



State of Idaho

Department of Water Resources

322 East Front St, PO Box 83720, Boise, ID 83720-0098 • 208-287-4800 • www.idwr.idaho.gov

Certificate of Appointment

This is to certify that I have appointed Kenneth Neely as *Watermaster* of *Water District 63S*, from this day until the 2017 annual meeting or until his/her successor is appointed and qualified under the provisions of Idaho Code Section 42-605, at such rate of compensation as established by applicable law.



This certificate has been issued and the seal of the Director fixed at Boise, Idaho, this day, March 25th, 2016.

Gary Spackman
IDWR Director

SCANNED
MAR 23 2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2016

KENNETH W NEELY
IDWR STATE OFFICE

Dear Mr. Neely,

Enclosed is your certificate of appointment as watermaster of Water District 63S Stewart Gulch. Per Idaho Code Section 42-608(1), the watermaster's term of service "*...is throughout the year, extending until the annual meeting for the ensuing year, or until a successor is appointed.*" Based on the code, the watermaster's appointment is from one annual meeting to the next, generally speaking.

Thank you for serving the State of Idaho and your community. Feel free to contact this office with any questions or concerns.

Sincerely,

Rachel Neely
Administrative Assistant

SCANNED

MAR 23 2016

WATERMASTER REQUIREMENT SHEET

WATER DISTRICT: 635

2016

DATE/TIME OF ANNUAL MEETING: 3/3/2016

PLACE OF MEETING: Quail Hollow Golf Course

*3/2/17
1:30 pm*

WATERMASTER: <u>Ken Neely</u>
ADDRESS: <u>IDWR State office</u>
PHONE: <u>(208) 287-4800</u>
OTHER: <u>Ken.Neely@idwr.gov</u>
SECRETARY/TREASURER: <u>Mary & Rose Ryan - Secretary</u>
ADDRESS: <u>Scott McGeehin - treasurer</u>
PHONE:
OTHER:

ASSISTANT WATERMASTER:
ADDRESS:
PHONE:
OTHER:
CHAIRMAN
ADDRESS:
PHONE:
OTHER:

SENT

CERTIFICATE OF APPOINTMENT

- ☒ WATERMASTER
- ☐ ASSISTANT WATERMASTER
- ☐ SECRETARY/TREASURER
- ☐ DAILEY RECORD BOOKS & INTSTRUCTIONS

RECEIVED

- ☒ ANNUAL MEETING MINUTES
- ☐ ADOPTED BUDGET
- ☒ OATH(S)
 - ☐ WATERMASTER
 - ☐ ASSISTANT WATERMASTER
 - ☐ SECRETARY/TREASURER
- ☒ WATERMASTER REPORT (2015)
- ☐ DAILEY RECORD BOOKS

** Do not use "Water User"
when sending out annual
meeting notices for 2017 **

Use name instead
of water users

635

Scott didn't get his
notice in 2016.

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

December 14, 2016

RECEIVED

DEC 16 2016

WATER RESOURCES
WESTERN REGION

Mr. Nick Miller, Manager
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right No. 63-5195

Dear Mr. Miller:

On behalf of my client The Terteling Company, Inc., a geothermal water right holder and Water District 63S member, thank you for your letter of December 9, 2016 addressing Water Right 63-5195 diverting from the Niznik Well. We have reviewed and analyzed your letter and thus have the following understandings related to the same:

1. Water right no. 63-5195 is appurtenant to the properties containing the four homes within which it is used.
2. Water District 63S can formally include water right no. 63-5195 in the District.
3. Water District 63S can require monitoring of water right no. 63-5195, including pressure, flow and volume, as is required of the other water district members.
4. Water District 63S can require that water right no. 63-5195 be controlled by the watermaster to ensure that it is beneficially used only as authorized by the water right.

If we are in any way in error in our understandings, please let us know immediately. Otherwise, please feel free to contact me with any questions or concerns.

