coordinator

Certified Mail

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

TERTELING TRUST NO 7
877 W MAIN ST STE 706
BOISE ID 83702

Non-Certified Mail

WILLIAM F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 5, 1993

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

Re: Application for Transfer of Permit #63-7595 in the Name of
Terteling Trust No. 7

Dear Mr. Jayo:

This letter is to acknowledge your withdrawal of protest
against the above-referenced application for permit.

There are still protests pending against this application and
therefore we will not proceed with approval of the application
at this time.

Sincerely,

A handwritten signature in cursive script that reads 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Applicants

DEC 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 5, 1993

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

Re: Application for Transfer of Permit #63-7595 in the Name of
Terteling Trust No. 7

Dear Protestants:

This letter is to acknowledge your withdrawal of protest
against the above-referenced application for permit.

There are still protests pending against this application and
therefore we will not proceed with approval of the application
at this time.

Sincerely,

A handwritten signature in cursive script, reading 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Applicants

DEC 02 1993

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

JUN 7 1993

OF THE
STATE OF IDAHO

Department of Water Resources
Western Regional Office

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT) WITHDRAWAL OF PROTEST
NO. 63-07595 IN THE NAME OF)
TERTELING TRUST NO. 7)

We, the undersigned, agree to withdraw our protest to the approval of the Application for Transfer of Water Right No. 63-07595 in the name of Terteling Trust No. 7, if the following conditions of approval are added to the transfer:

1. Flow and pressure measurement devices satisfactory to the Department shall be installed on the well being added to this water right.
2. The water right holder shall conduct an investigation, subject to the approval of the Department, to determine the impact of the new well on the existing wells within Water District 63-S.
3. Construction of the new well is subject to the provisions of the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules and Regulations regarding the construction of low temperature geothermal wells.
4. If diversion from the new well is found to have more impact on the flow or pressure of the senior wells than the presently installed system, it shall be abandoned in accordance with Department-approved procedures.
5. This water right is subject to the control of the Watermaster of Water District 63-S.

Signed this 31 day of May, 1993.

 PRES FLORA CO.

JUN 10 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
MAY 27 1993

Department of Water Resources
Western Regional Office

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT) WITHDRAWAL OF PROTEST
NO. 63-07595 IN THE NAME OF)
TERTELING TRUST NO. 7)

We, the undersigned, agree to withdraw our protest to the approval of the Application for Transfer of Water Right No. 63-07595 in the name of Terteling Trust No. 7, if the following conditions of approval are added to the transfer:

1. Flow and pressure measurement devices satisfactory to the Department shall be installed on the well being added to this water right.
2. The water right holder shall conduct an investigation, subject to the approval of the Department, to determine the impact of the new well on the existing wells within Water District 63-S.
3. Construction of the new well is subject to the provisions of the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules and Regulations regarding the construction of low temperature geothermal wells.
4. If diversion from the new well is found to have more impact on the flow or pressure of the senior wells than the presently installed system, it shall be abandoned in accordance with Department-approved procedures.
5. This water right is subject to the control of the Watermaster of Water District 63-S.

Signed this 26th day of May, 1993.

Margaret Ruggon

Alan M. Miller

4033 Whitehead St, Boise 83703

DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR TRANSFER OF WATER RIGHT	)	WITHDRAWAL OF PROTEST
	)	
NO. 63-07595 IN THE NAME OF	)	
	)	
<u>TERTELING TRUST NO. 7</u>	)	

We, the undersigned, agree to withdraw our protest to the approval of the Application for Transfer of Water Right No. 63-07595 in the name of Terteling Trust No. 7, if the following conditions of approval are added to the transfer:

1. Flow and pressure measurement devices satisfactory to the Department shall be installed on the well being added to this water right.
2. The water right holder shall conduct an investigation, subject to the approval of the Department, to determine the impact of the new well on the existing wells within Water District 63-S.
3. Construction of the new well is subject to the provisions of the drilling permit requirements of Section 42-235, Idaho Code, and all Well Construction Standards Rules and Regulations regarding the construction of low temperature geothermal wells.
4. If diversion from the new well is found to have more impact on the flow or pressure of the senior wells than the presently installed system, it shall be abandoned in accordance with Department-approved procedures.
5. This water right is subject to the control of the Watermaster of Water District 63-S.

Signed this _____ day of May, 1993.

DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR TRANSFER OF WATER RIGHT	)	NOTICE OF HEARING
	)	
NO. 63-7595 IN THE NAME OF	)	
	)	
<u>TERTELING TRUST NO. 7</u>	)	

On February 4, 1993, Terteling Trust No. 7 filed with the Department of Water Resources an application for transfer of water right no. 63-7595. The application was protested by the persons listed below plus Mr. Clifton Johnson and a conference was held by the Department on April 19, 1993. Subsequently Mr. Johnson withdrew his protest.

The Department has now set the matter of protest for a hearing to be held on Wednesday, June 2, 1993, at 10:00 a.m. at the Division of Environmental Quality, Conference Room B, 1410 N. Hilton, Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

DEC 02 1993

Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 21st day of May, 1993.

David R. Tuthill
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 21st day of May, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

EDWARDS GREENHOUSES
MIKE MONNIE &/OR
PAUL W EDWARDS
4106 SAND CREEK ST
BOISE ID 83703

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

SUSAN D MINER
HAWLEY TROXELL ENNIS & HAWLEY
PO BOX 1617
BOISE ID 83701

**CONFERENCE AND HEARING PROCEDURE
IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER**

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the application and protest:

- 1) Will the proposed transfer, if approved, injure water rights?
- 2) Will the proposed transfer, if approved, constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest as defined in Section 42-203A, Idaho Code?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2 & 4 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 3, local public interest, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing. At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a ~~proposed decision~~ *recomm. order* will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and to request oral argument before the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final ~~decision~~ *order* to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

DEC 02 1993

**RINGERT
CLARK**
CHARTERED
LAWYERS

July 30, 1993

William F. Ringert
D. Blair Clark
Andrew M. Harrington
James G. Reid
Jeffrey R. Christenson
James P. Kaufman
Patrick D. Furey
Laura E. Burri
David Hammerquist
Daniel V. Steenson
Steven C. Mahaffy
Samuel Kaufman (1921-1986)

RECEIVED
AUG 02 1993

Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Department of Water Resources
Western Regional Office

Re: Application for Transfer of Water Right
No. 63-07595 in the Name of Terteling Trust No. 7

Dear Mr. Tuthill:

This letter supplements our telephone conversations regarding the proposed withdrawal of protest circulated with your letter of May 21, 1993.

On behalf of Mr. Sherm Nelson, I request that paragraph 4 of the withdrawal of protest be amended by adding the following language:

If the new well is placed in operation, any reduction in artesian flow or pressure of any of the senior wells shall be prima facie evidence that the new well has more impact on the flow or pressure of the senior wells than the presently installed system, and the water right holder for the new well will have the burden of proving that the new well is not the cause of any such reduction in flow or pressure of senior wells.

By a copy of this letter I am communicating the suggestion to Mr. Nelson and asking that he call me as soon as possible to indicate whether he would be willing to withdraw his protest if the suggested language is added to paragraph 4.

Yours very truly,



W. F. Ringert

WFR:am
cc: Sherm Nelson

DEC 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 21, 1993

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

EDWARDS GREENHOUSES
MIKE MONNIE &/OR
PAUL W EDWARDS
4106 SAND CREEK ST
BOISE ID 83703

SUSAN D. MINER
HAWLEY TROXELL ENNIS & HAWLEY
PO BOX 1617
BOISE ID 83701

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

Re: Application for Transfer of Water Right No. 63-07595 in
the Name of Terteling Trust No. 7

Dear Protestants:

Enclosed please find a Notice of Hearing in the above-referenced matter.

Because many of the concerns expressed by the protestants appeared to have been addressed at the previous conference in this matter, I have also enclosed a Withdrawal of Protest document. If it is acceptable to you, please sign the form and return it to this office. We have already received a withdrawal of protest from Mr. Johnson. If all of the protests are withdrawn we will cancel the hearing and forward the application for final processing, recommending the inclusion of the proposed conditions of approval. If you decide to withdraw your protest, please either mail the signed withdrawal by May 26th, or call this office by May 28th, to enable this office to contact the parties if the hearing is to be canceled.

Please feel free to contact this office if you have questions about this process.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

MAY 21 1993

*Applicant
& Attorney
Tollins*

Enclosures: Withdrawal of Protest, w/return envelope
Notice of Hearing



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 7, 1993

CLIFTON JOHNSON
3907 WHITEHEAD
BOISE ID 83703

Re: Application for Transfer of Permit #63-7595 in the Name of
Terteling Trust No. 7

Dear Mr. Johnson: (Ciff)

This letter is to acknowledge your withdrawal of protest
against the above-referenced application for permit.

There are still protests pending against this application and
therefore we will not proceed with approval of the application
at this time.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Applicant

RECEIVED

MAY 2 1993

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER

SUITE 1000

POST OFFICE BOX 1617

BOISE, IDAHO 83701

TELEPHONE

(208) 344-6000

FAX

(208) 342-3829

May 7, 1993

POCATELLO OFFICE

125 NORTH GARFIELD

POST OFFICE BOX 4167

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-0845

SUSAN D. MINER

RECEIVED
MAY 7 1993

Department of Water Resources
Western Regional Office

Dr
David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Idaho Department of Water
Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Transfer of Water Right
No. 63-07595 in the name of
Terteling Trust No. 7

Dear Mr. Tuthill:

I am writing to you on behalf of my clients, S. Mike Monnie and Garnette K. Monnie, dba Edwards Greenhouses who are the lessees of property located at 4106 Sand Creek Street, Boise, Idaho, including a water right under license no. 63-0014 held in the name of Paul W. Edwards. As you know, my clients submitted a protest to the Application for Transfer referred to above and attended the conference conducted by you on April 19, 1993. The chief source of my clients' concern is the continued decline in operating flow, operating pressure and shut in pressure for their geothermal well. They fear that the development of the proposed well, if it proves to be inter-connected with the existing wells in the Stewart Gulch low temperature geothermal aquifer, will injure the Edwards well and other senior water rights in Water District 63-S.

Because it appears from the Application for Transfer filed by Terteling Trust No. 7 (the "Applicant") and the conference that the Applicant does not seek to enlarge the use under its original right and hopes to drill a well that is less related to other Stewart Gulch wells than are its existing wells, my clients are willing to withdraw their protest and allow the new well to be drilled provided that certain conditions are satisfied. We request that the following conditions be included (in substance) in the Department's approval of the Application for Transfer:

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David R. Tuthill, Jr., P.E.
May 7, 1993
Page 2

1. Flow and pressure measuring devices satisfactory to the Department should be installed on the new well.
2. The Department should conduct an investigation and/or require the Applicant to conduct an investigation to determine what impact the new well will have on the existing wells in Water District 63-S. An appropriate investigation will include collection of data from existing wells while the new well is being used to determine whether there is a measurable decline in operating flow, operating pressure, shut in pressure or water temperature of the senior wells. In designing an investigation protocol, please note that the Edwards well has suffered a critical decline in pressure and flow rates in the late summer of each year since at least 1987.
3. Development of the well should be subject to all applicable rules and regulations pertaining to the development of geothermal wells. Compliance should be actively monitored by the Department.
4. The Application should be approved only on the condition that if the new well is found to be inter-connected to the existing wells and if its use has an adverse impact on the flow rates or pressure of the senior wells, the new well will be closed and abandoned.

We would like to take this opportunity to note for the record in the referenced matter that the Department's Final Memorandum Decision and Order dated December 1, 1992 In the Matter of Request for Groundwater Regulation: Decreed Right Nos. 63-0012, 63-0013, 63-0014, 63-0015 & 63-0016; Claim No. 63-4037P and Permit No. 63-9758 found that the waters of Stewart Gulch must be administered in accordance with the provisions of the Silkey v. Tiegs decree, including the protection of the artesian pressure necessary to deliver water to the prior appropriators. The protection mandated by Silkey v. Tiegs and the Department's order is in jeopardy. The graphs provided by the Department at the recent conference show a consistent marked decline in shut in

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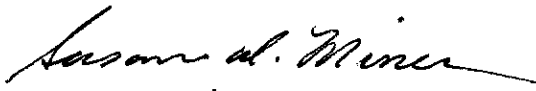
David R. Tuthill, Jr., P.E.
May 7, 1993
Page 3

pressure for the Edwards well from 1981 through early 1993. In fact, the available data indicates that there has been a decline in the average shut in pressure of at least 25% in the past 12 years. Continued decline at this rate cannot be tolerated. If it continues, the well will soon cease to flow and my clients will be deprived of the benefits that should be afforded to them under their senior right. The pumping by junior users in the aquifer has undoubtedly contributed to the decline in pressure and flow observed at the senior users' wells.

It is my clients' position that their well should not be subjected to further pressure from competing junior users and that, in fact, such pressure needs to be reduced from the current level in order to protect senior users with rights to artesian flow under Silkey v. Tiegs. We respectfully request that the Department take these matters into consideration and factor them into its approval of the subject Application for Transfer in an appropriate fashion.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY


Susan D. Miner

SDM:rmg

Hand Delivered

cc: S. Mike and Garnette K. Monnie
Paul Edwards

DEC 93



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 30, 1993

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

CLIFTON W JOHNSON
3907 WHITEHEAD
BOISE ID 83703

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

EDWARDS GREENHOUSES
MIKE MONNIE &/OR
PAUL W EDWARDS
4106 SAND CREEK ST
BOISE ID 83703

Re: Application for Transfer of Water Right No. 63-07595 in
the name of Terteling Trust No. 7

Dear Protestants:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department

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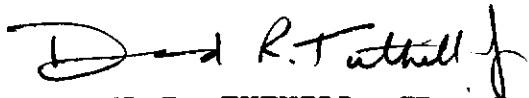
DEC 02 1993

Page -2-
3-30-93

will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

RECEIVED
DEC 02 1993

RECEIVED

APR 26 1993

Department of Water Resources
Western Regional Office

March 23, 1993

To: State of Idaho, Department of Water Resources,
Western Region, 2735 Airport Way, Boise, ID 83703

From: Clifton W. Johnson, 3907 Whitehead, Boise, ID
83703 (Water User on the Sherman Nelson well)

Subject: Protest Conference on Application for Transfer
of License No. 63-07595, Terteling Trust No. 7,
held April 19, 1993, at 1301 N. Orchard

The Conference addressed the issues of concern that I protested by letter of March 19, 1993. I appreciated learning details of the planned drilling by Terteling interests and why they wish to drill a new well, even though they have proven they have the water they need with presently developed wells.

I hereby withdraw my protest of the Application, on the basis that the Department of Water Resources will monitor the drilling process to assure that no hot water is lost from the aquifer by improper drilling procedures. I now feel assured that no additional uses are anticipated under the application than are now licensed.

All parties were allowed to speak freely and it was obvious that there is real concern for best use of the hot water resource from the aquifer in the area. It was commendable that a manager will be appointed to distribute the hot water according to decree. Again, it was a well organized Conference and very informative for me.

Respectfully,

Clifton W. Johnson

RECORDED

DEC 02 1993

CONVERSATION MEMORANDUM

DATE 5/28/93

FILE Protested App for Transfer

NAME OF PARTY Various

EMPLOYEE Dave Tutill

RE: Terteling Hearing

Jeff Jayo - Will send in withdrawal of protest. Concerns are satisfied.

Susan Miner - Concerns of clients are satisfied - Will send in withdrawal of protest

Bill Ringert - Out until 6/2/93

Sherman Nelson - Needs to discuss issues w/ Bill Ringert before withdrawing protest. I stated that the hearing for June 2 is cancelled, and that another would be scheduled if he & Bill Ringert determined that they wished to proceed with the protest.

Bill Collins - Out until 6/1. Left message that the hearing is cancelled. (delayed).

Joe Terteling/Tom Terteling - I advised Tom that the hearing has been cancelled or delayed, ^(I made this call because Mr. Collins is out of town & could not advise his client)

Dvt

RECORDED
DEC 02 1993

CONVERSATION MEMORANDUM

DATE

5/3/93

FILE

63-07595

NAME OF PARTY

Susan Miner

EMPLOYEE

Steve Laster

RE:

S. Miner is attorney for Edwards Greenhouse. She said she was notified by client just the other day regarding the agreement at 4/19/93 conference whereby protestants would provide conditions of approval so that protests could be settled and withdrawn.

She asked for a few days to respond to client's last minute request for ~~help~~ help - she would not be able to meet the 5/3 deadline.

I told her that a few more days ~~would~~ would not be a problem.

MICROFILMED
DEC 02 1993

Concerns: Impacts on other water rights

Solution: Protestants will consider info provided at the conference and will respond re: their disposition within 2 weeks.

MICROFILMED

DEC 02 1993



~~Drilling Requirements~~
Jeff Jayo
President

3823 North 36th Street
Boise, Idaho 83703
208•345•4408

Conference for Terteling Trust No. 7

Notes by D. Tuttle
4/19/1993

Applicant Joe Terteling present,
Represented by Bill Collins, Esq.

Protestants Present

Jeff Jago Flora Co 109-119° Variable

Helen Miller

Cliff Johnson

Mike & Kim Monte → Edwards 119-120° F

Paul

Temp Data

Applicant (by Bill Collins)

1. Same aquifer
2. No additional water will be delivered
3. The intent is to tap hot water

Well A

B 108-110° F

C 110° F const.

Ken Neely

1. Info provided (see attached)
2. There is communication between lower wells and upper wells.

RECORDED

DEC 02 1993

Hearing conducted by: David R. Tuthill, JR. P.E.

ROSTER OF ATTENDANCE

[illegible]

Applic. #3
info from
4/19 conference

A topographic map segment showing contour lines. A road, indicated by a dashed line, runs diagonally from the upper right towards the center. Two specific points are marked with dots and labeled: '3604' on the left and 'X3590' on the right. The contour lines are closely spaced, indicating a steep slope.

A hand-drawn sketch map of a coastal area. The map features a vertical line on the left, possibly representing a coastline or a road. To the right of this line, there are several wavy lines representing water or a field. The word 'BLEA' is written in the upper left corner. The word 'S2' is written in the center, and 'fow' is written in the upper right corner. The map is drawn with simple lines and appears to be a preliminary sketch.

A black and white topographic map showing a mountainous terrain. The map features numerous contour lines of varying thickness and spacing, indicating different elevations. Several numerical labels are present: '3400' is written vertically on the left side, '3600' is written vertically on the right side, and '3500' is written horizontally in the center-right. At the top center, the word 'JEEP' is written in a stylized, bold font. The map is oriented with the top edge slightly tilted to the right.

A topographic map showing contour lines and a road. The word "Spring" is visible, likely referring to Spring Lake. Contour lines are labeled with elevations such as 3200 and 3890. A road is shown running diagonally across the map.

A topographic map showing a well (Well 2871) and a road (22) near a fault line. The map includes contour lines and a dashed line representing a fault. The well is marked with a black dot and labeled 'Well 2871'. The road is marked with a dashed line and labeled '22'.

A black and white map showing a road labeled 'CARTWRIGHT' and a road labeled '2000'. A small black dot is marked on the road labeled '2000'.

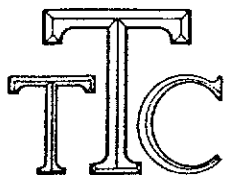
A hand-drawn sketch of a structural member, possibly a beam or column, showing a cross-section. The sketch includes dimensions: a vertical dimension of 30, a horizontal dimension of 800, and a diagonal dimension of 1000. The text "800 x 30" is written near the dimensions.

A topographic map showing contour lines. A trail is labeled "TRAIL" and a spot is labeled "3623". The map is oriented with North at the top.

A topographic map showing a gulch area. The word "Gulch" is written in a bold, sans-serif font across the lower portion of the map. The map features contour lines indicating elevation, with a vertical line running through the center and a horizontal line at the bottom. The map is oriented with the gulch running diagonally from the bottom left towards the top right.

33/3
Miller

DEC 02 1993



July 30, 1981

Director
Department of Water Resources
Western Regional Office
92 S. Cole Road
Boise, ID 83705

Re: Water Permit #63-9758 - Formal Protest
for The Terteling Company, Inc. and J. L. Terteling

Gentlemen:

Please be advised that this constitutes our formal protest to application for water permit #63-9758 filed by LTF Incorporated on June 30, 1981, final protest day August 3, 1981.

