

Minutes from the Annual Meeting of State Water District 63-S Stewart Gulch on March 6, 2014

Quail Hollow Board Room downstairs

Present:

Joe Terteling, Flinda Terteling, Ed Squires, Charles Honsinger, Ken Neely, Vicky Music, Garnette Edwards, Erin Monnie, John Tensen, Kim Trainor, Scott McGeachin, Jon Gunnerson, Maria Minicucci, Norm Young and Mary Ryan

Minutes:

Meeting called to order at 1:40 p.m. by Garnette Monnie

First order of business was Elections of Officers for the period March 6, 2014 thru March 11, 2015.

Nominations were presented, the City of Boise was informed of typical protocols and the following positions were voted on and approved; all unanimously.

Chairperson—Joe Terteling
Watermaster—Ken Neely
Secretary—Mary Ryan
Treasurer—Scott McGeachin

Chairman Joe Terteling asked Mary Ryan to read last year's minutes. Minutes of the March 2013 meeting were read, two typos were identified, and the following corrections were noted: the letter to Dave Niznik advising him of excessive water use was signed by Garnette but not sent by Ken Neely because Vicky Music determined that the Niznik water right was not a "deminimus" domestic water right that carries a 13,000 gallon per day volume restriction. The 2013 meeting minutes were approved with those corrections.

New Business:

Vicky Music went on to advise the water users that the Niznik water right volume was for a "calendar year and not the "water year". Because of the distinction in the nature of use of the Niznik water right (as non-deminimus), Ms. Music called for a resolution to bring the Niznik water use under the administration of the water district including annual fees and monitoring requirements. She also recommended an extra monitoring stop for end-of-year volume measurement because of the Niznik period of use (calendar year) differing from the other water user's period of use (water year).

Charlie Honsinger, with suggestions from Norm Young and Vicky Music, revised Vicky's draft resolution to be presented to IDWR; Tim Luke for consideration, as follows:

Resolved: Water Right No. 63-5195 was decreed in the Snake River Basin Adjudication with a volumetric limitation of 16.5 acre-feet. Water Right No. 63-5195 has been exercised during the 2013 water year to the extent that 18 acre-feet were diverted from the low

SCANNED

MAY 01 2015

temperature geothermal aquifer. As such, Water Right No. 63-5195 exceeded its decreed quantity and no longer qualifies as being exempt from water district inclusion because it is not a de minimus domestic water right.

Therefore, Water District 63-S believes it would be beneficial to the district and the low temperature geothermal aquifer to request that IDWR include Water Right No. 63-5195 in State Water District 63-S.

Chairman Terteling made a motion to adopt a resolution to change the monitoring plant to accommodate the Niznik calendar year period of use and additional monitoring stop. Mary Ryan seconded the motion and a unanimous vote passed.

Treasurer's Report:

Previous Treasurer Dave Hendrickson was not present. Scott McGeachin, the newly elected District treasurer agreed to contact the bank and work to get the paper work changed. No additional Treasurer's report is available at this time.

The water users welcomed the City of Boise to the water district as the new owner of the Quail Hollow water rights. The City reported they are planning on remodeling the clubhouse, adding a restaurant upstairs, and moving the pro shop upstairs. A grand opening is scheduled for around the first of July. John Tensen, City Engineer, offered that the City understands geothermal issues and already monitors its geothermal water use in the downtown area. John further noted that the City wants to be a good neighbor in the District and that it was taking measures to reduce its use of geothermal water from the Stewart Gulch LTG aquifer.

Watermaster's Report/Budget:

Watermaster Ken Neely presented his bill for compensation of Watermaster duties from March 1, 2013 to February 28, 2014. The bill is \$380.46 for 2013 monitoring including time charged to the Niznik issue, since he lessened his site visits as Watermaster. We passed a budget of \$500.00 for the Watermaster. Ken, paraphrasing from his annual low-temperature geothermal report, reported that this past year there was an increase of 200% in geothermal water withdrawals by Quail Hollow due to problems with its cold water well. This increase in geothermal water production caused lower geothermal ground water levels in September and October in all District geothermal wells and the drawdowns were much earlier than normal. Ken was not aware until recently about this because he is only monitoring the wells twice a year now.