Sincerely,


Charles L. Honsinger

cc: Tom Terteling
Ed Squires

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DEC 16 2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

December 9, 2016

GARY SPACKMAN

Director

KEN NEELY
WATERMASTER, WATER DISTRICT NO. 63S
322 E. FRONT ST.
BOISE, ID 83720-0098

RE: Water Right 63-5195 diverting from the Niznik Well

Mr. Neely,

The question has been posed to the department as to whether water right 63-5195, owned by David and Dianne Niznik and the well it is diverted from (known as the Niznik well, formerly the Stralow or Church well) are subject to watermaster monitoring and control, water district assessments, and regulation within Water District 63S (WD 63S). This question has been posed several times since the district was formed in 1989. However, between 1989 and 2011, the right was pending in the Snake River Basin Adjudication and the elements of the water right had not been defined. The right was decreed on May 10, 2011 and the elements are now known, but the question of whether the right is part of the water district has not been addressed.

The partial decree for water right 63-5195 is attached to this letter for your reference. The right was decreed with a diversion rate of 0.03 ft³/s and a volume of 16.5 acre-feet per year for heating and domestic uses throughout the year. The partial decree notes the right authorizes heating of four homes, but does not define a limit on the usage per home. This is an important consideration since the order creating WD 63S specifically excluded rights to the use of geothermal water for domestic heating where "total use of water per household does not exceed 13,000 gallons per day". Water right 63-5195 is diverted from the Niznik well at a rate of approximately 13 gallons per minute, equal to about 18,720 gallons per day. As there is no requirement that the right be delivered to all four homes, the use cannot be presumed to always be less than 13,000 gallons per day per home. The right should be monitored and controlled by the water district and the owner should be subject to assessments for that monitoring. Further, the right was decreed with a priority of July 2, 1921 and is senior to all but one water right in the water district. The water right owner therefore derives a benefit from the monitoring and regulation of junior users in the water district and should participate fully in the district.

WD63S was created to administer uses of water from the Steward Gulch Geothermal Aquifer. At the time, right 63-5195 had not been adjudicated, nor was it represented by a "valid permit or license issued by the department of water resources" therefore the water right owner could not fully participate in the district¹. The current situation differs from that in 1989 given that (subsequent to the order creating the water district) the heating use under the right has been defined, 1) with a senior priority, 2) separately from the in-house domestic use, and 3) without a limit of 13,000 gallons per day per home. Further, this right has been equipped with two flow meters, and is the only multi home domestic right

¹ Both the requirements for notification of water district meetings and the process of voting by the alternative method specifically limit the water users to those holding a permitted, licensed, or decreed right. See 42-605.

SCANNED

DEC 09 2016

Ken Neely
December 9, 2016
Page 2 of 2

diverting from the geothermal aquifer within WD 63S. This right has been decreed and defined by the SRBA Court and its delivery should be administered by a watermaster with authority over the water source.

I hope this letter is sufficient to support formalizing the inclusion of the Niznik water right and well in WD 63S. To the extent it is not sufficient or if you have further questions, please contact me to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller', with a stylized flourish at the end.

Nick Miller
Manager, IDWR Western Region

cc: WD63S file, Tim Luke, David Niznik, Charlie Honsinger, Dana Hoffstetter
Enclosure: 1 page Partial Decree for 63-5195

SCANNED
DEC 09 2016

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-05195

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 10 2011

By

Clerk

Deputy Clerk

NAME AND ADDRESS: DAVID NIZNIK
DIANE PECK-NIZNIK
3911 WHITEHEAD
BOISE, ID 83703

SOURCE: GROUND WATER

QUANTITY: 0.03 CFS
16.50 AFY

PRIORITY DATE: 07/02/1921

POINT OF DIVERSION: T04N R02E S29 SWNE Within Ada County

Source is low temperature geothermal water.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Heating	01-01 TO 12-31	0.03 CFS
		16.50 AFY
Domestic	01-01 TO 12-31	0.03 CFS

Domestic use is for internal use in 4 homes and does not include lawn, garden, landscape or other types of irrigation. If this right is changed in any way via the IDWR administrative transfer of water right process, the transfer will include a condition that the low temperature geothermal water will be used for its heat value first before any other use. Heating use is for 4 homes.

PLACE OF USE: Heating T04N R02E S29 SWNE Within Ada County
Domestic T04N R02E S29 SWNE Within Ada County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use. This water right is subject to the terms of a private Agreement dated August 16, 2010, recorded at the Ada County Recorder's Office on November 2, 2010, as Instrument No. 110103331.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

Minutes from the Annual Meeting of State Water District 63-S on March 3, 2016

Quail Hollow Golf Course Club House—Banquet Room downstairs

RECEIVED

MAR 15 2016

WATER RESOURCES
WESTERN REGION

Present:

Joe Terteling, Tim Walsh, Ken Neely, Danie Merriman, Rachel Neely, Garnette Edwards, Erin Monnie, Dana Hofstetter, Rose Ryan and Mary Ryan

Minutes:

Meeting called to order at 1:30 by Erin Monnie.