As adjacent landowners, The Terteling Company, Inc. and Joseph L. Terteling, it is our conclusion that the increased usage as applied for will have a serious and detrimental impact on wells developed and used by us. It is our position that the permit as applied for will be viewed an encroachment both at law and fact upon our water rights as they presently exist, having a significant impact due to the extent of the increased usage and depth on the availability and water pressure of wells which we have spent rather extensive time, effort and money to develop.

Please direct any further notices or request you may have to my attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Walter M. McKew', written in a cursive style.

Walter M. McKew
Counsel for
The Terteling Company, Inc.
and Joseph L. Terteling

WMM/bsh

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PLEASE REPLY

- ☐ EXPRESSING YOUR JUDGMENT
- ☐ GIVING INFORMATION REQUESTED
- ☐ INDICATING ACTION TAKEN
- ☐ NO REPLY NECESSARY

INTEROFFICE CORRESPONDENCE

TO

Boise Ranch Well -
Capitalized File

J. A. TERTELING &
SONS, INC.

FROM

Jerry Ward

SUBJECT: Boise Ranch Well

DATE: November 2, 1978

A management decision has been reached to capitalize a portion of the Boise well drilling and casing costs and expense the balance to corporation non-distributable overhead. The reasoning behind this decision is as follows:

1. The well was originally drilled for hot water to be used in future residential development.
2. The well size required for this hot well was larger (16") than a well drilled for water only (8").
3. The well did not produce hot water that could be used for future residential development, however, it does produce enough water for crops and possible future nurseries at the Boise Ranch operations.
4. The proportionate costs of developing an 8" well for water use only will be capitalized and depreciated to the Boise Ranch operations according to the I.R.S. code 1778-679 which states that ranch water wells are to be depreciated at 4% or 25 year S/L lives.
5. The balance of the well development costs will be expensed as non-distributable overhead in the corporation because the well did not prove acceptable for future residential requirements.
6. Our geologist in charge of the well development supplied accounting with costs that would have been necessary if only an 8" well were drilled.

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Below are the costs as mentioned in item 6 supplied by our geologist:

1. Developer Mobilization	\$ 1,000.00
2. Surface Seal	325.00
3. 329 L.F. Drilling for 8" Well @ 12.00 (cost used were for Ann Sparks 8" well)	3,948.00
4. 16 L.F. Johnson Screen	782.40
5. 294 L.F. 8" Casing	2,793.00
6. 35 L.F. 5" Casing	227.50
7. 23 C.Y. Gravel Pack	<u>460.00</u>
	<u>\$ 9,535.90</u>

The balance of total well costs (copy attached) will be expensed as non-distributable overhead.

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October 1, 1981

Edwards Greenhouse
4106 Sand Creek
Boise, ID 83702

Re: Protest of Water Permit 63-9758 in the name of L.T.S.,
Inc. (Shamanah Golf Course)

Gentlemen:

On June 30, 1981, L.T.S., Inc. (Shamanah Golf Course) filed with the Department of Water Resources an application to appropriate an additional 3.0 CFS (1350 gallons per minute) of the public waters of the State of Idaho. On July 30, 1981, the Department received a protest against approval of said application from The Terteling Company, Inc. and J. L. Terteling. A hearing was held at 1:30 p.m. on September 30, 1981. At that time, J. L. Terteling and The Terteling Company, Inc. presented their views in regard to the following:

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?

In summary, we felt that history has indicated that a potential problem may arise if withdrawal rates are significantly increased.

As you are well aware, Edwards Greenhouses utilizes artesian warm water from the same aquifer below L.T.S., Inc. intended point of diversion. Your water is secured under Idaho Law. In addition, the artesian pressure is also guaranteed under an unusual decree.

At the hearing, we mentioned, on your behalf, that you were concerned about additional development, and that you would like to support our endeavors to investigate any potential problems. Apparently you had mentioned the fact

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DEC 02 1993

Edwards Greenhouses
October 1, 1981
Page No. 2

to an employee of J. L. Terteling earlier this year. We would appreciate your support in investigating any problems. This probably will include a monitoring of your water source during a pump test of Shamanah's well if and when it does occur.

If you have any questions or wish to discuss this further, please feel free to call.

Very truly yours,

THE TERTEILING COMPANY, INC.


T. H. Hood

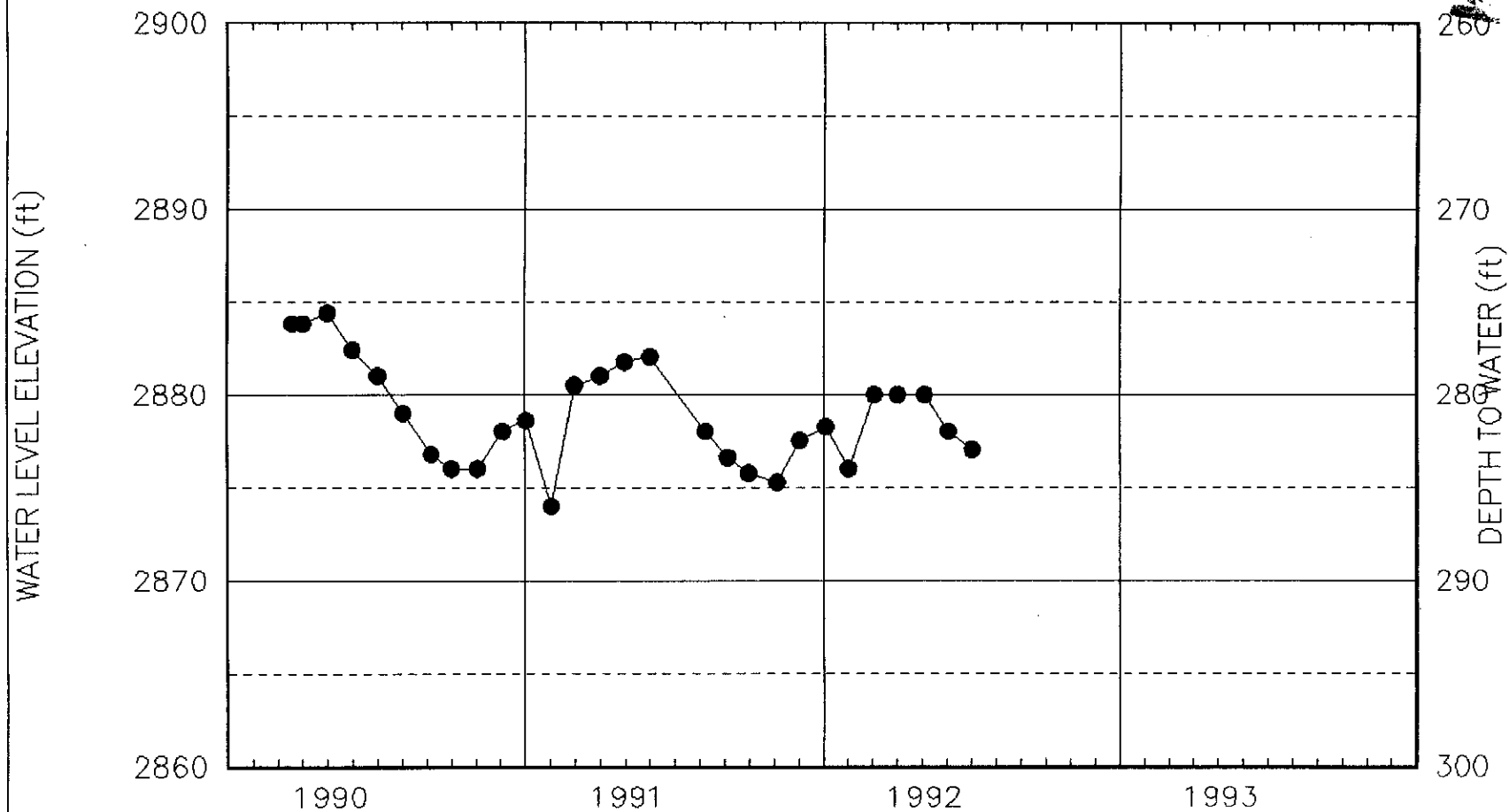
THH/bsh

RECORDED

DEC 02 1993

K.W. Neely Apr. 19, 1993 12:03:33 PM

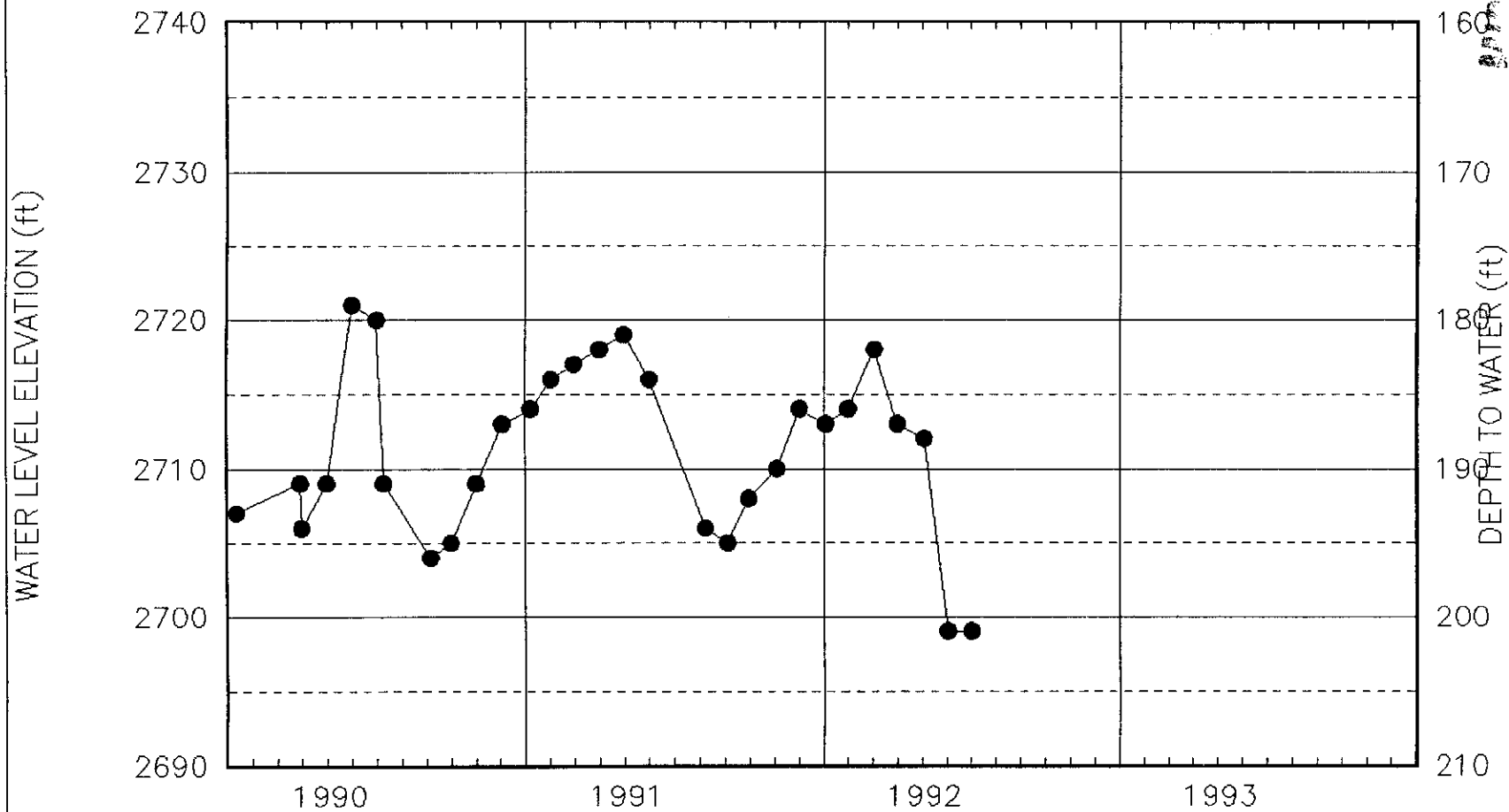
TERTELING OWYHEE MOTOR CYCLE CLUB WELL 4N-2E-22AAA