First order of business was Election of Officers for the period of March 3, 2016 thru March 2, 2017.

Nominations were presented, the following positions voted on and unanimously approved:

Chairperson—Joe Terteling

Water master—Ken Neely

Secretary—Mary Ryan & Rose Ryan

Treasurer—Scott McGeachin

Chairperson Joe Terteling asked Mary Ryan to read last year's minutes. Minutes of the March 2015 meeting were read and approved.

Treasurer's Report:

Scott McGeachin was not present for the meeting. No treasurer's report was given. The checking account has in excess of \$150.00. There were no expenditures for 2015-2016.

Water master's Report/Budget:

Water master Ken Neely presented his report and he had no charges for his water master duties from March 1, 2015 thru Feb 29, 2016. Ken had no calls about water level, pressure, or temperature of wells. He made no spot measurements. Ken reported all paper work on the wells was turned in on time and complete. The data that has been compiled, the last several years, shows nothing unusual in withdrawals or water levels.

Old Business:

The Area of Drilling Concern that has been pursued by the City of Meridian, is currently being reviewed by IDWR, comments are pending, and will be given to the City of Meridian and Ed Squires.

David Niznick was given notice of this year's water district meeting by IDWR and Mary Ryan. It was proposed we ask Danie Merriman to draft a resolution that clarifies domestic rights with multiple homes. It was discussed and approved. Danie will e-mail to 63-S members the following:

SCANNED

MAR 17 2016

In order to clarify the composition of the water district, we request the Department of Water Resources drafts an order elucidating that domestic rights with multiple homes are to be included in the 63-S. These users would be subject to water master measurements and assessments.

Members are asked to read and send her their input.

New Business:

Mary Ryan reviewed the annual water district meeting checklist and will send it to Rachel Neely.

Next meeting is set for 1:30 p.m. on Thursday, March 2, 2017 at the Quail Hollow Golf Course Clubhouse in the downstairs banquet room.

Motion to adjourn made by Mary and seconded by Joe. Meeting adjourned 2:08 p.m.

Respectfully submitted---Rose Ryan & Mary Ryan, District Secretaries

SCANNED
MAR 17 2015

RECEIVED

MAR 03 2016

WATER RESOURCES
WESTERN REGION

Watermaster's Report **Ground Water District 63-S (Stewart Gulch)** **March 1, 2015 to March 1, 2016**

Withdrawals

The total withdrawal of low temperature geothermal water in GWD63-S in Water Year 2015 (WY15) was 190.3 mgal (Figure 1). This amount is 23.4 mgal more than the withdrawal in Water Year 2014 (WY14), which is a 14% increase (Table 1). This increase is mainly attributable to the Terteling Ranch Windsock well in WY15.