DEC 02 1993

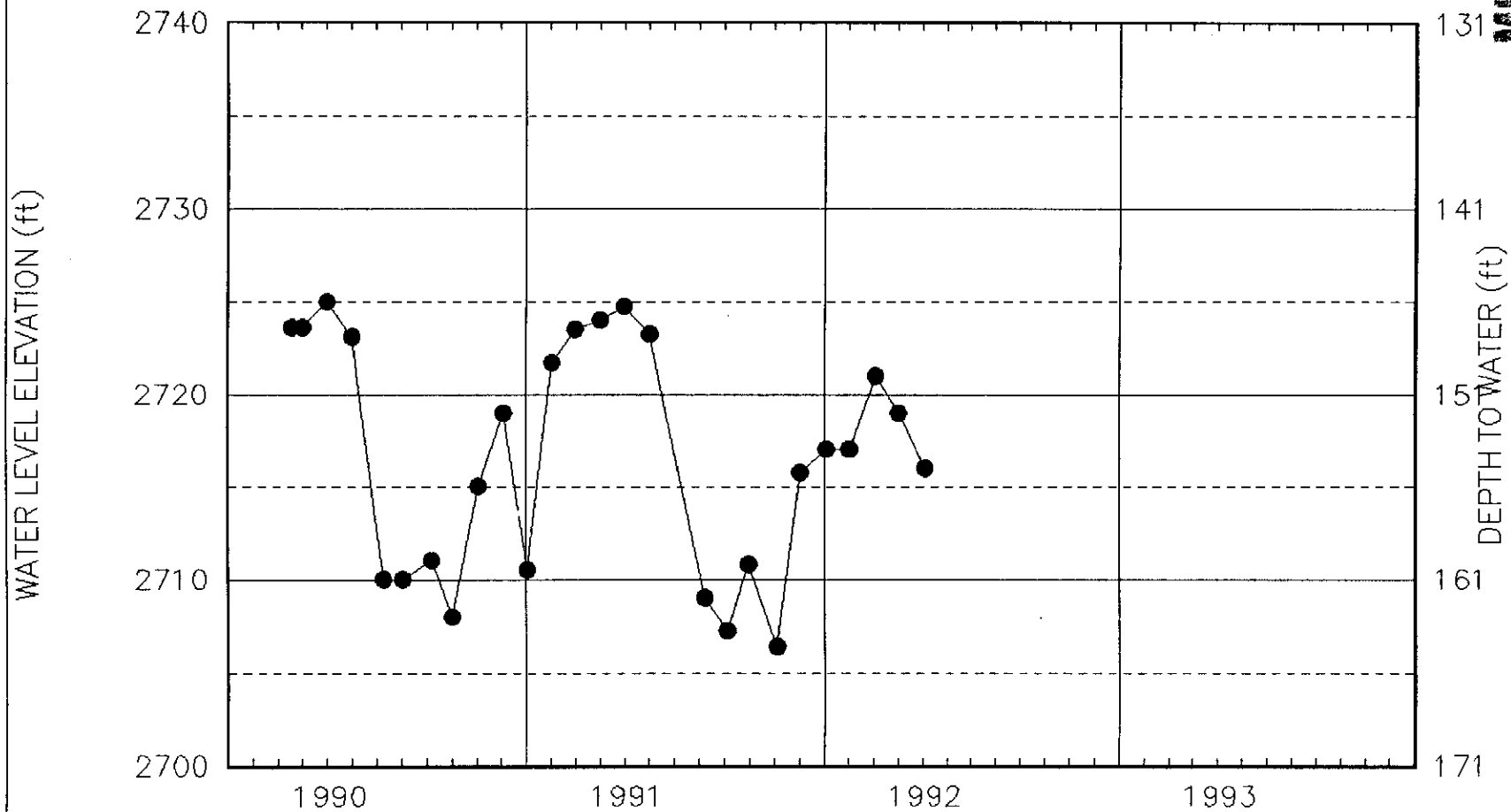
K.W. Neely Apr. 19, 1993 12:00:19 PM

TERTELING POOL WELL 4N-2E-22BCD



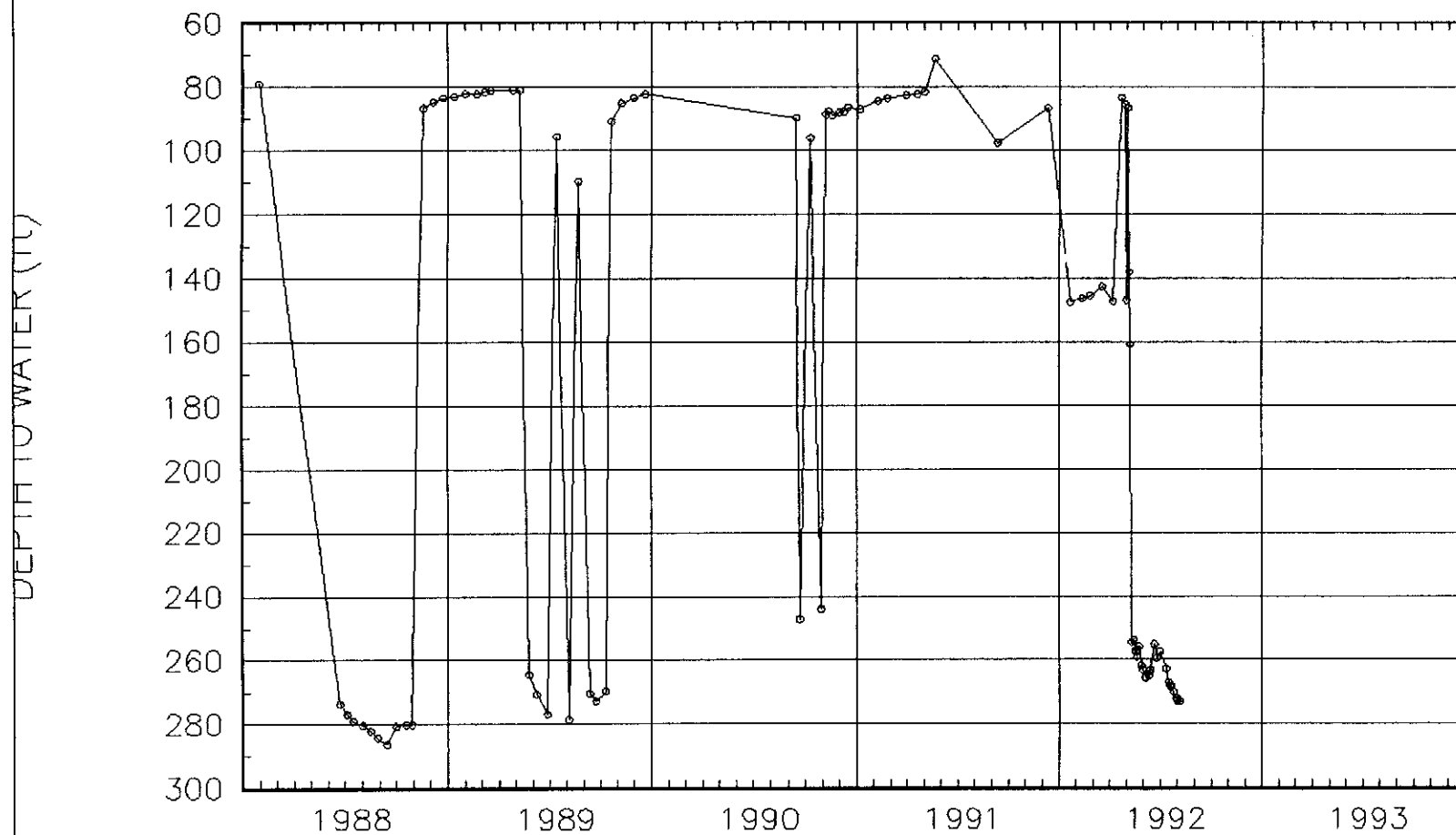
DEC 02 1993

TERTELING WINDSOCK WELL 4N-2E-22CBB



DEC 02 1993

QUAIL HOLLOW GOLF COURSE WATER LEVELS FOR UPPER WELL

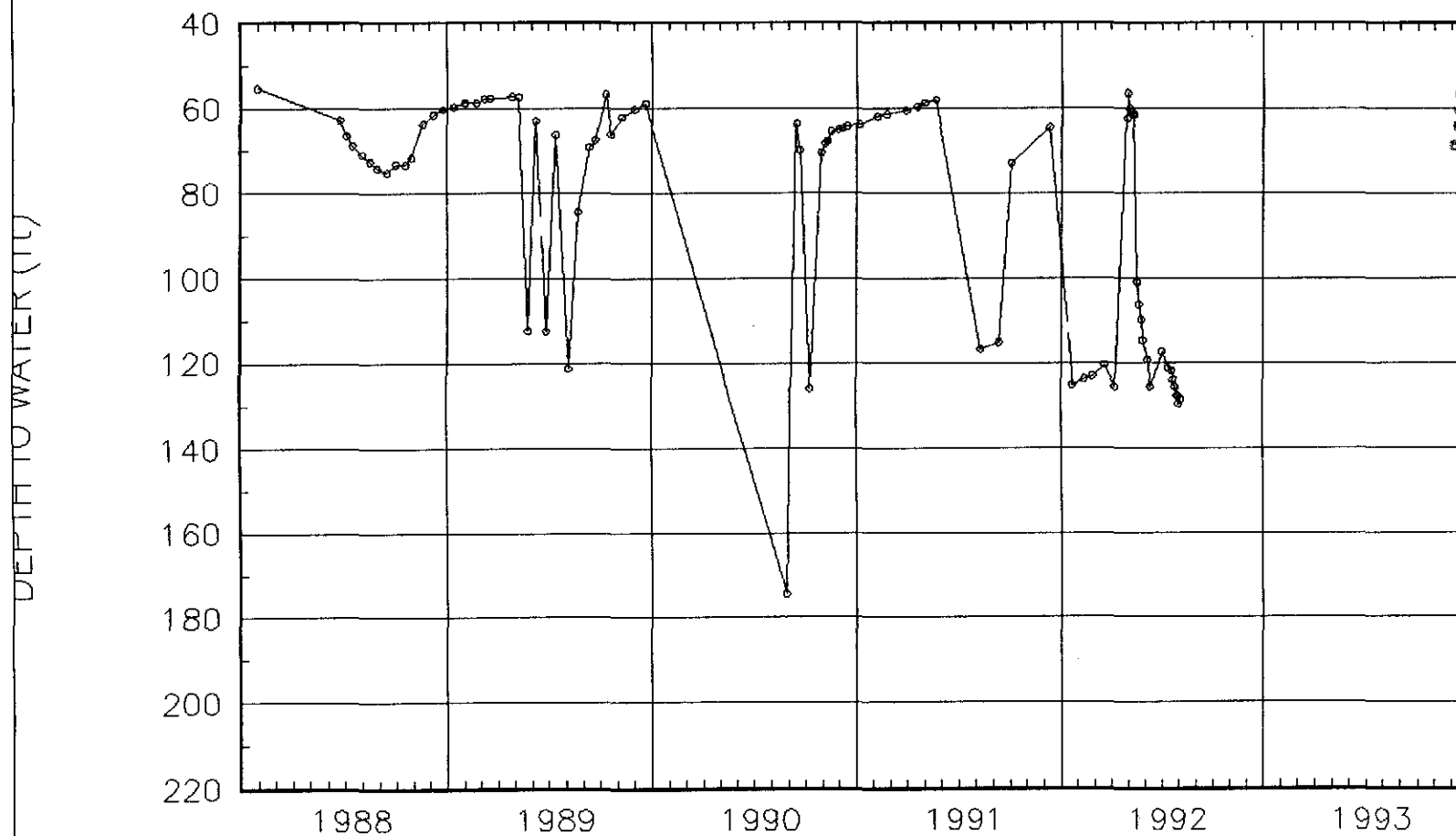


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DEC 02 1993

K.W. Neely Apr. 19, 1993 11:36:21 AM

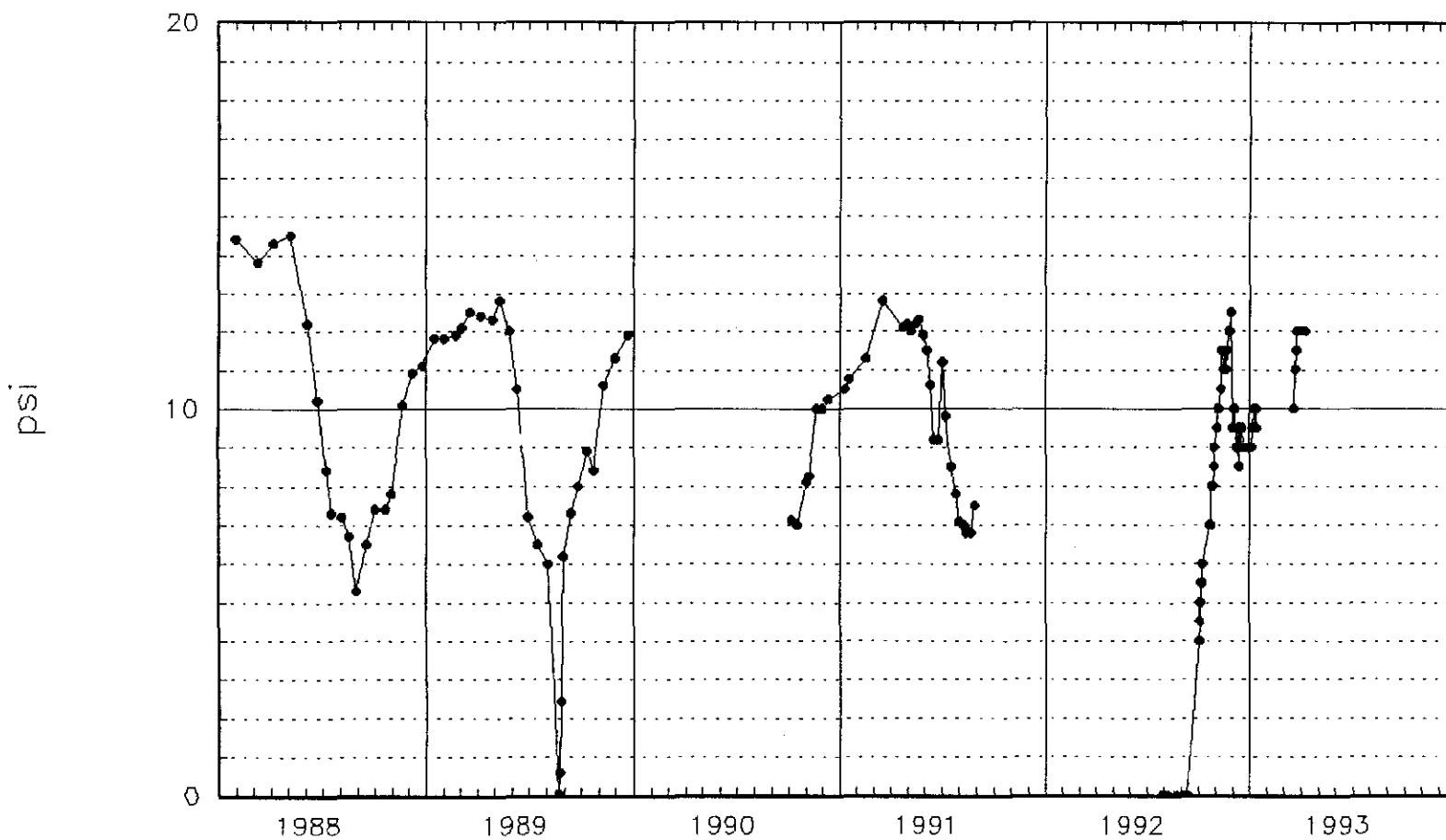
QUAIL HOLLOW GOLF COURSE WATER LEVELS FOR LOWER WELL



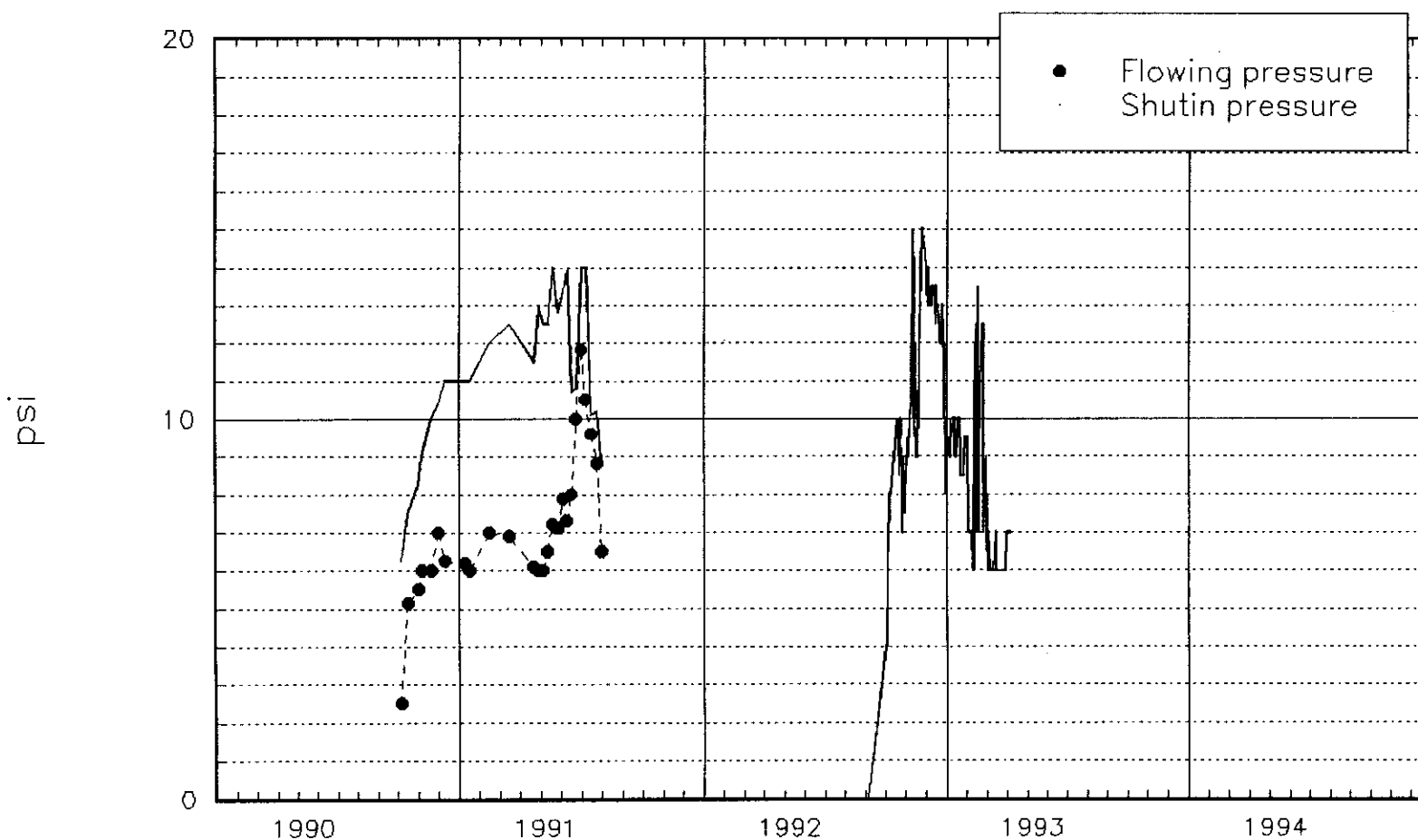
RECEIVED

DEC 02 1993

SECRET



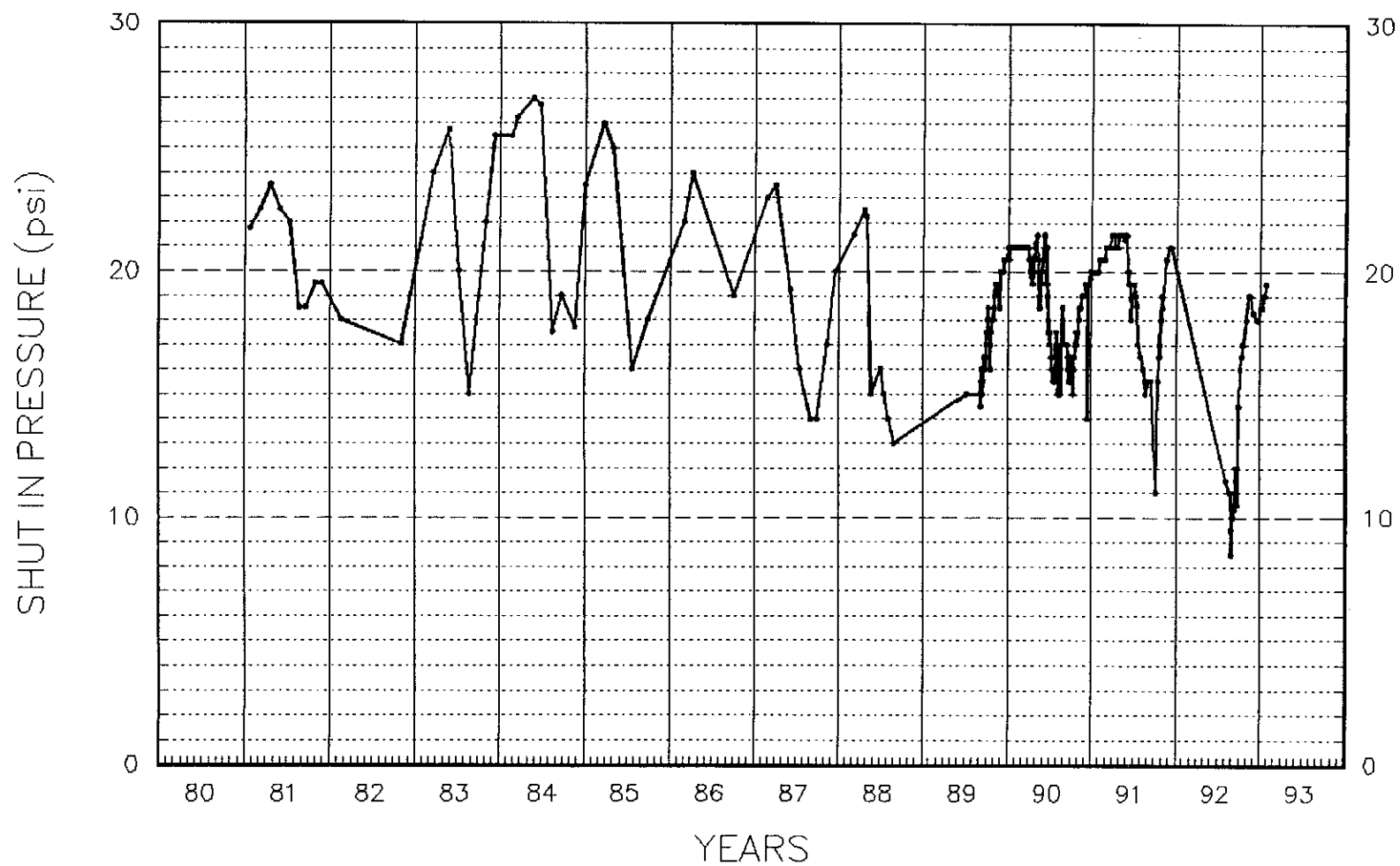
FLORA SHOP WELLS 2,3 WELLHEAD PRESSURE DATA



RECEIVED

DEC 02 1993

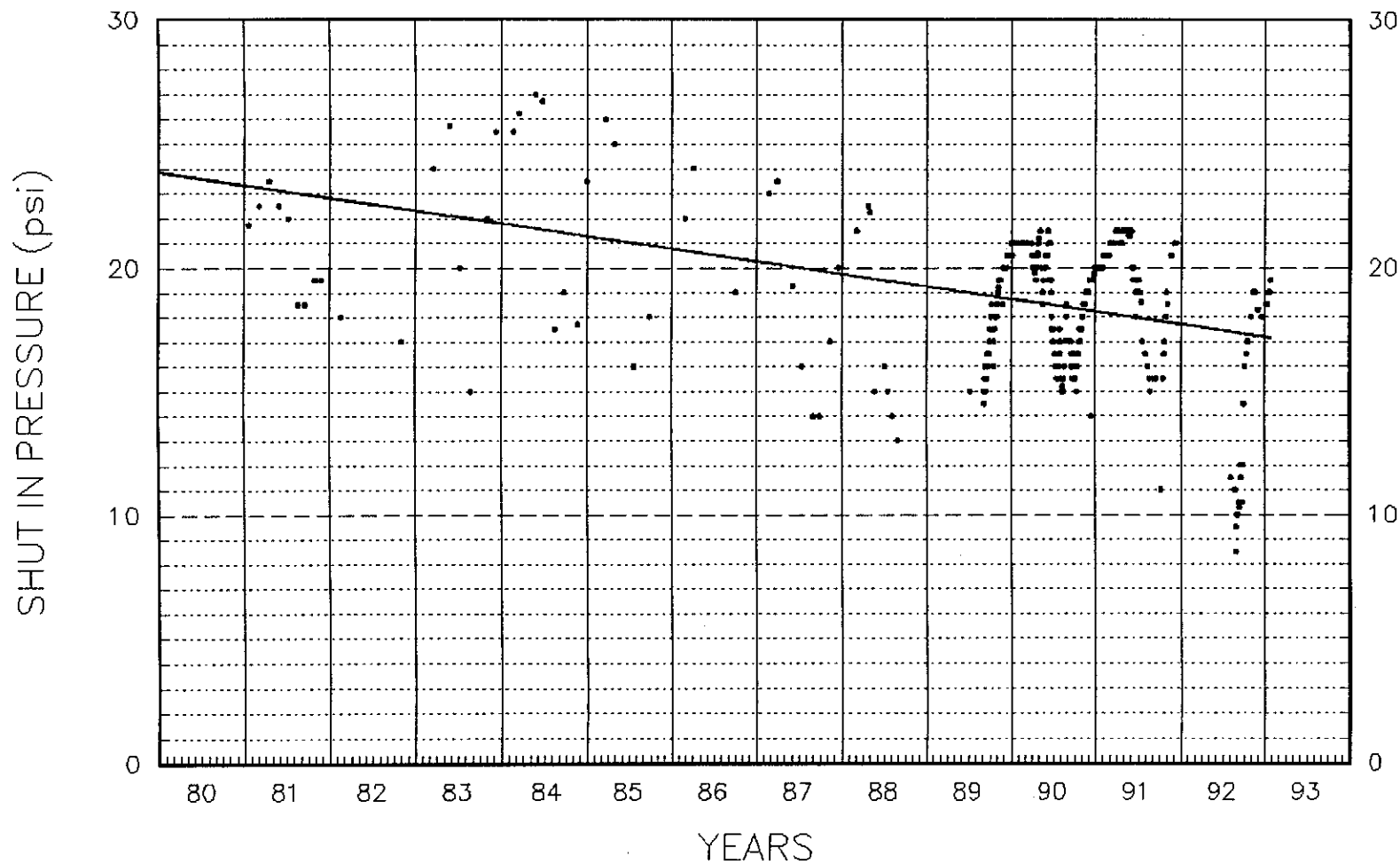
EDWARDS GREENHOUSE SHUT IN PRESSURE 1981 - PRESENT



REMOVED

DEC 02 1993

EDWARDS GREENHOUSE SHUT IN PRESSURE 1981 - PRESENT



MINOR

DEC 02 1993

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: APRIL 10, 1992

SUBJ: REVIEW OF FIELD EXAM FOR PERMIT 63-07595

ADDENDUM TO EXAM - REVISED LICENSE RECOMMENDATIONS

The permit was examined in 1987 but held at the region due to backlog pressures. During 1990, the measurement memo to change procedures for ground water systems was anticipated to eliminate cfs and concentrate on volume. The exam was held at that time pending resolution of the issue. The memo was adopted but rate of flow was retained. The review process can continue.