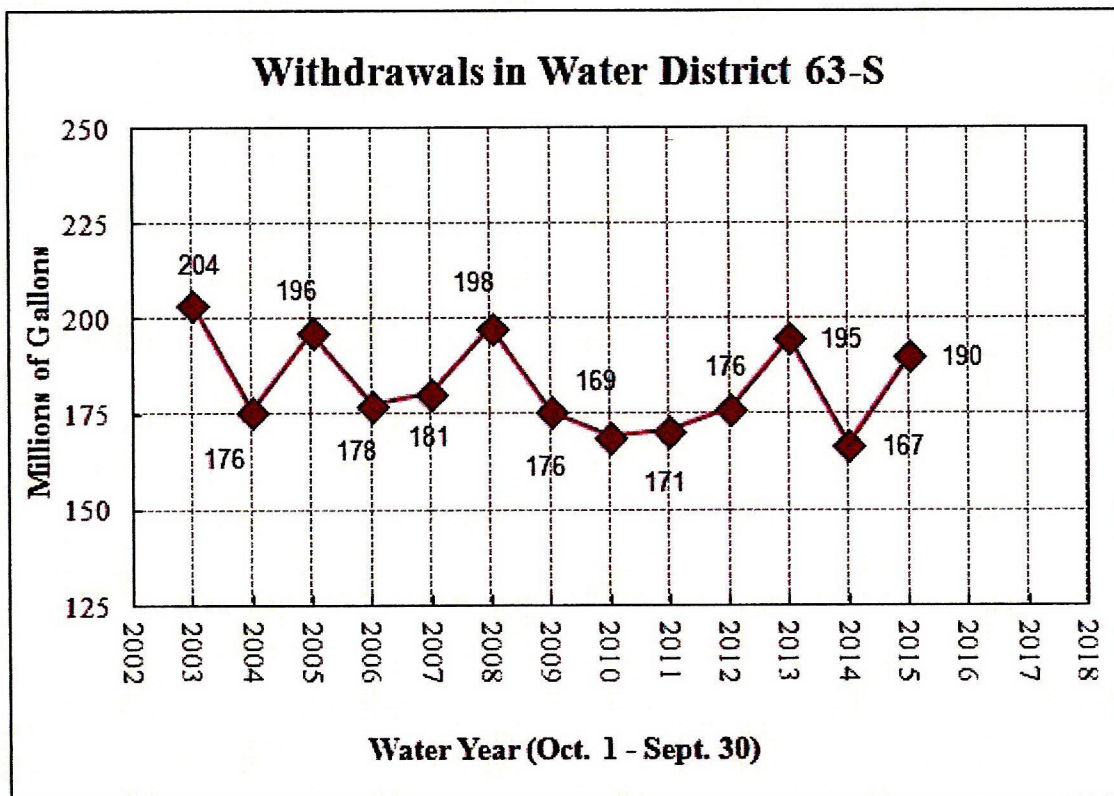


Figure 1. Geothermal withdrawals in Stewart Gulch Water District 63-S for Water Years 2003-2015.

SCANNED

MAR 04 2016

Table 1. Withdrawals¹ from Stewart Gulch Ground Water District 63-S geothermal wells for Water Year 2015 (October 1, 2014 through September 30, 2015).

Well	Withdrawals in WY15 (millions of gallons)	Change from WY14 (millions of gallons)	Percent Change from WY14
TTCI Tiegs (Triangle)	0	0	0
TTCI Silkey (Shed)	19.4	-0.4	-2%
TTCI House (Office)	3.1	-0.3	-10%
Edwards Greenhouse	48.7	+0.4	+1%
Terteling Ranch Windsock	90.4	+24.9	+38%
Terteling Ranch Pool	18.0	-3.0	-14%
Quail Hollow (Tee Ltd) Upper	<0.1	-1.2	NC ²
Quail Hollow (Nibbler) Lower	4.6	+2.7	+146%
Niznik (Whitehead)	6.1	+0.3	+5%
Total	190.3	+23.4	+14.0%

¹These numbers contain some degree of uncertainty which is typically associated with measurement equipment and methods. Therefore, the amounts are being reported in millions with one decimal place.

²NC = Not Calculated because the number would be so large that it would not be of value to report.

The ownerships and locations of the wells allow them to be grouped into withdrawal centers, which is a useful approach for summarizing the withdrawals in these localized areas within the District. Table 2 shows the three centers and the changes in withdrawals.

Table 2. Three withdrawal centers in GWD63-S and changes from WY14 to WY15.

Withdrawal Center	Number of Wells	Numerical change from WY14 to WY15	Percentage change from WY14 to WY15
Edwards Greenhouse, Terteling Garden Center, Niznik	5 (4 in use; 1 unused)	0 mgal	0%
Quail Hollow	2	+1.5 mgal	+50%
Terteling Ranch	2	+21.9 mgal	+25%

Water Levels

Four wells are currently monitored for water levels by their owners: Tiegs, Edwards, Quail Hollow Lower, and Quail Hollow Upper. Overall, ground water levels in GWD63-S wells showed a slight decreasing trend in WY15. Both the Edwards well and the TTCI Tiegs well had maximum water levels that were about two feet lower in WY15 than in WY 14 (Figures 2 and 3). The minimum water levels in the Tiegs and Edwards wells were 1.0 feet and 2.3 feet higher in WY15, respectively. The Quail Hollow Upper well had a decrease of about four feet in the maximum water level (Figure 4). The Quail Hollow Lower well did not have a change in the maximum water level (Figure 5). The minimum level in the Quail Hollow Upper well was 2.8 feet higher, while the minimum level in the Quail Hollow Lower well was essentially unchanged.

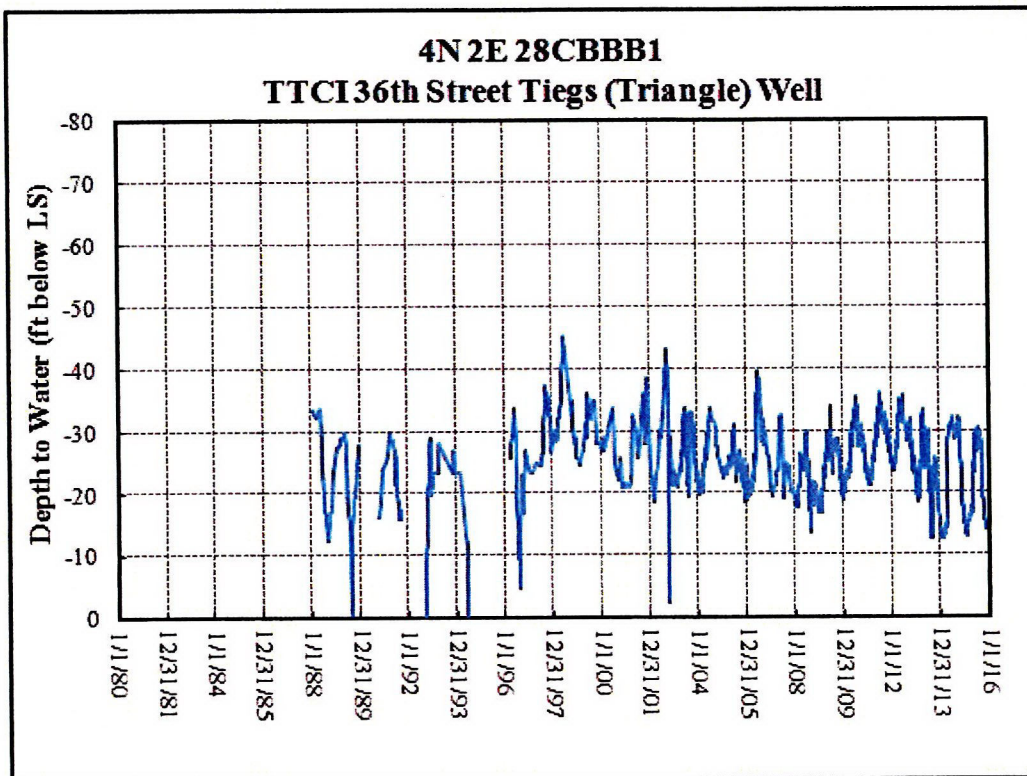


Figure 2. Water level hydrograph for the TTCI 36th Street Tieg's (Triangle) well.