A total of 178 irrigated acres was found in 1987 as shown by the examiner's ASCS photo (not 175 acres indicated on exam P/U chart). Based on licensing information for 63-03603, 78 acres within the entire P/U are covered by 63-03603, a license for three wells providing about .01 cfs/acre and full volume. Well B in the permit is a common P/D for both rights. It is not possible to conduct an overlap analysis for a partial P/D overlap in this case.

The three wells for the permit are correctly identified on the ASCS photo and topo map. Wells A and B provide irrigation water while well C covers domestic and stock use in SWNW S.22 (see ASCS photo; confirmed per 5/16/90 telecon between J.L. Terteling and me). Two homes and 150 llamas/range cattle/horses are found (same telecon). Other minor stock animals are present. Stock is therefore listed as 150 mixed stock at 12 gpd/animal.

Storage is not found.

IRRIGATION P/U

See the attached copy of the ASCS photo from 63-03603 exam. The three licensed wells and two additional wells are shown. The 78 acres in the license are outlined. Then refer to the permit exam ASCS photo for the entire irrigated area outlined in red.

The 103 acres allowed in 63-07595 are determined by listing those acres within the 178 acres that are not part of the existing license. This provides 100 new acres. The remaining three acres (overlap with 63-03603) for the new right are assigned to NESW S.22 simply because that is the only tract not yet covered in the newer right.

Actually, these two rights are ideal for permissible P/U within a 178 acre parcel.

The attached land list defines the recommended acres.

RECORDED

EC 02 1993

63-07595 Exam Review Memo
4/10/92
Page 2

FLOW AND VOLUME CALCULATIONS

I. Irrigation - The limiting factor for rate is 2.00 cfs in the permit. Using the standard season of 246 days:

$$Vr = 103 \times 4.5 = 463.5 \text{ afa}$$

$$Vd = 2.0 \times 246 \times 1.9835 = 975.9 \text{ afa}$$

Recommend 103 acres with 2.00 cfs and 463.5 afa from 3/15-11/15.

II. Domestic - Two homes for internal use are included (yards per irrigation). The maximum rate is limited by the permit amount of .05 cfs.

$$Vr = 2 \times .6 = 1.2 \text{ afa}$$

$$Vd = .05 \times 365 \times 1.9835 = 36.2 \text{ afa}$$

Recommend 2 homes for in-house use with .05 cfs and 1.2 afa.

III. Stock - 150 animals, mixed stock at 12 gpd/animal are included. The permit rate of .05 cfs is allowable.

$$Vr = 150 \times .0134 = 2.01 = 2.0 \text{ afa}$$

Vd = as above in domestic

Recommend 150 mixed stock with .05 cfs and 2.0 afa.

IV. Total flow and volume - The total rate is limited by the permit to 2.00 cfs. This rate can produce enough water to allow volumes for the uses to be additive. Total volume is 466.7 afa. License condition R32 should be used.

MISC. INFORMATION

A SRBA claim was filed for 63-07595. The measuring device requirement was met via access ports.

By the time this right is ready to license, a question may occur about changes to number of irrigated acres etc. If so, the site is conveniently located on Cartwright Road (Peaceful Cove Ranch) off Bogus Basin Road and data could be verified by a quick field visit. This may be a useful field trip for S.O. licensing staff.

DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF LICENSE NO. 63-07595) NOTICE OF CONFERENCE
IN THE NAME OF TERTELING TRUST)
NO. 7)

On February 4, 1993, Terteling Trust No. 7 filed with the Department of Water Resources an application for transfer of licensed water right no. 63-07595. The application was protested by the persons listed below.

The Department has set the matter of protest for a conference to be held on Monday, April 19, 1993, at 1:00 p.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 9th day of April, 1993.



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

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I hereby certify that on the 9th day of April, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

EDWARDS GREENHOUSES
MIKE MONNIE &/OR
PAUL W EDWARDS
4106 SAND CREEK ST
BOISE ID 83703

CLIFTON W JOHNSON
3907 WHITEHEAD
BOISE ID 83703

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

APR 12 1993

**CONFERENCE AND HEARING PROCEDURE
IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER**

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the application and protest:

- 1) Will the proposed transfer, if approved, injure water rights?
- 2) Will the proposed transfer, if approved, constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest as defined in Section 42-203A, Idaho Code?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2& 4 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 3, local public interest, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing. At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and to request oral argument before the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

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P 423 600 505



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>Sherman Nelson</i>	
Street and No. <i>PO Box 2773</i>	
P.O. State and ZIP Code <i>Besse Id</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$2.22
Postmark or Date	

PS Form 3800, June 1991

P 423 600 506



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>Arteling Trust</i>	
Street and No. <i>877 W Main Ste 706</i>	
P.O. State and ZIP Code <i>Besse Id</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$2.22
Postmark or Date	

PS Form 3800, June 1991

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APR 7 1993

WESTBERG, McCABE & COLLINS
CHARTERED

Department of Water Resources
Western Regional Office

ATTORNEYS & COUNSELORS AT LAW
733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

April 6, 1993

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

Mr. David R. Tuthill, Jr., P.A.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Application for Additional Point of Diversion,
Right No. 63-7595

Dear Mr. Tuthill:

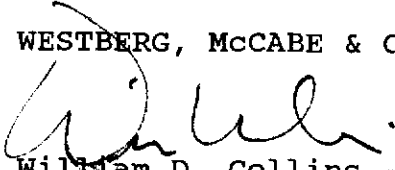
Our firm represents Terteling Trust No. 7, the above applicant. We understand that your office has received protests signed by six individuals to this proposed addition. My client has also received your correspondence suggesting that the applicant and the protestants try to resolve their differences, setting a time period of twenty (20) days within which to accomplish that.

From prior discussions with the protestants and other water users in the area, it would seem to us that very little if anything could be accomplished through our informal discussions. Therefore, we would ask that you set the informal conference as soon as possible. We are hopeful that at the informal conference the matter can be resolved.

In talking with Mr. Lester of your office, he said that the informal conference could not be set until April 19, which is a Monday, twenty days after your letter of March 30. He also told me that setting the informal conference could be expedited. Therefore, we would like to have you set it sometime during the week of April 19. Your expediting the informal conference would be greatly appreciated.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.


William D. Collins

WDC/ml
cc Tom Terteling

DEC 02 1993

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$444.04

Account Number 047628		Identification NOTICE OF CORRECTION OF APPLICATION FOR PERMIT	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates April 1, 8, 1993
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705-5082		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 4581

LEGAL NOTICE NOTICE OF CORRECTION OF APPLICATION FOR PERMIT

Notice is hereby given that on March 4 and 11, 1993, Application for Permit No. 63-07595 in the name of Terteling Trust No. 7 was advertised in error.

The Point of Diversion was advertised as: NWNE, NENW, SWNW, NWSW, Sec 22 T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new ~~lot~~ water well in NENW Sec. 22, 4 wells total.

Whereas, the point of diversion should have been advertised as: NWNE, NENW, SWNW, NWSW, Sec. 22 T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new ~~lot~~ water well in NENW Sec. 22, 4 wells total.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before April 19, 1993.

R. Keith Higginson, Dir.
Pub. April 1, 8, 1993

4581

CAROL PAYNE-CULPAN

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of APRIL 1, 1993

and ending with the issue of APRIL 8, 1993

C. Payne-Culpan

STATE OF IDAHO)

SS.

COUNTY OF ADA)

On this 8TH day of APRIL in the year of 1993
before me, a Notary Public, personally appeared
CAROL PAYNE-CULPAN

, 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 she executed the same.

R. Keith Higginson
Notary Public for Idaho

Residing at BOISE, ID

My commission expires: 11-12-93

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APR 12 1993

Department of Water Resources
Western Regional Office

DEC 02 1993

March 30, 1993

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

CLIFTON W JOHNSON
3907 WHITEHEAD
BOISE ID 83703

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

EDWARDS GREENHOUSES
MIKE MONNIE &/OR
PAUL W EDWARDS
4106 SAND CREEK ST
BOISE ID 83703

Re: Application for Transfer of Water Right No. 63-07595 in
the name of Terteling Trust No. 7

Dear Protestants:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department

Microfilm

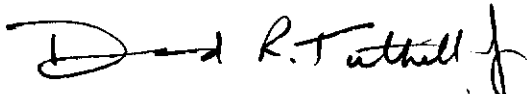
DEC 02 1993

Page -2-
3-30-93

will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read "David R. Tuthill, Jr.", with a stylized flourish at the end.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

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DEC 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 30, 1993

CECIL D. ANDRUS
GOVERNOR

TERTELING TRUST NO 7
877 W MAIN ST STE 706
BOISE ID 83702

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Transfer of Water Right No. 63-7595

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(s) directly to attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR. P.E.
Manager, Western Regional Office

DRT:st

Enclosure

CC: WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701

MISSOURI

DEC 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

March 30, 1993

JEFF T JAYO PRES
FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703

CLIFTON W JOHNSON
3907 WHITEHEAD
BOISE ID 83703

APR - 5 1993

Department of Water Resources

MARYANN DUGGAN &/OR
HELEN M MILLER
4023 WHITEHEAD ST
BOISE ID 83703

SHERMAN NELSON
C/O W F RINGERT
RINGERT CLARK CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE ID 83702

EDWARDS GREENHOUSES
MIKE MONNIE &/OR
PAUL W EDWARDS
4106 SAND CREEK ST
BOISE ID 83703

Re: Application for Transfer of Water Right No. 63-07595 in
the name of Terteling Trust No. 7

Dear Protestants:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department

DEC 02 1993

Page -2-
3-30-93

will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,



DAVID R. TUTHILL, JR.; P.E.
Manager, Western Regional Office

DRT:st

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DEC 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 30, 1993

CECIL D. ANDRUS
GOVERNOR

TERTELING TRUST NO 7
877 W MAIN ST STE 706
BOISE ID 83702

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Transfer of Water Right No. 63-7595

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(s) directly to attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR. P.E.
Manager, Western Regional Office

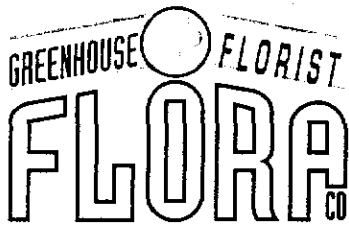
DRT:st

Enclosure

CC: WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701

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MAR 18 1993

Department of Water Resources
Western Regional Office

3823 North 36th Street
Boise, Idaho 83703
208•345•4408

March 15, 1993

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

RE: Tertelling Trust #7
Change in Point of Diversion

Letter of Protest/Flora Company

Dear Sirs:

Flora Company protests the request by Tertelling Trust #7 for a change in the point of diversion.

Since all wells in the Stuart Gulch aquifer are presently interconnected, it is our contention that the drilling of another well by Tertelling Trust #7 would affect all the current wells in the aquifer. It is our belief that until such time as the current problems in that Stuart Gulch water district are resolved, the drilling of an additional well would be inadvisable.

Sincerely,

Jeff T. Jayo
President
Flora Company

JTJ/ak

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MAR 22 1993

Department of Water Resources
Western Regional Office

March 19 1993

To: State of Idaho, Department of Water Resources
Western Region, 2735 Airport Way, Boise, Idaho 83705

From: Clifton W. Johnson, Domestic Hot Water User
3907 Whitehead, Boise, Idaho 83703

Subject: PROTEST against drilling of a hot water well by
Terteling Trust No. 7 in the Stewart Gulch Water
District No. 63-S. Legal Notice of Proposed Change
of Water Right No. 63-07595.

The Legal Notice, published March 4, 11, 1993 specified a protest no later than March 22, 1993. This letter is to file a protest against granting of permission to drill an additional hot water well in the critical Stewart Gulch Geothermal Area.

First, The Legal Notice, both on March 4 and 11, was incorrect. The Notice states, "TO BE CHANGED AS FOLLOWS Water Right No. A63-07595: Amount: 2.00 CFS, Point(s) of Diversion: NWN, NENW, SWNW, NSW, Sec. 22, T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new lot water well in NENW Sec. 22, 4 wells total." The last line should read hot water not lot water. I feel this notice should be re-published, because it involves the extremely controversial Stewart Gulch Geothermal Aquifer.

I have been involved in lengthy hearings and reviews of water rights in this area where water levels have declined in recent years due mainly to irrigation pumping. At least a hearing should be called, with notification to all Stewart Gulch water users, before any action is taken to approve drilling of another well into the Geothermal Aquifer. By this action the proposed driller could explain why a new well is needed (perhaps because water levels are dropping or the old well needs to be deepened). Any new wells should wait until the Snake River Basin Adjudication has resolved Stewart Gulch conflicts.

I trust all aspects of this case will be thoroughly reviewed before any approval is given for additional well drilling in this area. The pressure in our domestic wells during the irrigation season has been so low in recent years that we hardly can use the hot water for any purpose. Better regulation, not more drilling, is needed now.

Sincerely,

Clifton W. Johnson

Clifton W. Johnson, Water User

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DEC 02 1993

Idaho Dept of Water Resources
2735 Airport Way
Boise Idaho, 83705

Re: Tectling Trust #7
Change in point of Diversion

Letter from Edwards greenhouses
Paul Edwards

Edwards Greenhouses protest the Request
of #7 of Tectling Trust of
Diversion. No ~~action~~ addition
Hot water wells drilled in our area

Paul Edwards

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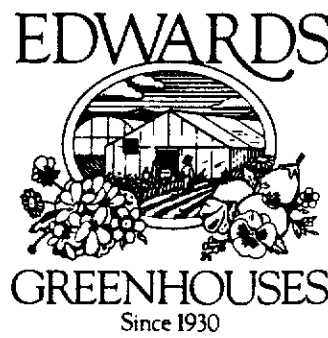
MAR 22 1993

Department of Water Resources
Western Regional Office

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MAR 20 1993
Department of Water Resources
Water Rights Unit



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MAR 22 1993
Department of Water Resources

March 22, 1993

Mr. R. Keith Higginson
Director, Dept of Water Resources
1301 North Orchard
Boise, ID 83720

Dear Mr. Higginson:

On behalf of Edwards Greenhouse, I would like to formally protest the amendment that has been filed by J. A. Terteling on water right no. 63-07595.

I would like to protest the amendment for the following reasons:

1. That it would reduce the quantity of water to the existing water rights.
2. That the water supply is insufficient for the purpose for which it is sought.
3. That it is contrary to conservation of water resources.

Please notify me of any future proceedings.

Sincerely,

Mike Monnie

Mike Monnie
Owner, Edwards Greenhouse

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DEC 02 1993

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MAR 10 1993

Department of Water Resources
Western Regional Office

W. F. Ringert
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83702
Telephone: (208) 342-4591
Fax No: (208) 342-4657

Attorneys for Protestant

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
OF TERTELING TRUST NO. 7 FOR A)
CHANGE OF POINT OF DIVERSION) PROTEST OF SHERMAN NELSON
NO. 63-07595)
_____)

COMES NOW Sherman Nelson, whose current mailing address is 4015 Whitehead, Boise, Idaho 83703, and protests the Application No. 63-07595 by Terteling Trust No. 7, for a change of point of diversion.

Protestant holds water rights in the ground water of Water District 63S, with a point of diversion below the elevation of the point of diversion for Water Right No. 63-07595. Protestant is represented in this matter by Ringert Clark, Chartered, Lawyers, P.O. Box 2773, Boise, Idaho 83701.

The grounds of protest asserted by Sherman Nelson include the following:

1. The proposed change in point of diversion will injure existing water rights;
2. The proposed use is in conflict with the local public interest as defined in § 42-203A(5), Idaho Code;

DEC 02 1993

3. The proposed change is not consistent with the conservation of water resources within the state of Idaho.

Dated March 15, 1993.

RINGERT CLARK, CHARTERED

By


W. F. Ringert

CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing Protest of Sherman Nelson was made this 15th day of March, 1993, by mailing a copy thereof, postage prepaid to the Terteling Trust No. 7, 877 W. Main Street, Suite 706, Boise, Idaho 83702.


W. F. Ringert

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DEC 02 1993

RECEIVED
MAR 22 1993

4023 Whitehead St.
Boise, ID 83703

Department of Water Resources
Western Regional Office

March 20, 1993

Dept of Water Resources - Western Region
2735 Airport Way
Boise, ID 83705

RE: PROPOSED CHANGE OF WATER RIGHT NO. 63-07595 -- Terteling Trust No. 7

Your legal notice of this Proposed Change was published in the Idaho Statesman on March 4 and 11, 1993, and stated that any protest against approval must be filed with your office on or before March 22, 1993. This letter is our formal protest against approval of parts of the proposed change, as related to drilling of a new hot water well.

This Terteling property is within the Stewart Gulch Water District 63-S, as created by your Department 5 December 1989, for management of the low temperature geothermal water resource in said Gulch.

Your Department's Final Memorandum Decision and Order in this matter, dated 1 December 1992, ordered that a watermaster of the District 63-S administer the groundwater in the district under the terms of the Silkey v. Tiegs decree and according to the laws of prior appropriation. This Memorandum also ordered that the watermaster, "upon determination that there is not sufficient water that can be delivered by artesian pressure to fill a senior groundwater right, limit or prohibit withdrawals from wells within the water district having a later priority."

Your Department's Findings of Fact in said Memorandum (#10) cites the inter-connection of the wells owned by Terteling and the well owned by Stralow, to the water supply in the Silkey decree and that used for irrigation by Quail Hollow. Your Conclusions of Law, (#10 and 11) also refer to the Stralow well and that water may continue to be diverted from it for domestic purposes.

Our interest in this matter is due to the fact that our residence at 4023 Whitehead is one of the 5 residences receiving hot water from the Stralow well (now owned by another of the users, Sherman Nelson). According to the previous owners of this well, it was drilled immediately after the drilling of the Silkey well, by the same well-driller who was the son-in-law of Mrs. Silkey, in 1921. Our house, a few hundred feet north of the Stralow/Nelson well, was built in 1924/25, and uses the geothermal water for heating through 4 cast-iron radiators, and provides hot water for bathing and laundry. In August of 1989 our pressure dropped to only 2 psi and the temperature dropped to 82 F, with the flow only a dribble at times. The Water Department hearings in subsequent weeks resulted in modification of pumping by Quail Hollow, and return to more normal flow. A similar problem in late summer 1992 was also alleviated after concern was expressed to Quail Hollow by Mr. Nelson.

The drilling of an additional hot water well by Terteling Trust, as proposed, to assist in irrigation of 103 acres, would be at an earlier point in this aquifer, and would have very serious likelihood of reducing the pressure and temperature and volume of hot water for all those of us down-stream.

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MAR 22 1993

In 1989 it was revealed that the Quail Hollow Golf Course was pumping geothermal water at the magnitude of 500,000 gal. per day, cooling it in ponds, and using it for irrigation of the golf course. The Terteling usage appears to also be related to pumping to storage, and then irrigation from storage, at up to 3 cubic feet per second from the aquifer.

In this matter, we wish to note Idaho Code 42-233 "Low temperature geothermal resource... Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; (iii) the exemption is in the public interest."

The drilling of another hot water well by Terteling Trust does not appear to us to warrant an exemption allowing its use for irrigation, when the other Stewart Gulch downstream users (after Quail Hollow) are using it for its heat value, and both volume and heat are known to be decreasing in recent years.



Maryann Duggan



Helen M. Miller

DEC 11 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 23, 1993

THE IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Legal Dept.:

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. Your cooperation is appreciated.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Sue Taylor', is written over a horizontal line.

Sue Taylor
Secretary, Office Coordinator

Enclosure

RECORDED

DEC 02 1993

NOTICE OF CORRECTION OF APPLICATION FOR PERMIT

Notice is hereby given that on March 4 and 11, 1993, Application for Permit No. 63-07595 in the name of Terteling Trust No. 7 was advertised in error.

The Point of Diversion was advertised as: NWNE, NENW, SWNW, NWSW, Sec. 22 T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new lot water well in NENW Sec. 22, 4 wells total.

Whereas, the point of diversion should have been advertised as: NWNE, NENW, SWNW, NWSW, Sec. 22 T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new hot water well in NENW Sec. 22, 4 wells total.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before April 19, 1993.

R. Keith Higginson, Dir.

Advertised in the Idaho Statesman on April 1 and 8, 1993.

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DEC 02 1993

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MAR 22 1993

Department of Water Resources
Western Regional Office

March 19 1993

To: State of Idaho, Department of Water Resources
Western Region, 2735 Airport Way, Boise, Idaho 83705

From: Clifton W. Johnson, Domestic Hot Water User
3907 Whitehead, Boise, Idaho 83703

Subject: PROTEST against drilling of a hot water well by
Terteling Trust No. 7 in the Stewart Gulch Water
District No. 63-S. Legal Notice of Proposed Change
of Water Right No. 63-07595.

The Legal Notice, published March 4, 11, 1993 specified a protest no later than March 22, 1993. This letter is to file a protest against granting of permission to drill an additional hot water well in the critical Stewart Gulch Geothermal Area.

First, The Legal Notice, both on March 4 and 11, was incorrect. The Notice states, "TO BE CHANGED AS FOLLOWS Water Right No. A63-07595: Amount: 2.00 CFS, Point(s) of Diversion: NENE, NENW, SWNW, NWSW, Sec. 22, T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new lot water well in NENW Sec. 22, 4 wells total." The last line should read hot water not lot water. I feel this notice should be re-published, because it involves the extremely controversial Stewart Gulch Geothermal Aquifer.

I have been involved in lengthy hearings and reviews of water rights in this area where water levels have declined in recent years due mainly to irrigation pumping. At least a hearing should be called, with notification to all Stewart Gulch water users, before any action is taken to approve drilling of another well into the Geothermal Aquifer. By this action the proposed driller could explain why a new well is needed (perhaps because water levels are dropping or the old well needs to be deepened). Any new wells should wait until the Snake River Basin Adjudication has resolved Stewart Gulch conflicts.

I trust all aspects of this case will be thoroughly reviewed before any approval is given for additional well drilling in this area. The pressure in our domestic wells during the irrigation season has been so low in recent years that we hardly can use the hot water for any purpose. Better regulation, not more drilling, is needed now.

Sincerely,

Clifton W. Johnson

Clifton W. Johnson, Water User

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MAR 2 1993

4023 Whitehead St.
Boise, ID 83703

Department of Water Resources
Western Regional Office

March 20, 1993

Dept of Water Resources - Western Region
2735 Airport Way
Boise, ID 83705

RE: PROPOSED CHANGE OF WATER RIGHT NO. 63-07595 -- Terteling Trust No. 7

Your legal notice of this Proposed Change was published in the Idaho Statesman on March 4 and 11, 1993, and stated that any protest against approval must be filed with your office on or before March 22, 1993. This letter is our formal protest against approval of parts of the proposed change, as related to drilling of a new hot water well.

This Terteling property is within the Stewart Gulch Water District 63-S, as created by your Department 5 December 1989, for management of the low temperature geothermal water resource in said Gulch.

Your Department's Final Memorandum Decision and Order in this matter, dated 1 December 1992, ordered that a watermaster of the District 63-S administer the groundwater in the district under the terms of the Silkey v. Tiegs decree and according to the laws of prior appropriation. This Memorandum also ordered that the watermaster, "upon determination that there is not sufficient water that can be delivered by artesian pressure to fill a senior groundwater right, limit or prohibit withdrawals from wells within the water district having a later priority."

Your Department's Findings of Fact in said Memorandum (#10) cites the inter-connection of the wells owned by Terteling and the well owned by Stralow, to the water supply in the Silkey decree and that used for irrigation by Quail Hollow. Your Conclusions of Law, (#10 and 11) also refer to the Stralow well and that water may continue to be diverted from it for domestic purposes.

Our interest in this matter is due to the fact that our residence at 4023 Whitehead is one of the 5 residences receiving hot water from the Stralow well (now owned by another of the users, Sherman Nelson). According to the previous owners of this well, it was drilled immediately after the drilling of the Silkey well, by the same well-driller who was the son-in-law of Mrs. Silkey, in 1921. Our house, a few hundred feet north of the Stralow/Nelson well, was built in 1924/25, and uses the geothermal water for heating through 4 cast-iron radiators, and provides hot water for bathing and laundry. In August of 1989 our pressure dropped to only 2 psi and the temperature dropped to 82 F, with the flow only a dribble at times. The Water Department hearings in subsequent weeks resulted in modification of pumping by Quail Hollow, and return to more normal flow. A similar problem in late summer 1992 was also alleviated after concern was expressed to Quail Hollow by Mr. Nelson.

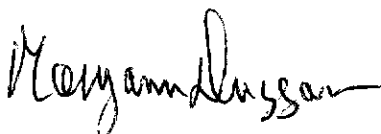
The drilling of an additional hot water well by Terteling Trust, as proposed, to assist in irrigation of 103 acres, would be at an earlier point in this aquifer, and would have very serious likelihood of reducing the pressure and temperature and volume of hot water for all those downstream.

DEC 02 1993

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In this matter, we wish to note Idaho Code 42-233 "Low temperature geothermal resource... Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; (iii) the exemption is in the public interest."

The drilling of another hot water well by Terteling Trust does not appear to us to warrant an exemption allowing its use for irrigation, when the other Stewart Gulch downstream users (after Quail Hollow) are using it for its heat value, and both volume and heat are known to be decreasing in recent years.



Maryann Duggan

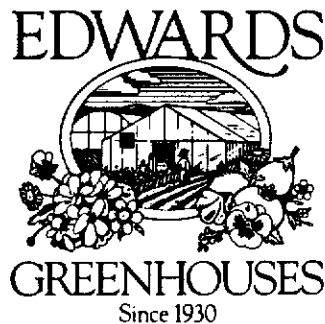


Helen M. Miller

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MAR 23 1993

Department of Water Resources
Western Regional Office



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MAR 22 1993

Department of Water Resources

March 22, 1993

Mr. R. Keith Higginson
Director, Dept of Water Resources
1301 North Orchard
Boise, ID 83720

Dear Mr. Higginson:

On behalf of Edwards Greenhouse, I would like to formally protest the amendment that has been filed by J. A. Terteling on water right no. 63-07595.

I would like to protest the amendment for the following reasons:

1. That it would reduce the quantity of water to the existing water rights.
2. That the water supply is insufficient for the purpose for which it is sought.
3. That it is contrary to conservation of water resources.

Please notify me of any future proceedings.

Sincerely,

Mike Monnie

Mike Monnie
Owner, Edwards Greenhouse

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DEC 02 1993

SPECIAL NOTE: _____

Application No. 63-7595

PROTEST INFORMATION SHEET

Protestant - Name(s)

Flora Company, Jeff T. Jayo

Maryann Duggan &/or Helen M. Miller

Clifton W. Johnson

Sherman Nelson
Address 3823 N 36th, Boise ID 83703

4023 Whitehead St., Boise, ID 83703

3907 Whitehead, Boise ID 83703

4015 Whitehead, Boise ID 83703
Attorney - Name & Address _____

Date Filed 2-4-93

Protest Date 3-22-1993

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

DEC 02 1993

Protest Information submitted in Computer (following hearing): _____

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 63-07595

Notice is hereby given that Ferteling Trust No. 7
of Boise has applied to the Department of Water
Resources for a change of point of diversion
of the water of groundwater.
The right sought to be changed is evidenced by license

and is recorded as follows:

Amount: 2.00 cfs Priority: 3/7/1973

Point(s) of Diversion: SESE S. 15; SWNW, NWSW S. 22, T4N, R2E, Ada Co.

The water is used for irrigation, stockwater, and domestic purposes in

SENE, NESE S. 21; NWNE, NW 1/4, SW 1/4, NWSE S. 22, T4N,
R2E, 103 acres total, using 3 wells.

WATER RIGHT NO. 63-07595 AND ADJUDICATION CLAIM NO. A63-07595
TO BE CHANGED AS FOLLOWS

Amount: 2.00 cfs

Point(s) of Diversion: NWNE, NENW, SWNW, NWSW S. 22, T4N, R2E

The water will be used for irrigation, stockwater, and domestic purposes in same place

of use described above in license 63-07595 (103 acres total). Transfer converts
one well location to pump on new lot water well in NENW S. 22, 4 wells
total.

Any protest against approval of the proposed change of water right
application must be filed with the Department of Water Resources,
Statehouse, Boise, ID 83720 on or before _____.

R. Keith Higginson
Director

Published in the _____
on _____ and _____

DEC 02 1993

See
attached -
pg
SPBA
claim
as part of
advertisement

in advertisement, after Snow Water Right as Recorded,
from the following info:

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION!

Water Right No. A63-07595

Name: Terteling Trust No. 7

Basin of Right: Permit

Source: Groundwater

Priority Date: 5/3/1972

Amount of Water: 2.00 cfs and 100 a.f. (Storage)

Use: Irrigation, Irrigation Storage, Irrigation from Storage, Stockwater,
domestic, and heating.

Points of Diversion: SESE S.15; NWNE, SWNW S.22, T4N, R2E.

Place of Use: NESE S.21; NENE, N $\frac{1}{2}$ NW $\frac{1}{4}$, SWNW, W $\frac{1}{2}$ SW $\frac{1}{4}$,
NWSE S.22, T4N, R2E, 83 acres total
using 3 wells.

MICROFILMED

DEC 02 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/10/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERTELING TRUST #7	04/26/1967	IRRIGATION	03-15 11-15	1.03 CFS	351.0 AFA
TOTAL DIVERSION:					1.03 CFS	351.0 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T04N R02E S22 NE NW SW NW NW SW

Place of use Legal Description for: IRRIGATION

[illegible]

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-07595

Other Water Rights Listing Overlapping Place(s) of use:
63-00308 63-03604 63-07595

Conditions of Approval:

- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.
- O46 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

Remarks: Use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right. Use of low temperature geothermal water for irrigation purposes is prohibited, unless the heat is first removed through another beneficial use. Approval of this transfer authorizes the diversion of water from one producing well only.

Dates: App. Received: Priority Date: 04/26/1967
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

* Are 2 other wells
found over there
in 63-07545 ?
1993 transfer Appl.

63-07545. Common
will for irrs. of even
in both rights

Not adding new well to
63. 03603 for irrig. since
conditions would not allow
it.

WR5809NP
No. 63-03603

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/10/93
PAGE: 2

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/01/1992 User-ID: CURTIS Subject: Trans. #3990
Trans. #3990 was filed to add points of diversion under this
right.

Audit: 04/23/85 05/01/88 CONVERT 07/31/92 CURTIS 09/01/92 CURTIS
 09/18/92 CURTIS 10/05/92 CURTIS

DEC 02 1993

AJ0729NP
No. A63-03603

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/10/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERTEILING TRUST NO 7 877 W MAIN ST SUITE 706 BOISE ID 83702 (208) 338-5200	04/26/1967	IRRIGATION HEATING	03-15 11-15 01-01 12-31	1.03 CFS 0.12 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	1.03 CFS	351.0 AFA 351.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T04N R02E S22

SWNW

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
04N	02E	22	:					:	03	05	03		:	20	22		12	:					:	78.0
																							TOTAL ACRES	78.0

Place of use Legal Description for: HEATING

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
04N	02E	21	:					:					:					:					:	
04N	02E	22	:				H	:					:					:					:	

POU County: ADA

Non-Irrigation Uses: HEAT, 2 HOMES

Other Rights: A63-03604, A63-07595, A63-09288

Other Water Rights with Same Point(s) of Diversion and Source:
A63-07595

Other Water Rights Listing Overlapping Place(s) of use:
A63-00308 A63-03604 A63-07595 A63-27649

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Idaho Dept of Water Resources
2735 Airport Way
Boise Id, 83705

Re: Tethering Trust #7
Change in point of diversion
Letter from Edwards greenhouses
Paul Edwards

Edwards Greenhouses Protest the Request
of #7 of Tethering Trust of
diversion. No ~~action~~ action
Hot water wells drilled in our area
Paul Edwards

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MAR 22 1993

Department of Water Resources
Western Regional Office

MICROFILMED

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MAR 18 1993

Department of Water Resources
Western Regional Office

3823 North 36th Street
Boise, Idaho 83703
208•345•4408

March 15, 1993

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

RE: Tertelling Trust #7
Change in Point of Diversion

Letter of Protest/Flora Company

Dear Sirs:

Flora Company protests the request by Tertelling Trust #7 for a change in the point of diversion.

Since all wells in the Stuart Gulch aquifer are presently interconnected, it is our contention that the drilling of another well by Tertelling Trust #7 would affect all the current wells in the aquifer. It is our belief that until such time as the current problems in that Stuart Gulch water district are resolved, the drilling of an additional well would be inadvisable.

Sincerely,

Jeff T. Jayo
President
Flora Company

JTJ/ek

MICROFILMED

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MAR 16 1993

Department of Water Resources
Western Regional Office

W. F. Ringert
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83702
Telephone: (208) 342-4591
Fax No: (208) 342-4657

Attorneys for Protestant

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)	
OF TERTELING TRUST NO. 7 FOR A)	
CHANGE OF POINT OF DIVERSION)	PROTEST OF SHERMAN NELSON
NO. 63-07595)	
_____)	

COMES NOW Sherman Nelson, whose current mailing address is 4015 Whitehead, Boise, Idaho 83703, and protests the Application No. 63-07595 by Terteling Trust No. 7, for a change of point of diversion.

Protestant holds water rights in the ground water of Water District 63S, with a point of diversion below the elevation of the point of diversion for Water Right No. 63-07595. Protestant is represented in this matter by Ringert Clark, Chartered, Lawyers, P.O. Box 2773, Boise, Idaho 83701.

The grounds of protest asserted by Sherman Nelson include the following:

1. The proposed change in point of diversion will injure existing water rights;
2. The proposed use is in conflict with the local public interest as defined in § 42-203A(5), Idaho Code;

DEC 02 1993

3. The proposed change is not consistent with the conservation of water resources within the state of Idaho.

Dated March 15, 1993.

RINGERT CLARK, CHARTERED

By


W. F. Ringert

CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing Protest of Sherman Nelson was made this 15th day of March, 1993, by mailing a copy thereof, postage prepaid to the Terteling Trust No. 7, 877 W. Main Street, Suite 706, Boise, Idaho 83702.


W. F. Ringert

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DEC 02 1993

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$74.28

Account Number 47628		Identification NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-07595	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates March 4, 11, 1993
State of Idaho Department of Water Resources Western Region 2735 Airport Way BOISE, IDAHO 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 4351

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 63-07595

Notice is hereby given that Terteling Trust No. 7 of Boise has applied to the Department of Water Resources for a change of point of diversion of the water of ground-water. The right sought to be changed is evidenced by license and is recorded as follows:

Amount: 2.00 CFS
Priority: 3/07/1973
Point(s) of Diversion: SWSE Sec. 15; SWNW, NWSW Sec. 22; T04N R02E, Ada County. The water is used for irrigation, stockwater and domestic purposes in SENE, NESE Sec. 21; NWNE, NW1/4, SW1/4, NWSE Sec. 22, T04N R02E, 103 acres total using 3 wells.

WATER RIGHT CLAIMED IN
SNAKE RIVER BASIN
ADJUDICATION:

WATER RIGHT NO.: A63-07595
NAME: Terteling Trust No. 7
BASIN OF RIGHT: Permit
SOURCES: Groundwater
PRIORITY DATE: 5/03/1972
AMOUNT OF WATER: 2.00 CFS
and 100 A.F. (Storage)

USE: Irrigation, Irrigation Storage, Irrigation from Storage, Stock-water, Domestic, and Heating.

POINTS OF DIVERSION: SESE Sec. 15, NWNE, SWNW, Sec. 22, T04N R02E.

PLACE OF USE: NESE Sec. 21, NENE, N1/2NW1/4, SWNW, W1/2SW1/4, NWSE Sec. 22, T04N R02E, 83 acres total using 3 wells.

TO BE CHANGED AS FOLLOWS
Water Right No. 63-07595 and Adjudication Claim No. A63-07595:

Amount: 2.00 CFS
Point(s) of Diversion: NWNE, NENW, SWNW, NWSW, Sec. 22, T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new lot water well in NENW Sec. 22, 4 wells total.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before March 22, 1993.

R. Keith Higginson,
Director

Pub. March 4, 11, 1993

4351

CAROL PAYNE-CULPAN

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of MARCH 4, 1993

and ending with the issue of MARCH 11, 1993

STATE OF IDAHO)

SS.

COUNTY OF ADA)

On this 11TH day of MARCH in the year of 1993, before me, a Notary Public, personally appeared CAROL PAYNE-CULPAN

, 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 she executed the same.

Notary Public for Idaho

Residing at BOISE, ID

My commission expires: 11-27-93

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SL

1. Right number 63-07595 Applicant Tartley Trust no. 7

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion. - Change 1 well location of licensed plat's & adds a new well

d. ☒ Check description of place of use. - NO change

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments All wells need watermaster control

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) N/A

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 63-5 Comment letter sent ☐ Yes ☒ No

NO watermaster appointed yet

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 63-07595

Notice is hereby given that Terteling Trust NO. 7 of Boise has applied to the Department of Water Resources for a change of point of diversion of the water of groundwater. The right sought to be changed is evidenced by license and is recorded as follows:

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WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION:

WATER RIGHT NO.: A63-07595
NAME: Terteling Trust No. 7
BASIN OF RIGHT: Permit
SOURCES: Groundwater
PRIORITY DATE: 5/03/1972
AMOUNT OF WATER: 2.00 CFS and 100 A.F. (Storage)
USE: Irrigation, Irrigation Storage, Irrigation from Storage, Stockwater, Domestic, and Heating.
POINTS of DIVERSION: SESE Sec. 15, NWNE, SWNW, Sec. 22, T04N R02E.
PLACE OF USE: NESE Sec. 21, NENE, N1/2NW1/4, SWNW, W1/2SW1/4, NWSE Sec. 22, T04N R02E, 83 acres total using 3 wells.

TO BE CHANGED AS FOLLOWS

Water Right No. 63-07595 and Adjudication Claim No. A63-07595:

Amount: 2.00 CFS
Point(s) of Diversion: NWNE, NENW, SWNW, NWSW, Sec. 22 T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new lot water well in NENW Sec. 22, 4 wells total.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before March 22, 1993.

R. Keith Higginson, Director

Published in the Idaho Statesman on 3/4 and 3/11/1993

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 63-07595

Notice is hereby given that Terteling Trust NO. 7 of Boise has applied to the Department of Water Resources for a change of point of diversion of the water of groundwater. The right sought to be changed is evidenced by license and is recorded as follows:

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The water is used for irrigation, stockwater and domestic purposes in SENE, NESE Sec. 21; NWNE, NW1/4, SW1/4, NWSE Sec. 22, T04N R02E, 103 acres total using 3 wells.

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BASIN OF RIGHT: Permit
SOURCES: Groundwater
PRIORITY DATE: 5/03/1972
AMOUNT OF WATER: 2.00 CFS and 100 A.F. (Storage)
USE: Irrigation, Irrigation Storage, Irrigation from Storage, Stockwater, Domestic, and Heating.
POINTS of DIVERSION: SESE Sec. 15, NWNE, SWNW, Sec. 22, T04N R02E.
PLACE OF USE: NESE Sec. 21, NENE, N1/2NW1/4, SWNW, W1/2SW1/4, NWSE Sec. 22, T04N R02E, 83 acres total using 3 wells.

TO BE CHANGED AS FOLLOWS

Water Right No. 63-07595 and Adjudication Claim No. A63-07595:

Amount: 2.00 CFS
Point(s) of Diversion: NWNE, NENW, SWNW, NWSW, Sec. 22 T04N R02E. The water will be used for irrigation, stockwater and domestic purposes in the same place of use described above in license 63-07595 (103 acres total). Transfer corrects one well location and proposes a new lot water well in NENW Sec. 22, 4 wells total.

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R. Keith Higginson, Director

Published in the Idaho Statesman on 3/4 and 3/11/1993

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WR5809NP
No. 63-07595

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/93
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERTELING TRUST NO 7 877 W MAIN ST #706 BOISE ID 83702	03/07/1973	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	2.00 CFS 0.05 CFS 0.05 CFS	463.5 AFA 2.0 AFA 1.2 AFA
TOTAL DIVERSION:					2.00 CFS	466.7 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.93 CFS

Point(s) of Diversion: T04N R02E S15 S22 SW SE SW NW NW SW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
04N	02E	21	:					01	:									08		10	19.0
04N	02E	22	:			08			:	11	10	27	01	:	03	14	03	03	:	04	84.0
																			TOTAL ACRES	103.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
04N	02E	22	:						:											

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: ADA

Non-Irrigation Uses: S/150 RANGE, D/2 HOMES.