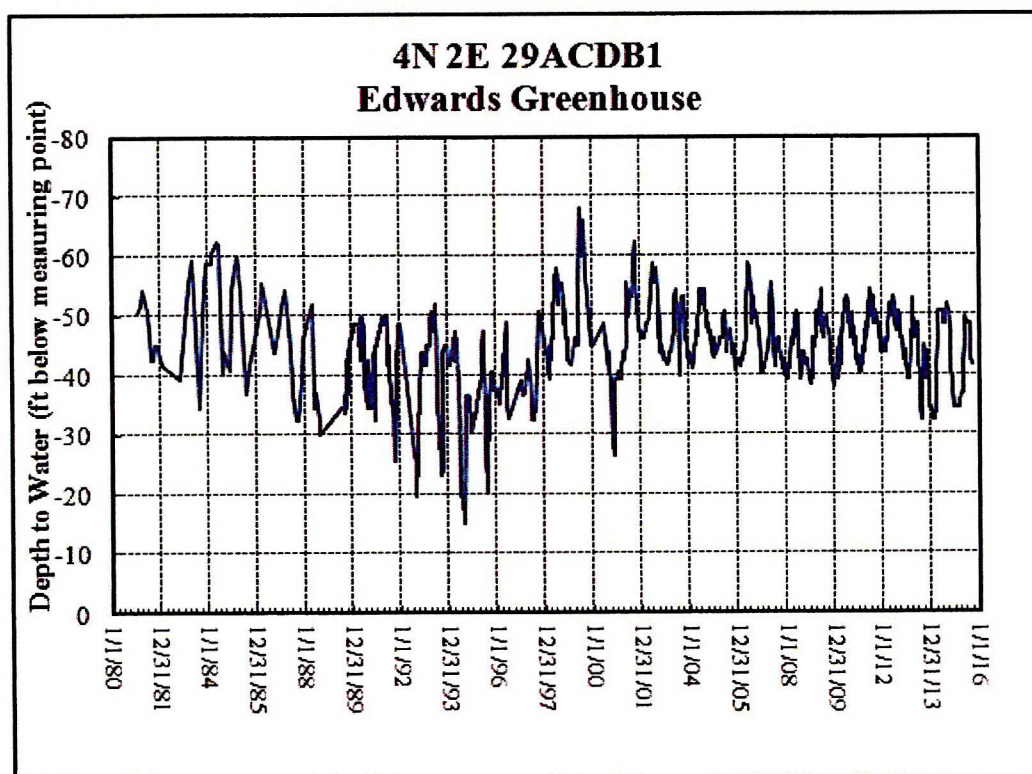


Figure 3. Water level hydrograph for the Edwards Greenhouses well.

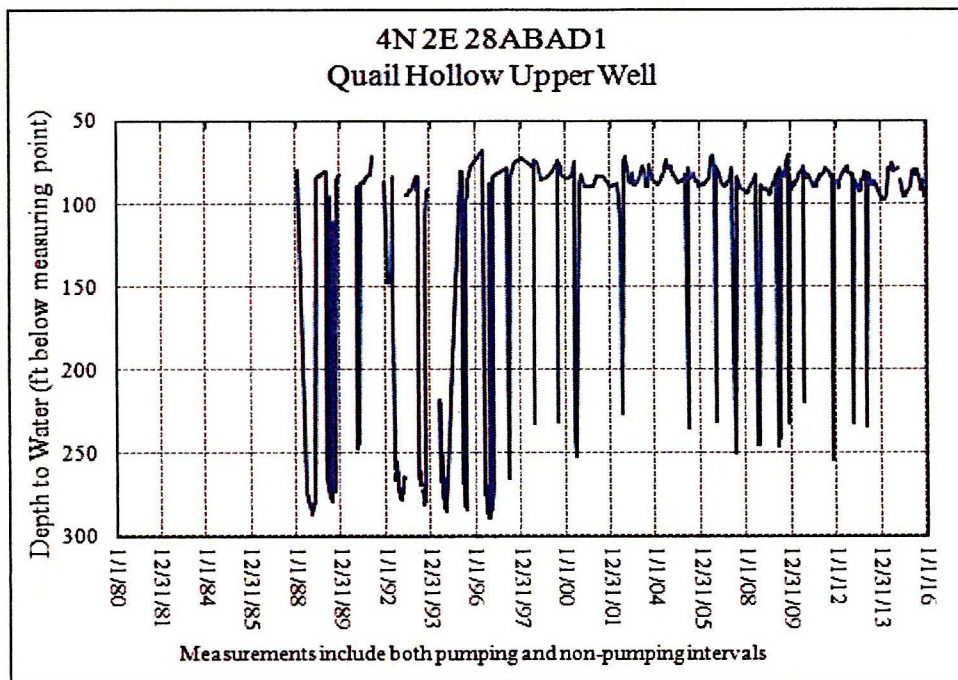


Figure 4. Water level hydrograph for the Quail Hollow Upper well.