Other Water Rights with Same Point(s) of Diversion and Source:
63-03603

Other Water Rights Listing Overlapping Place(s) of use:
63-00307 63-00308 63-02355 63-03603 63-03604

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Remarks: The right holder shall use the full allotment of his surface
water right, to the extent it is available, in conjunction with
groundwater diverted pursuant to this right.
Diversion and use of low temperature geothermal resource water
under terms of this license is subject to the control of the

Attachment D
License is SRBA claim

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WR5809NP
No. 63-07595

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/93
PAGE: 4

Remarks: watermaster of Water District 63-S, Stewart Gulch, upon a
determination of interconnection with other low temperature
geothermal water users in the district.
Domestic use is for 2 homes.
Stockwater use is for 150 mixed stock.

Dates: App. Received: 05/03/1972 Priority Date: 03/07/1973
Proof Due Date: 07/01/1982 Proof Made Date: 06/29/1982
Exam Made Date: 07/21/1987 Exam Sent to S.O.: 11/24/1992
Licensed Date: 01/14/1993

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 08/03/87 05/01/88 CONVERT 11/24/92 TAYLOR 01/07/93 SKAGGS
12/09/92 SKAGGS 12/28/92 SKAGGS 01/04/93 ZIMMERMA 01/07/93 SKAGGS
01/15/93 SKAGGS 02/01/93 ZIMMERMA

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERTELING TRUST NO. 7 877 W. MAIN ST., SUITE 706 BOISE ID 83702 (208) 338-5200	05/03/1972	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE STOCKWATER HEATING DOMESTIC	03-15 11-15 01-01 12-31 03-15 11-15 01-01 12-31 01-01 12-31 01-01 12-31	1.66 CFS 0.23 CFS 0.77 CFS 0.08 CFS	166.0 AFA 100.0 AFA 100.0 AFA 100.0 AFA 366.0 AFA 290.5 AFA
TOTAL DIVERSION: CONSUMPTIVE USE:					2.00 CFS	

*original permit
showed a reservoir(s)
in diverting water*

not included in permit

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T04N R02E S15 SESE
S22 NWNE SWNW

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
04N	02E	21	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
04N	02E	22	:	08				09	08	27		14	03			10	04			
																				TOTAL ACRES
																				83.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
04N	02E	22	:					S												

Place of use location for HEATING is the same location as described for: STOCKWATER

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
04N	02E	22	:																	

POU County: ADA

Non-Irrigation Uses: STOCKWATER UP TO 1000 HEAD; DOMESTIC, 2 HOMES.

Other Rights: 63-03603, 63-03604, 63-09288

** no reservoir system found in 1987 field exam*

recorded differently

*STBBA 6/10/93
has license*

*rechecked water claim
As license
02/02/1993*

=====

Other Water Rights with Same Point(s) of Diversion and Source:
A63-03603

Other Water Rights Listing Overlapping Place(s) of use:
A63-00308 A63-03603 A63-03604 A63-27649

Conditions of Approval:

- 01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
 - install and access port or other device as specified by the
 - Department.

Remarks: AMENDED CLAIM SUBMITTED 3/7/1990, DATA ENTERED AS SUBMITTED - KW.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/13/89 HARRINGT 05/17/90 HOLT 03/21/91 WALKER



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

February 1, 1993

TERTELING TRUST NO 7
877 W MAIN ST #706
BOISE ID 83702

RE: WATER RIGHT NO. 63-07595

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED

FEB 02 1993

MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton *LS*
RE: TERTELING WELLS IN STEWART GULCH - 63-7595
Date: January 15, 1993

Norm has asked several questions in connection with the licensing of permit no. 63-7595.

We need to determine whether wells A and B produce low temperature geothermal resource water. I have tried to call Steve Lester, Paul Castelin and Ken Neely, any of whom probably can answer this question. Since none are available today, please check with them next week and document the file accordingly.

Norm has also asked that we include a condition on the license something like the following:

"Diversion and use of low temperature geothermal resource water under terms of this license is subject to the control of the watermaster of Water District 63-S, Stewart Gulch, upon a determination of interconnection with other low temperature geothermal water users in the district."

With the addition of this condition and the documentation of the type of water being used, you can again forward a license to Norm for signature.

RECEIVED

FEB 02 1993

MEMORANDUM

To: Norm
From: Glen *MS*
RE: PERMIT 63-07595
Date: January 14, 1993

Enclosed in the water right file is a map showing the boundaries of Water District 63-S. The location of wells on the draft license are within the boundaries of the water district.

The boundaries were not drawn to specifically put this water right permit into the district since, I believe there are other water rights of Terteling which are also within district boundaries.

We could add a condition that specifically states that use of water under the right is subject to the control of the watermaster of the district. I'm not sure, however, that gains anything for us or that we should show such a condition based on recent correspondence from Terteling's attorney in connection with administration of rights in the district. I have proposed responding to the Terteling attorney stating that the watermaster will not regulate Terteling's wells until a relationship, if any, can be shown. Even if we know of a connection among the Terteling wells and the Silkey wells, we are not precluded from regulating use of water under the license even if we have no related conditions on this license.

We also could add a condition that if the water is low temperature geothermal water, the water must first be used for the heat value in the water before it can be used for irrigation. I am reluctant to raise this issue since both Terteling and the Golf Course have licenses where we have authorized use of the low temp geo. water for irrigation and this permit does not propose a heating use.

Please return with your direction if you want more conditions added to the license.

RECEIVED

FEB 02 1993

65-07595

4/10/92 memo

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26	21				1									8			10	19
		22		8			14	15	30	1	20	36	3	15		17			159
																			198
4N	26	22					3	5	3		20	22		12		13			78
																			sub total
4N	26	21				1									8			10	19
		22		8			11	10	27	1	3	14	3	3		4			84
																			sub total
																			103
										*									

TOTAL
ACRES
FOUNDLICENSED
ACRES

63-03603

RECOMMENDED
ACRES
PERMIT
63-07595unique
acressub
totalsub
total

FEB 02 1993

* indicates overlap acres.

Randomly assigned these 3 ac. to tract for newest
Right after used 100 acres of land not covered by
license.

Total number of acres irrigated

SD-14
INQUIRY

Idaho Department of Water Resources
Water Rights Screen 2

Date: 04/10/92
Time: 13:44:32

Water Right Number: 63-07595

2. Priority Date: 5/ 3/1972

3. Source:

Trib:

4. Point of Diversion::

TWP	Range	Sect	1/4	1/4	1/4	Lot	PoD	County	County
							Flag	Code	Name

5. Description of Diverting Works:

WELL, PUMP, PIPELINE & SPRINKLERS.

6. Water Uses:

Use Code	Description	From	To	CFS (And/Or)	AFA
		/	/		

7. Total Diversion Rate:

2.000 8. Total Diversion Volume:

~~100.00~~

9. Diversion Capacity:

10. Total Acres: 103.0

(Enter=Exit)

(GOLD8=Cancel)

SD-51
INQUIRY

Idaho Department of Water Resources
Water Rights Water Usage Screen

Date: 04/10/92
Time: 13:44:43

Water Right Number: 63-07595

FIRST PAGE

Water Uses:

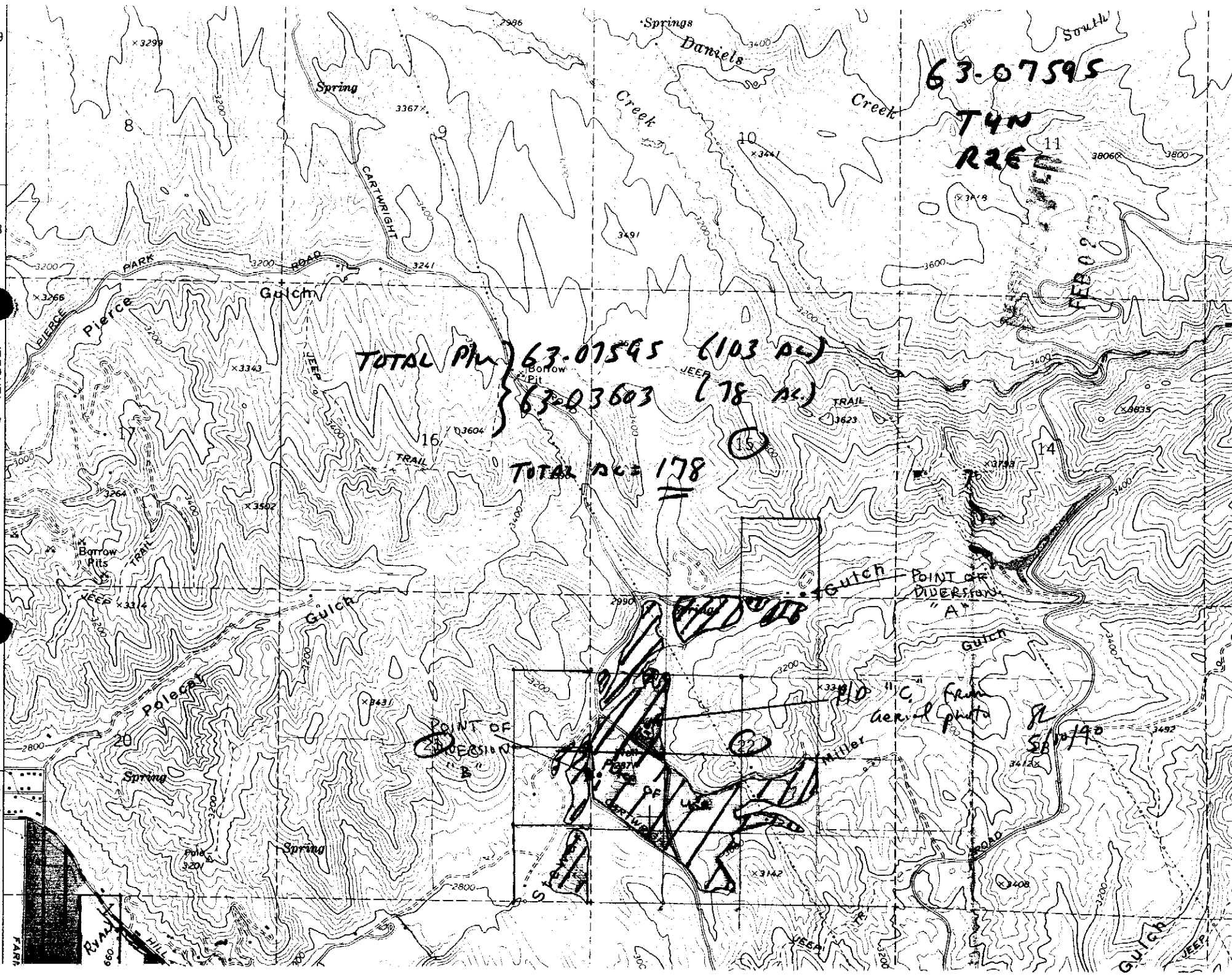
Use Code	Description	From	To	CFS	AFA
01	IRR	4/ 1	11/ 1	2.000	
03	IRR FS	4/ 1	11/ 1		~~100.00~~
02	IRR S	4/ 1	11/ 1		~~100.00~~
04	STOCK	1/ 1	12/31	0.050	
43	DOMEST	1/ 1	12/31	0.050	
		/	/		
		/	/		
		/	/		
		/	/		
		/	/		
		/	/		
		/	/		

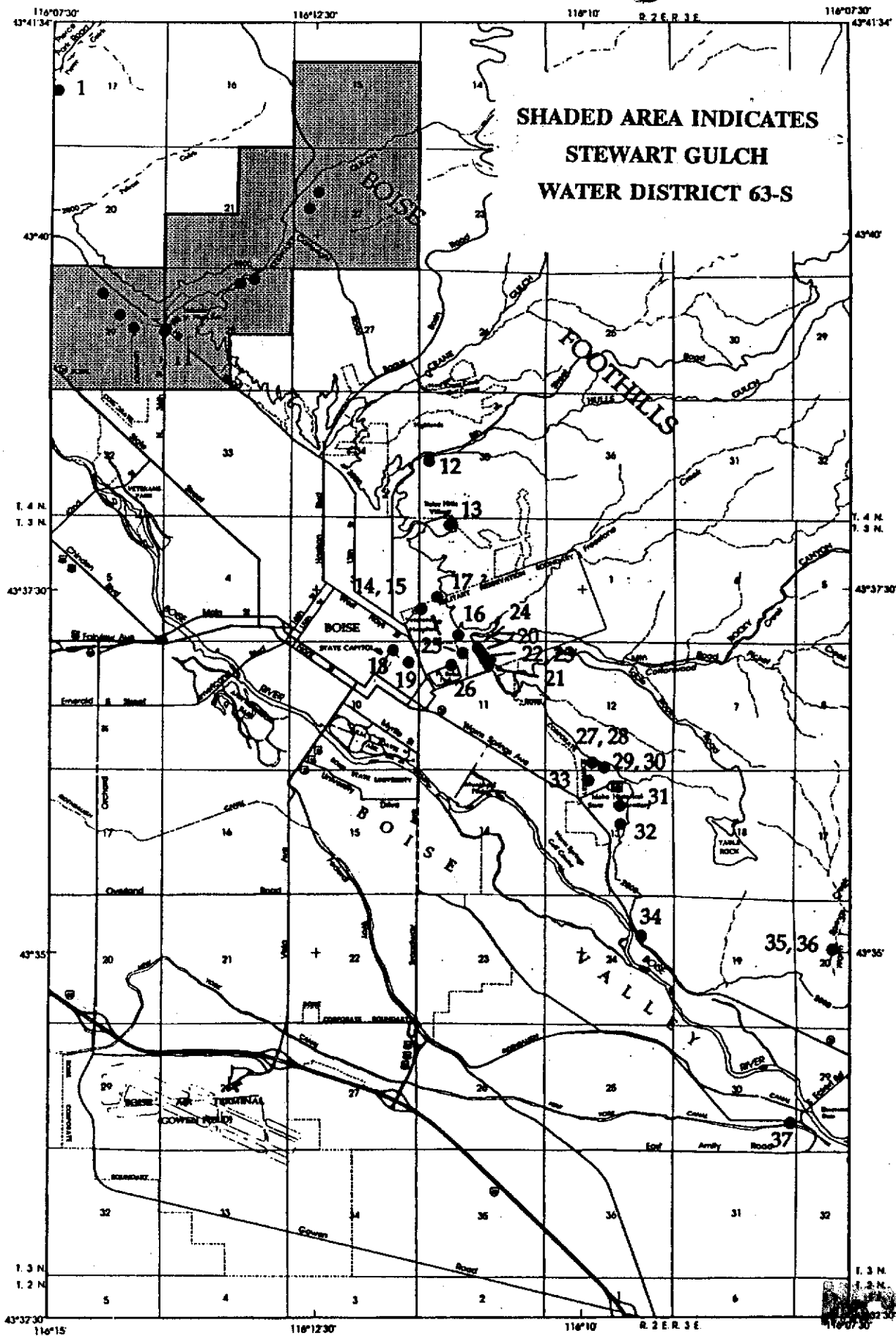
(Enter=Exit)

(GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)
(GOLD8=Cancel)

FEB 02 1993





Base from U.S. Geological Survey
1:24,000 quadrangles

1 0 1 MILE
1 0 1 KILOMETER

FEB 02 1993

MEMORANDUM

To: Norm
From: Glen *MS*
RE: PERMIT 63-07595
Date: January 14, 1993

Enclosed in the water right file is a map showing the boundaries of Water District 63-S. The location of wells on the draft license are within the boundaries of the water district.

The boundaries were not drawn to specifically put this water right permit into the district since, I believe there are other water rights of Terteling which are also within district boundaries.

We could add a condition that specifically states that use of water under the right is subject to the control of the watermaster of the district. I'm not sure, however, that gains anything for us or that we should show such a condition based on recent correspondence from Terteling's attorney in connection with administration of rights in the district. I have proposed responding to the Terteling attorney stating that the watermaster will not regulate Terteling's wells until a relationship, if any, can be shown. Even if we know of a connection among the Terteling wells and the Silkey wells, we are not precluded from regulating use of water under the license even if we have no related conditions on this license.

We also could add a condition that if the water is low temperature geothermal water, the water must first be used for the heat value in the water before it can be used for irrigation. I am reluctant to raise this issue since both Terteling and the Golf Course have licenses where we have authorized use of the low temp geo. water for irrigation and this permit does not propose a heating use.

Please return with your direction if you want more conditions added to the license.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

BOI CTY

NOT DELIVERABLE
ADDRESS REQUIRED
UNDELIVERABLE

RECEIVED
DEC 28 1992

Department of Water Resources

Forward to:

63-7595
877 w Main Ste 706
Boise ID 83702





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

December 23, 1992

J L TERTELING
PO BOX 4127
BOISE ID 83704

RE: WATER RIGHT NO. 63-07595

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Please note that the date of priority of this right has been advanced due to late submittal of the examination fee &/or exam fee information sheet.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Skaggs".

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED
DEC 23 1992

DEC 23 1992

LICENSE REVIEW CHECKLIST

Permit # 63-07595

Date 12-02-92

38

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☒	☐	Advance? <u>Exam Fee Notice 4-17-86 / Fee Sheet 4-20-87</u> Memo to Advance to 3-07-73 Order to Reinstate Needed?
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended?
	☐	☒	Disagree with Actual Measurement?
	☐	☒	<u>103 x .02 = 2.06 / 2.0 cfs (IRR) .05 cfs (DOM) (STOCK) per FE.</u>
	☐	☒	Disagree with Theoretical?
	☐	☒	Limited by Capacity? <u>2.93 cfs (A+B+.05)</u>
TOTAL VOLUME			Rate/ac <u>4.5</u> AFA Irr. Season <u>D</u> <u>3-15 to 11-15</u> Standard Irr. Season <u>Allow Standard Season</u> Season Recommended
	☐	☒	Disagree with Examiner's Calculations?
	☐	☒	<u>103 x 4.5 = 463.5 cfs (IRR) 1.2 cfs (DOM) 2.0 cfs (STOCK)</u> Limited by Flow? <u>2 x 214 x 1.9835 = 848.9 > 463.5</u> Season/no affect on VOL. <u>2 x 245 x 1.9835 = 971.9</u>
SOURCE	☐	☒	Changes? Clarification of <u>Originally</u> <u>Intended source</u>
	☐	☒	Notice of Intent to Void.
P/D	☒	☐	Verify with Map <u>Change NWNE to NWSW, S22</u> Amendment Needed? <u>Change SESE to SWSE, S15</u>
	☒	☐	NA Is Overlap Analysis a Consideration?
P/U	☒	☐	Verify with Map <u>Drop S14 & S15</u> Add SENE, NESE + SESE, S21
	☒	☐	Amendment Needed? <u>Add SENW, SWV4 & NWSE, S22</u>
	☒	☐	Is Overlap Analysis a Consideration?
USES	☐	☒	Change(s) in Nature of Use? <u>Drop STOR</u>
	☐	☒	Amendment Needed?
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4?
	☒	☐	Non-Irr. Uses <u>DOM / 2 Homes</u> <u>STOCK / 150 stock</u>
	☐	☒	Special Overlap Condition
	☐	☒	Other
CONDITIONS	☐	☒	Measuring Device
	☐	☒	W/Master Control
	☒	☐	Overlap
	☐	☒	Water Quality
			DATES/MISC
		☒	Water Dist.
		☒	App Rec'd
		☒	Exam Made

COMMENTS/MEMOS NEEDED: Amend P/D & P/U

License 10-Day 15-Day ☒ Special Correspondence

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J L TERTELING PO BOX 4127 BOISE ID 83704 (208) 338-5200	03/07/1973	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	2.00 CFS 0.05 CFS 0.05 CFS	463.5 AFA 2.0 AFA 1.2 AFA
TOTAL DIVERSION:					2.00 CFS	466.7 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.93 CFS

Point(s) of Diversion: T04N R02E S15 SW SE
S22 SW NW NW SW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																					
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
04N	02E	21	:								01	:									:																19.0
04N	02E	22	:			08						:	11		10		27		01		:	03		14		03		03	:			04					84.0
																												TOTAL ACRES		:	103.0						

Place of use Legal Description for: STOCKWATER

NE												NW				SW				SE								
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			
04N 02E 22								:					:					:					:					:

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: ADA

Non-Irrigation Uses: ~~6/150 RANGE, 8/2 HOMES.~~

Other Water Rights with Same Point(s) of Diversion and Source:
63-03603 63-07595

Other Water Rights Listing Overlapping Place(s) of use:
63-00307 63-00308 63-02355 63-03603 63-03604 63-07595

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

Remarks: Domestic use is for 2 homes.
Stockwater use is for 150 mixed stock.

WR0749NP
No. L63-07595

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 12/09/92
PAGE: 2

=====

Dates:	App. Received:	05/03/1972	Priority Date:	03/07/1973
	Proof Due Date:	07/01/1982	Proof Made Date:	06/29/1982
	Exam Made Date:	07/21/1987	Exam Sent to S.O.:	11/24/1992
	Licensed Date:			

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 12/09/92 SKAGGS

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 63-7595

FROM: PAM SKAGGS *PS*

RE: PRIORITY ADVANCE REVIEW

DATE: 9-DEC-1992

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	MAY 03 1972	123
EXAM FEE NOTICE		
Exam Fee Notice Date:	APRIL 17 1986	107
Exam Fee/Info Sheet Received Date:	APRIL 20 1987	475
Exam Fee or Info Due Date:	JUNE 16 1986	167
Days Late:		308 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	MAY 03 1972	123
Total Days Late:		308 DAY(S)
New Priority Date:	MARCH 07 1973	66

RECEIVED
FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

63-7575
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ ~~Computer Data Proof Report~~ NO
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index GN 5-19-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☒ Other: _____

Check of P/U index GN 5-19-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☒ Other: Other sources

*1 of the 3
wells is shared
by 63-07603,
mostly for other
land*

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? R 5/29/87 (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ N/A Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

✓ SRBA claims filed

C. Review and Processing:

Exam Completed Richard J. Gymb 8-13-87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent R 4/10/92 (Initial and date)

Exam Reviewed by Manager of Regional Office DW 10/22/92 (Initial and date)

Exam Date Entered in Computer ✓ st (Initial and date)

Exam sent to State Office 11-24-92 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

W. R. "BILL" SCHROEDER
ADA COUNTY ASSESSOR
650 MAIN STREET
BOISE, ID 83702

IMPORTANT NOTICE — THIS IS NOT A BILL

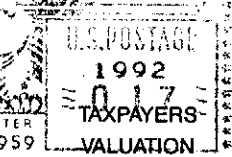
PARCEL NO. 50622212500

TAX CODE 206

LOTS / ACRES

99.00
18.00
78.50
1.50
3.00

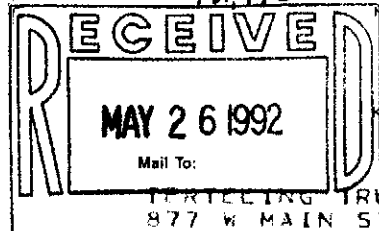
MARKET VALUE
MAY 22 '92
41,970
5,303
25,000



ASSESSMENT NOTICE
Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1992
383-4410
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS



MAILING TRUST NO 7
877 W MAIN ST., SUITE 706
BOISE ID
83702-6855

4N 2E 22



ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

010 IRR AG
040 MEADOW
050 DRY GRAZING
100 RES HOME SITE
190 WASTE LAND
310 RESIDENT BLDG
311 RESIDENT BLDG
312 RESIDENT BLDG

PROPERTY ADDRESS
CARTWRIGHT

PREVIOUS NUMBER
LEGAL DISC

NW4 & NW4SW4
SEC 22 4N 2E
#120000-S 210000-C 221200-C
#8623774-75
04N02E222500

Attachment A

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: APRIL 10, 1992

SUBJ: REVIEW OF FIELD EXAM FOR PERMIT 63-07595

ADDENDUM TO EXAM - REVISED LICENSE RECOMMENDATIONS

The permit was examined in 1987 but held at the region due to backlog pressures. During 1990, the measurement memo to change procedures for ground water systems was anticipated to eliminate cfs and concentrate on volume. The exam was held at that time pending resolution of the issue. The memo was adopted but rate of flow was retained. The review process can continue.

A total of 178 irrigated acres was found in 1987 as shown by the examiner's ASCS photo (not 175 acres indicated on exam P/U chart). Based on licensing information for 63-03603, 78 acres within the entire P/U are covered by 63-03603, a license for three wells providing about .01 cfs/acre and full volume. Well B in the permit is a common P/D for both rights. It is not possible to conduct an overlap analysis for a partial P/D overlap in this case.

The three wells for the permit are correctly identified on the ASCS photo and topo map. Wells A and B provide irrigation water while well C covers domestic and stock use in SWNW S.22 (see ASCS photo; confirmed per 5/16/90 telecon between J.L. Terteling and me). Two homes and 150 llamas/range cattle/horses are found (same telecon). Other minor stock animals are present. Stock is therefore listed as 150 mixed stock at 12 gpd/animal.

Storage is not found.

IRRIGATION P/U

See the attached copy of the ASCS photo from 63-03603 exam. The three licensed wells and two additional wells are shown. The 78 acres in the license are outlined. Then refer to the permit exam ASCS photo for the entire irrigated area outlined in red.

The 103 acres allowed in 63-07595 are determined by listing those acres within the 178 acres that are not part of the existing license. This provides 100 new acres. The remaining three acres (overlap with 63-03603) for the new right are assigned to NESW S.22 simply because that is the only tract not yet covered in the newer right.

Actually, these two rights are ideal for permissible P/U within a 178 acre parcel.

The attached land list defines the recommended acres.

742 10...
63-07595

FLOW AND VOLUME CALCULATIONS

I. Irrigation - The limiting factor for rate is 2.00 cfs in the permit. Using the standard season of 246 days:

$$Vr = 103 \times 4.5 = 463.5 \text{ afa}$$

$$Vd = 2.0 \times 246 \times 1.9835 = 975.9 \text{ afa}$$

Recommend 103 acres with 2.00 cfs and 463.5 afa from 3/15-11/15.

II. Domestic - Two homes for internal use are included (yards per irrigation). The maximum rate is limited by the permit amount of .05 cfs.

$$Vr = 2 \times .6 = 1.2 \text{ afa}$$

$$Vd = .05 \times 365 \times 1.9835 = 36.2 \text{ afa}$$

Recommend 2 homes for in-house use with .05 cfs and 1.2 afa.

III. Stock - 150 animals, mixed stock at 12 gpd/animal are included. The permit rate of .05 cfs is allowable.

$$Vr = 150 \times .0134 = 2.01 = 2.0 \text{ afa}$$

$$Vd = \text{as above in domestic}$$

Recommend 150 mixed stock with .05 cfs and 2.0 afa.

IV. Total flow and volume - The total rate is limited by the permit to 2.00 cfs. This rate can produce enough water to allow volumes for the uses to be additive. Total volume is 466.7 afa. License condition R32 should be used.

MISC. INFORMATION

A SRBA claim was filed for 63-07595. The measuring device requirement was met via access ports.

By the time this right is ready to license, a question may occur about changes to number of irrigated acres etc. If so, the site is conveniently located on Cartwright Road (Peaceful Cove Ranch) off Bogus Basin Road and data could be verified by a quick field visit. This may be a useful field trip for S.O. licensing staff.

RECEIVED
FEB 02 1993

63-03603
EXAM

Well "a"
ID 63-07595

459A

These 2 are
different wells
than in
63-07595
NENW 1/4 SW 1/4

area of house
and well "C" in
63-07595

111 = area of house
63-03603. Most if
natural of these are
same as identified
in aerial photo of
exam in 63-07595.

15

FEB 02 1963

↑
appears to
be same
well as
in
63-07595
(PID "B")

22

27

1/4 - 1/4

82 - 5/16/60

63-03603

LAND LET ATTACHMENT

Description and location of place of use:

[illegible]

RECOMMENDED
ALIAS
PERMIT
63-07595

la rigueur
autres

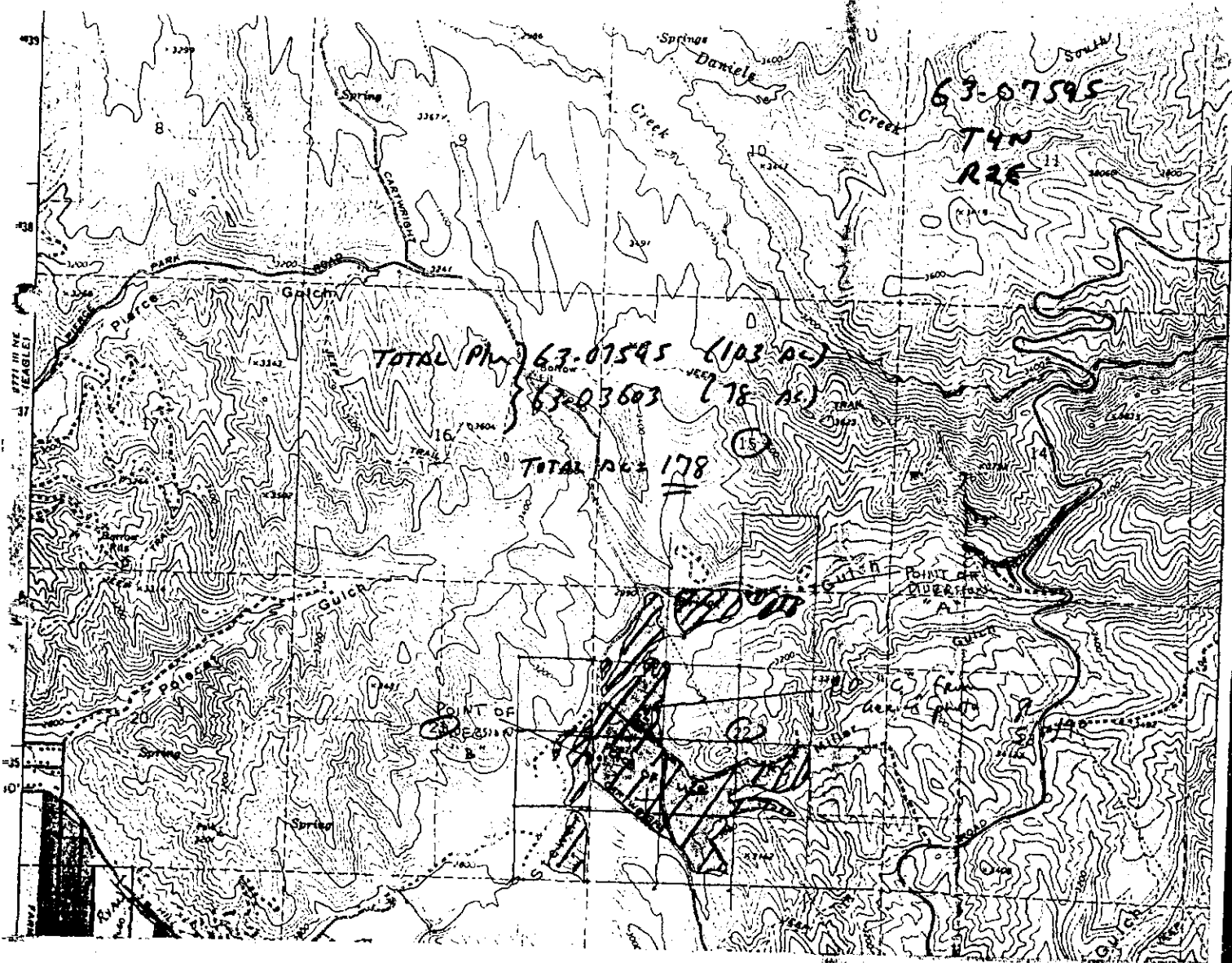
— ۱۰۰ —

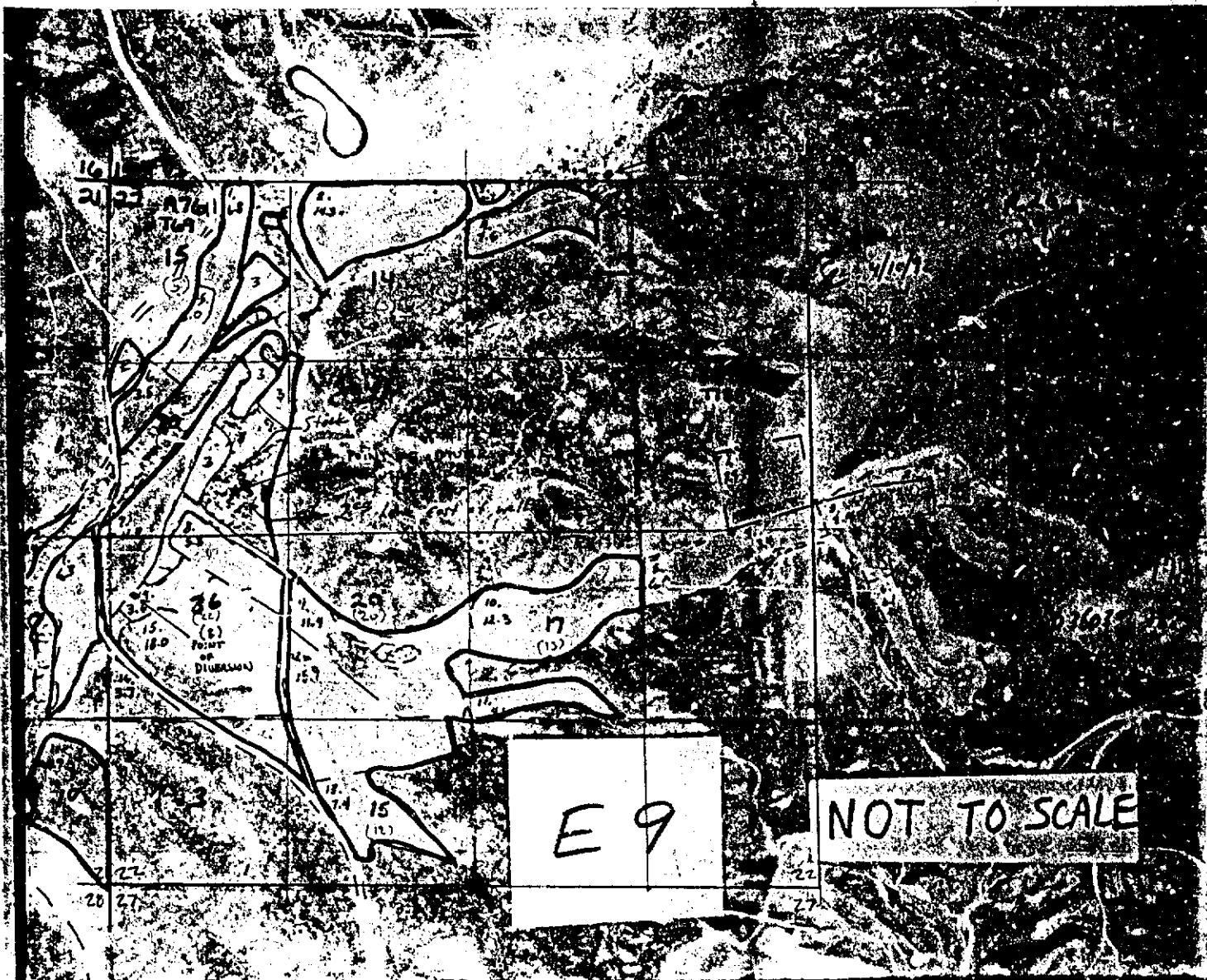
— 526 —

* indicates overlap area.

Total number of acres irrigated

in drs. workshop area.
hardly assigned these 3 as to treat to resort
Right after word 100 area of land not covered by
licorice.





Form 219-Supp.
6/83

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Rich Gemperle Date 7-21-87
Owner: J. L. Terteling Permit No. 63-7595

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Two ^{pumps} wells exist in single 16" casing. Both are submersible
40 HP well is measured in this form

Measured inside diameter of pipe in inches

(A) 5.75 inch

Size of Annubar used in test 6"

State ID No. 091406

Model No. of Annubar Meter Used -
(Model No. = 75 for 6" and larger) SEE "C" BELOW
(Model No. = 73 for 4")

Size Eagle Eye Meter Used -

State ID No. -

Date of Last Calibration of Meter Spring 1987

Observed inches of H₂O read on Meter

(B) 7.5 "

Flow Correction Factor (From Calibration Graph)
(Use 1 if Error is $\pm 2\%$ at observed pressure)

(K) 1

SIZE	C
6	3.75
8	3.87
10	3.94
12	3.99
14, 16	4.01
18, 24	4.02
30 +	4.03

SELECT C based on Annubar Model No.
If Model No. = 75, then C = 3.85
If Model No. = 73, then C = 4.14

(C) 3.75

= ~~.75~~ .76 cfs measured

SKETCH (If not shown on Field Report):

$$Q = \frac{(1)(5.75)^2 (\sqrt{7.5})(3.75)}{448.8} = .7566 = .76 \text{ cfs}$$

FEB 02 1993

SL
5/10/90

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Rich Genperle Date 7-21-87
Owner: J.L. Tetching Permit No. 63-7595

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Point of Diversion site "A" This is the 20 HP
submersible well.

Measured inside diameter of pipe in inches
Size of Annubar used in test 6"
Model No. of Annubar Meter Used -
(Model No. = 75 for 6" and larger) SEE "C" BELOW
(Model No. = 73 for 4")

Size Eagle Eye Meter Used -
Date of Last Calibration of Meter Spring 1987

Observed inches of H₂O read on Meter

Flow Correction Factor (From Calibration Graph)
(Use 1 if Error is $\pm 2\%$ at observed pressure)

Select C based on Annubar Model No.