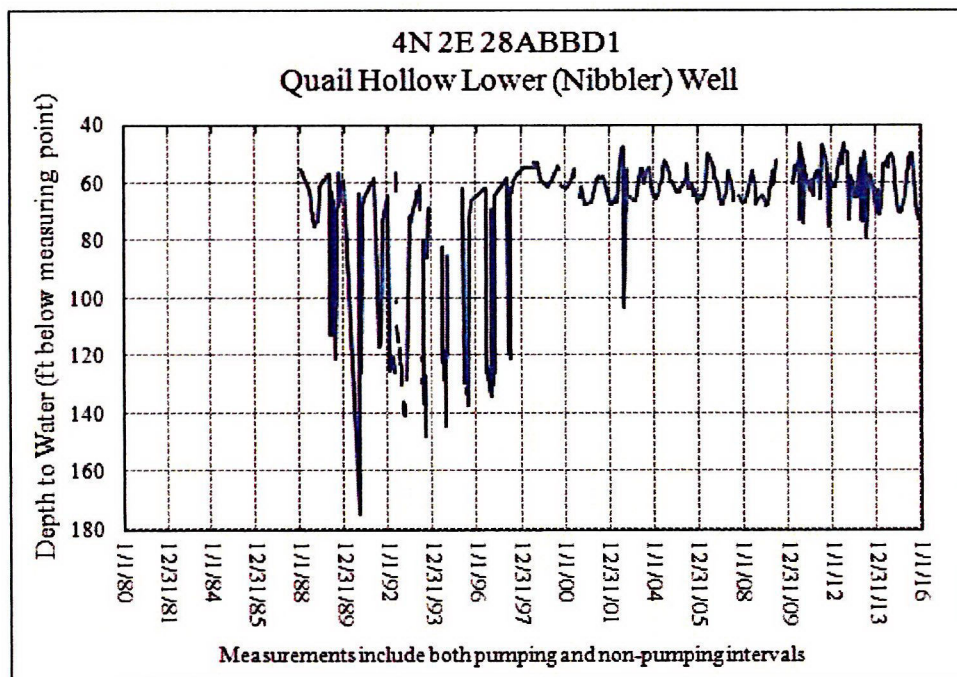


Figure 5. Water level hydrograph for the Quail Hollow Lower well.

Respectfully submitted,

Kenneth Neely

Kenneth Neely, Watermaster for Ground Water District 63-S



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

RECEIVED

GARY SPACKMAN
Director

FEB 11 2016

WATER RESOURCES
WESTERN REGION

To: 63S Stewart Gulch
From: Rachel Neely
Date: February 4, 2016
Re: Annual Water District Meeting Information Form

Please **complete this annual water district meeting information form and return it to IDWR** (contact information below). Upon receipt of the completed form, IDWR sends meeting notices to each water user and interested party in the district. Notices must be mailed no later than three weeks prior to the meeting day. Therefore, to provide IDWR adequate time to create and mail the notices, please **return the completed form to IDWR by as soon as possible or no later than four weeks before the meeting day.**

Meeting Location

Facility Name Quail Hollow Golf Course
Room Name/Number Boardroom downstairs
Street Address 4720 N. 36th Street
City Boise, Id 83703

Meeting Time/Day

Date (month, day, year) March 3, 2016
Day of Week Thursday
Time 1:30

Signature, Water District Representative

208-342-8498

Representative Phone Number

Representative Email Address

ryanbsu6975@q.com

Title

Secretary

Return this form via mail, fax, or email, attention Rachel Neely- Western Region:

Mail

2735 Airport Way
Boise, ID 83705-5082

Fax

(208)334-2348

Email

Rachel.Neely@idwr.idaho.gov

SCANNED

FEB 12 2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 5, 2016

ROSE RYAN
4504 FOOTHILLS DR
BOISE ID 83703

Dear Water District Secretary or Watermaster,

Enclosed are several documents related to the annual water district meeting.

- 1) **Information form to provide the Idaho Department of Water Resources (IDWR) the date, time, and location of the next annual water district meeting.** Please complete the meeting information form and return it to IDWR. Upon receipt of the completed form, IDWR will send a meeting notice to each water user and interested party in the district. Meeting notices must be mailed no later than three weeks before to the meeting date. Therefore, to provide IDWR adequate time to create and mail the notices, please **return the completed form to IDWR as soon as possible or at least four weeks before the meeting dates.**
- 2) **List of water right owners within your district.** Look over the list and mark any name or address changes or additions. An accurate review of the list will ensure all users and interested parties are informed of the meeting. Return the corrected list with the completed meeting information form.
- 3) **Annual Meeting Checklist.** Per Idaho Code Title 42 Chapter 6 (Distribution of Water Among Appropriators), annual water district meetings must include (at a minimum) the actions outlined on the checklist. Fill out this form during the meeting and return with the meeting minutes or ensure your meeting minutes describe each of these actions.

If you are no longer the water district secretary or watermaster, please forward this to the current secretary or watermaster or return this correspondence to IDWR as soon as possible.

If you or water users have any questions or concerns about the annual water district meeting or ownership/address changes, please contact Rachel Neely at (208)334-2190 or Rachel.Neely@idwr.idaho.gov.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosures

SCANNED

FEB 05 2016

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