SIZE	C
6	3.75
8	3.87
10	3.94
12	3.99
14, 16	4.01
18, 24	4.02
30 +	4.03

~~If Model No. = 75, then C = 3.85~~
~~If Model No. = 73, then C = 4.14~~

CALCULATION: $K \frac{(A^2) (\sqrt{B}) C}{448.8} =$

SKETCH (If not shown on Field Report):

$$Q = \frac{(1)(5.75)^2 (\sqrt{6})(3.75)}{448.8} = .6767 = .68 \text{ cfs}$$

$$.68 + .76 = 1.44 \text{ cfs}$$

(A) 5.75

State ID No. 091406

State ID No. -

(B) 6 inches

(K) 1

(C) 3.75

.68 cfs measured

COMBINED FLOW OF 2 PUMPS
IN WELL A IS 1.44 cfs

5/10/80

Form 219-Supp.
6/83

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Rich GempelerDate 7-21-87Owner: J.L. TertelingPermit No. 65-7595

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Access port is approximately 30 feet south east of
well. The pipe crosses a ditch and was partially
submerged in ditch water

Measured inside diameter of pipe in inches

(A) 5.75 inchesSize of Annubar used in test 6"State ID No. 091406

Model No. of Annubar Meter Used -
 (Model No. = 75 for 6" and larger) SEE "C" BELOW
 (Model No. = 73 for 4")

Size Eagle Eye Meter Used -State ID No. -Date of Last Calibration of Meter Spring 1987Observed inches of H₂O read on Meter(B) 27

Flow Correction Factor (From Calibration Graph)
 (Use 1 if Error is $\pm 2\%$ at observed pressure)

(K) 1

Select C based on Annubar Model No. SIZE C

<u>6</u>	<u>-</u>	<u>3.75</u>
<u>8</u>	<u>-</u>	<u>3.87</u>
<u>10</u>	<u>-</u>	<u>3.94</u>
<u>12</u>	<u>-</u>	<u>3.99</u>
<u>14, 16</u>	<u>-</u>	<u>4.01</u>
<u>18, 24</u>	<u>-</u>	<u>4.02</u>
<u>30 +</u>	<u>-</u>	<u>4.03</u>

~~If Model No. = 75, then C = 3.85~~
~~If Model No. = 73, then C = 4.14~~

(C) 3.75

CALCULATION: $K \frac{(A^2)}{448.8} (\sqrt{B}) C =$

= 1.44 cfs cfs measured

SKETCH (If not shown on Field Report):

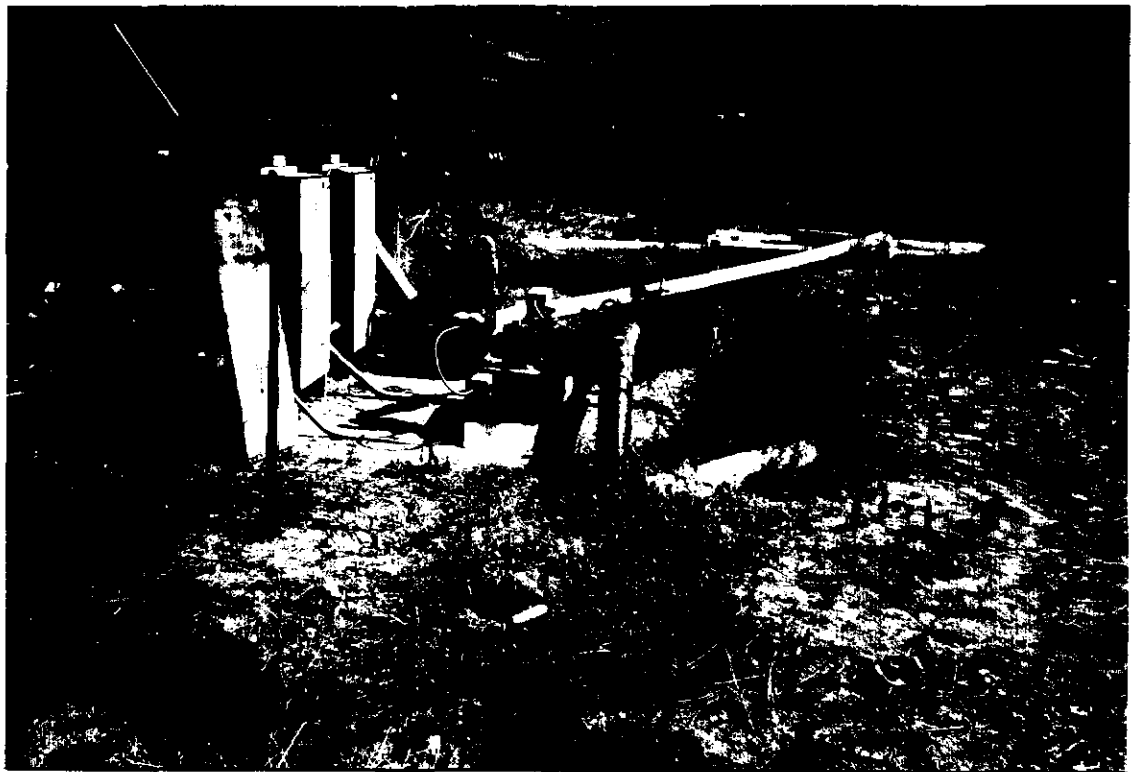
OK
 5/10/90
 SL

FEB 02 1993

PLACE OF USE
LOOKING SOUTHWARD
DOWN STEWART GULCH



(A)
POINT OF DIVERSION
TWO SUBMERSIBLE
PUMPS ARE SET
IN A SINGLE CASING



PLACE OF USE
IN BACKGROUND
PUMP IN FOREGROUND
DIVERTS WATER
TO PLACE OF USE



(B)
POINT OF DIVERSION
SINGLE 75 HP PUMP
IN A PUMP HOUSE



FEB 02 1993

63-7598

June 21, 1988

CERTIFIED MAIL

J. L. Terteling
Rural Route 1
Boise, ID 83703

Dear Mr. Terteling:

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

RECEIVED
JUN 22 1988

FEB 02 1993

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 to adequately

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

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 12TH day of JUNE, 1988.


R. KEITH HIGGINSON
Director

4/86

RECEIVED

APR 20 1987

RECEIVED

APR 23 1987

KEYPUNCHED

For Office Use Only
Fee Received \$150
Date 4-22-87
Receipt # 42367
Receipt by AS
Sent to S.O. AS

Department of Water Resources

STATE OF IDAHO

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 63-7595

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: J. L. Terteling

3. Post Office Address: P.O. Box 4127, Boise, ID 83704

Telephone No. 208-376-6700

4. Source of Water: ground water

5. Extent of Use:

Domestic 2 (No. of households) Domestic & Stockwater: .05 CFS
Stockwater 150 HD (No. and type of stock)

Irrigation 103 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 2.05 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

7-21-72

8. Person to contact to accompany the department representative during the field examination:

Leroy Greiner

(Name)

Route 1, Peaceful Cove, Boise, ID 83703

(Address)

344-9559

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

4-17-87
Date

J. L. Terteling
Signature of Permit Holder (and title, if appropriate)

FEB 02 1993

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

63-7595
TERTELING, J. L.
P.O. BOX 4127
BOISE, ID 83704

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

April 17, 1987

Dear Permit Holder:

LAPSE NOTICE License Examination Fee

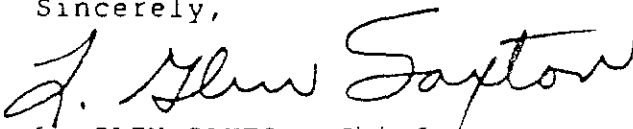
You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be on no further force nor effect on June 17, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 17, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 17, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

If you have questions, please contact any office of the Department.

Sincerely,


L. GLEN SAXTON, Chief
Operations Bureau

jf

MAILED 7 73

FEB 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

63-7595
TERTEILING, J. L.
P.O. BOX 4127
BOISE, ID 83704

September 4, 1986

EXAMINATION FEE REMINDER

Dear Permit Holder:

Earlier this year you were mailed a certified letter by our state office, which described a new law related to your water right permit. The water right permit to which this law applies is identified by the number at the top of the mailing label above. The purpose of this letter is to act as a reminder of the new law and to warn you that your permit is now losing priority daily.

As described in the certified letter, House Bill 671 enacted by the 1986 Idaho Legislature requires payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. The certified letter described the procedure for selecting the latter alternative, whereby you initially notify us regarding which water right examiner you have selected, and provide a statement from the examiner as verification.

The date of priority of your water right permit is now being delayed one day for each day the response is late. Also, if the fee or completed field examination report are not submitted within a year from the sixty-first day after the certified letter was mailed, the permit may be lapsed and rendered invalid. The fee, or notice that a private field examination will be conducted, should be submitted as soon as possible if you wish to maintain your permit in a valid status.

Enclosed please find an Examination Fee Information Sheet, with the License Examination Fee Schedule printed on the back. This sheet should be submitted if either the fee payment option or the private examination option is selected. If you have questions or desire assistance in this matter, please feel free to contact this office.

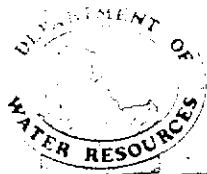
Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr. P.E.
Manager, Western Regional Office

FEB 04 1987

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

Mailing address:

Statehouse

Boise, Idaho 83720

A. KENNETH DUNN

Director

63-7595

TERTELING, J. L.
P.O. BOX 4127
BOISE, ID 83704

April 17, 1986

CERTIFIED MAIL

138357

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. ~~You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.~~

FEB 02 1993

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

FEB 02 1993



J. A. TERTELING & SONS INC.

P.O. BOX 1428
BOISE, IDAHO 83701

63-7595

January 19, 1983

IMPORTANT!

Please change address as indicated on the attached photocopy of mail received in our Post Office Box 1428.

We have forwarded the mail to the proper recipient this time, but this may be your only notice, with future mail returned to sender with no forwarding address.

Thank you for your immediate attention to this effort on our part to be helpful to you.

Sincerely,

J. A. TERTELING & SONS INC.

Kathy Jones

Kathy Jones

~~RECEIVED~~

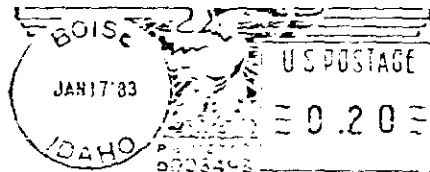
FEB 02 1983

RECEIVED

JAN 20 1983

Department of Water Resources
Western Regional Office

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



J. L. Terteling
P.O. Box ~~1428~~
Boise, ID 83701

FEB 02 1983

↓
P.O. Box 4127
83704



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

Re:

Dear

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐

A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☐

A field examiner will contact you to arrange to examine your system.

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

Sincerely,

Judy Pense

Judy Pense
Secretary

RECEIVED

FEB 02 1993

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card statement that the permit holder(s) has completed development to the extent shown below Permit No. 63-7595

Name(s) of Permit Holder: J. L. TERTELING

Post Office Address: P.O. Box 4127

BOISE, IDAHO 83704 Tel. No. 208-376-6700

Source of Water: SUBSURFACE SOURCE (SPRINGS ROOTED FROM STATE LAND)

Extent of Use:

☒ Domestic	<u>3</u>	(number of households)
☒ Stockwater	<u>40 Animals</u>	(number and type of stock)
☒ Irrigation	<u>103 ±</u>	(acres)
☐ Other		

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-25-82
Date

[Signature]
Signature of Permit Holder

RECEIVED

JUN 29 1982

Department of Water Resources

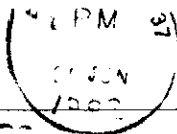
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



J. L. TERTEL

P.O. Box 4127

BOISE, IDAHO 83704



SUPPLY NAT

PLACE
TEN CENT
STAMP
HERE

FEB 02 1993

June 23, 1982

Tom Hood
P. O. Box 4127
Boise, ID 83701

Dear Mr. Hood:

Re: Permit No. 63-7595

Pursuant to our telephone conversation, enclosed is the statement of beneficial use postcard along with a blank one.

If you have any questions concerning this permit, please feel free to contact me.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

RECEIVED

FEB 02 1993

CONVERSATION MEMORANDUM

DATE 6/23/1982

FILE 63-7595

NAME OF PARTY Tom Hood

EMPLOYEE Rita Fleck

RE: _____

I contacted Mr Hood to get a document showing he has power of attorney for Mr. Terteling. He said it would be easier to complete another postcard and have Mr. Terteling sign it.

MICROFILMED

FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

#138789

TERTELING, J. L.
P.O. BOX 1428
BOISE, ID 83701

APRIL 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-7595 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED

FEB 02 1993



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

April 30, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

FEB 02 1982

June 22, 1977

Re: Permit No. 63-7595

J. L. Terteling
Box 1428
Boise, Idaho 83701

Dear Mr. Terteling:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to July 1, 1982.

Sincerely,

Jan Grover
Water Rights Supervisor

RECEIVED

Department of Water Resources

1	Director
2	Deputy Dir.
3	Chief Clerk
4	Chief of Bureau
5	Chief of Division
6	Chief of Section
7	Chief of Unit
8	Chief of Detail
9	Chief of Staff
10	Chief of Security
11	Chief of Finance
12	Chief of Administration
13	Chief of Investigation
14	Chief of Training
15	Chief of Public Relations
16	Chief of Legal Affairs
17	Chief of Medical Services
18	Chief of Dental Services
19	Chief of Veterinary Services
20	Chief of Pharmacy Services
21	Chief of Nutrition Services
22	Chief of Physical Therapy Services
23	Chief of Occupational Therapy Services
24	Chief of Speech Therapy Services
25	Chief of Music Therapy Services
26	Chief of Art Therapy Services
27	Chief of Drama Therapy Services
28	Chief of Dance Therapy Services
29	Chief of Recreation Therapy Services
30	Chief of Sports Therapy Services
31	Chief of Games Therapy Services
32	Chief of Puzzles Therapy Services
33	Chief of Reading Therapy Services
34	Chief of Writing Therapy Services
35	Chief of Drawing Therapy Services
36	Chief of Painting Therapy Services
37	Chief of Sculpture Therapy Services
38	Chief of Pottery Therapy Services
39	Chief of Jewelry Therapy Services
40	Chief of Sewing Therapy Services
41	Chief of Knitting Therapy Services
42	Chief of Crocheting Therapy Services
43	Chief of Quilting Therapy Services
44	Chief of Patchwork Therapy Services
45	Chief of Embroidery Therapy Services
46	Chief of Applique Therapy Services
47	Chief of Needlepoint Therapy Services
48	Chief of Cross-stitch Therapy Services
49	Chief of Quilting Therapy Services
50	Chief of Sewing Therapy Services
51	Chief of Knitting Therapy Services
52	Chief of Crocheting Therapy Services
53	Chief of Quilting Therapy Services
54	Chief of Patchwork Therapy Services
55	Chief of Embroidery Therapy Services
56	Chief of Applique Therapy Services
57	Chief of Needlepoint Therapy Services
58	Chief of Cross-stitch Therapy Services
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63	Chief of Quilting Therapy Services
64	Chief of Patchwork Therapy Services
65	Chief of Embroidery Therapy Services
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67	Chief of Needlepoint Therapy Services
68	Chief of Cross-stitch Therapy Services
69	Chief of Quilting Therapy Services
70	Chief of Sewing Therapy Services
71	Chief of Knitting Therapy Services
72	Chief of Crocheting Therapy Services
73	Chief of Quilting Therapy Services
74	Chief of Patchwork Therapy Services
75	Chief of Embroidery Therapy Services
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90	Chief of Sewing Therapy Services
91	Chief of Knitting Therapy Services
92	Chief of Crocheting Therapy Services
93	Chief of Quilting Therapy Services
94	Chief of Patchwork Therapy Services
95	Chief of Embroidery Therapy Services
96	Chief of Applique Therapy Services
97	Chief of Needlepoint Therapy Services
98	Chief of Cross-stitch Therapy Services
99	Chief of Quilting Therapy Services
100	Chief of Sewing Therapy Services

Gentlemen:

Your early favorable action on this request will be appreciated.

J. A. TERTELING & SONS, INC.

Ideda Carlson

Alden C. Carlson

Enclosure

J. A. TERTELING & SONS, INC. / 1755 WESTGATE DRIVE / P.O. BOX 1428 / BOISE, IDAHO 83701

April 29, 1977

CERTIFIED MAIL

136422

Re: Permit No. 63-7595

J. L. Terteling
Box 1428
Boise, Idaho 83701

Dear Mr. Terteling:

One of the conditions of approval of your water Permit No. 63-7595 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

July 15, 1974

Res Permit No. 63-7595

J. L. Terteling
First Security Bank Bldg.
P. O. Box 1428
Boise, Idaho 83701

Dear Mr. Terteling:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit. Also enclosed is Receipt #14931 for \$10.00 covering the amendment filing fee.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosures

63-7595

J. L. TERTELING
FIRST SECURITY BANK BUILDING
BOISE, IDAHO

P.O. Box 1428

June 27, 1974

RECEIVED

Dept. of Water Administration
614 State Street
Boise, Idaho 83720

Department of Water Administration

Re: Amendment to 63-7595

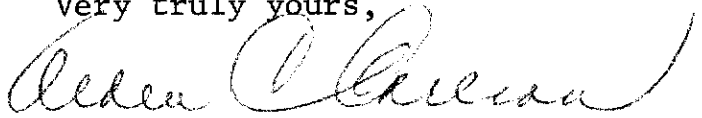
Gentlemen:

Attached is our check in the amount of \$10.00 covering Application for Amendment to Water Permit 63-7595 of J. L. Terteling.

We are requesting an additional well location and a transfer of irrigation of 4 acres.

Please approve at your earliest convenience.

Very truly yours,



J. L. Terteling
by A. C. Carlson

ACC/bf
Encl.

63-7595

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

July 25, 1972

J. L. Terteling
Box 1428
Boise, Idaho 83701

Dear Mr. Terteling:

Enclosed is a copy of your approved Application for Permit No. 63-7595. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to 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. We are enclosing a letter describing different types of measuring devices accepted by this office.

We are also enclosing an application required for small dams, with instructions. There is no engineering or fee required. Please fill out the application and return it to this office to the attention of William Gossett.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:dg

Enclosures

63 7595

May 8, 1972

Re: Application for Permit No. 63-7595 - J. L. Terteling

Central District Health Department
1405 North Orchard
Boise, Idaho 83704

ATTENTION: F. D. Koehne, M. D., Medical Director

Dear Mr. Koehne:

We are enclosing a copy of an application that may be of interest to your agency.

Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a six (6) week period and we are required to take final action shortly thereafter.

If we may be of any further assistance, please contact us.

Sincerely,

Kenneth H. Foit
District Engineer
Western District

KHF:CS

Enclosure

63 7595

May 5, 1972

Re: Claim to a Water Right Nos. 63-4144 - Mrs. G. W. Kimball
63-4145 - Flossie Keeler
Application for Permit No. 63-7595 - J. L. Terteling

The Idaho Statesman
Post Office Box #2640
Boise, Idaho 83701

Gentlemen:

Enclosed you will find three legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit us galley proofs for review before publication.

After sending us the galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication for each application 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 the claimant)

Very truly yours,

Dorian Clay
Water Resource Examiner
Western Division

DC:CS

Enc: Legal notices (3)

63 7595

*Bill submitted
5-31-72
e-s*

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 63-7595 Name J. L. Terteling
Source ground water
Point of Diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 4 N, R. 2 E, B.M.,
Ada County
Quantity 0.05 cfs Use stock watering Period Jan. 1, to Dec. 31
Quantity 2.0 cfs Use irrigation Period April 1, to Nov. 1
Quantity 0.05 cfs Use domestic Period Jan. 1, to Dec. 31
100 AF irrigation April 1, to Nov. 1
Well Size _____ Diameter 16" Proposed Depth 600' Feet
Use _____

Date Forwarded 5/8/72 Date Returned 5/17/72 Received by C.S.

COMMENTS: No apparent water level declines in this area (w.B. #24)
static water level approx 8'

RECOMMENDED:

Applied: Qty. 0.05 cfs Use Stock water Period 1/1 12/31 AF/A _____ AF _____
Qty. 2.0 cfs Use Irrigation Period 4/1 11/1 AF/A 4.5 AF 463.5
Qty. 100 AF Use Irrigation Period 4/1 11/1 AF/A _____ AF _____
Maximum: Qty. 0.05 cfs Use Stock water Period 1/1 12/31 AF/A _____ AF _____
Qty. 2.0 cfs Use Irrigation Period 4/1 11/1 AF/A 4.5 AF 463.5
Qty. 100 AF Use Irrigation Period 4/1 11/1 AF/A _____ AF _____

ACTION: Approved X Denied _____

Conditions of approval or reason for denial: Install measuring device

Western District By DA KHF 6/20/72 Title Examiner

Date 5/17/1972

63 7595

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J. L. Terteling Box #1428, Boise, Idaho

has on May 3, 1972 submitted Application No. 63-7595
for a permit to appropriate 2.0 cubic feet per second ^{and 100} and/acre feet per annum
of water from a ground water source
by means of well and pump
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, both within T. 4 N, R. 2 E, B.M.,
Ada County

to be used from Jan. 1, to Dec. 31, for stock watering purposes and domestic
xxxx purposes within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 4 N, R. 2 E, B.M., and from April 1,
to Nov. 1, for the irrigation of 103 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec.
xxxxxxxx 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the NW $\frac{1}{4}$, Sec. 22, all within T. 4 N, R. 2 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of Water
Administration, Statehouse, Boise, Idaho, 83707, on or before May 29, 1972.

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Idaho

on May 11, 1972 and May 18, 1972

63 7595

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 4, 1972

J. L. Terteling and Sons
Box 1428
Boise, Idaho

Dear Mr. Terteling:

Attached herewith is your Receipt No. 8381 in the amount of \$ 35.00
for your application for permit

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

63 7595

J. L. TERTELING
FIRST SECURITY BANK BUILDING
BOISE, IDAHO

May 1, 1972

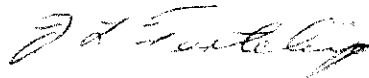
Idaho Department of Water Administration
State House Annex 2
Boise, Idaho 83707

Gentlemen:

We are herein submitting an Application for
a Water Permit.

Also enclosed is our check in the amount of
\$35.00 to cover fees.

Very truly yours,


J. L. Terteling

JLT/bf
Encl.

63 7595