Ken Neely indicated that the extra monitoring for Niznik would not be a significant cost.

Scott McGeachin makes a motion to set water user's assessment at \$500 with percentages as noted in proposal. Garnette Edwards seconds with a unanimous vote to carry as submitted.

Charlie Honsinger asked John Tensen to speak to the increased use of geothermal water by Quail Hollow in the 2013-2014 water year. John explained that the Quail Hollow cold water well pump column had developed a hole in it and the pump was simply re-circulating the pumped water back into the well. Because the cold water was not being pushed up to the golf course, it had to start pumping its geothermal wells for irrigation. This problem has now been fixed. John went on to add that the previous owner had entered into an agreement to supply cold water to a neighbor as a settlement in a water right protest. The previous owners were not very observant of the neighbor's water use (which was not monitored) but the City is making changes to monitor that use and more cold water is now expected to be available from the Quail Hollow cold water well. John asked Ed Squires if he thought the Stewart Gulch geothermal system was hydraulically interconnected to the downtown geothermal ground water system. Ed responded that short-term interference effects are not pronounced but that he also felt that no one has yet done a detailed enough study to determine a short-term connection. Ed thought that the data does exist to allow for such a study and he allowed that on a regional and long-term scale, that he would expect a connection exists.

Garnette nominated Ken Neely to remain as water master, Mary Ryan seconds and the motion carries after a unanimous vote.

Old Business:

Chairman Terteling asked about the status of the Area of Drilling Concern that Garnette was working on. Garnette responded that she had conversations with Ken Neely and that North Idaho/Lewiston has a new management area that may set a precedent to follow. The District is interested in pursuing the ADC designation and Ken and Garnette will talk in the near future and continue to work on the Area of Drilling Concern.

Ed Squires reported on the Terteling cold water right transfer that was recently approved by IDWR resulted in a new cold water irrigation well on the Terteling Ranch this past year that produces 1,000 gallons a minute for irrigation. The addition of this cold water well further reduces Terteling's dependence on low-temperature geothermal water and that is good for the Water District.

Next meeting is set for 1:30 p.m. on Thursday, March 12, 2015 at the Quail Hollow Board Room downstairs.

Meeting adjourned 2:40 p.m.

Respectfully submitted—Mary Ryan, District Secretary

jtensen@cityofboise.org; kimtraino@cityofboise.org; smcgeachin@cityofboise.org;
jgunnerson@cityofboise.org; mminicucci@cityofboise.org; Vicky.music@idwr.idaho.gov;
nyoung@eroresources.com; harnette@edwardsgreenhouse.com; erin@edwardsgreenhouse.com;
ken.neely@idwr.idaho.gov; honsingerlaw@gmail.com; jlt@tertco.com; fterteling@tertco.com;
ed@hydrologicinc.net; ryanbsu6975@q.com

INTEROFFICE MEMORANDUM

TO: WD 63S 2013 FILE
FROM: VICKY MUSIC
SUBJECT: WD MEETING ON 3/5/2014
DATE: MARCH 10, 2014
CC:

The WD meeting was held on 3/5/14 at Quail hollow golf course. It was the first since the Boise Parks and Rec Dept acquired the Quail Hollow golf course. Items of most concern were the increased hot water withdrawals by the golf course last year, and Niznik.

The golf course had some pump and well issues with their cold well which required that they use more hot water for irrigation. According to Boise City staff, there are tree roots, and some other pump and well problems the city intends to fix, and which they expect will increase the efficiency and production of the cold water well.

Water right 63-5195, owned by David Niznik, has come up in the WD meetings the past 2 years. Mr. Niznik opted out of the WD during the SRBA, when the Dept. thought the right would be recommended as a de minimus domestic, which, according to the WD orders, are not regulated in the WD. However, the right was recommended with a 16 af annual volume, so it should be regulated by the WD.

Ken Neely's watermaster report states that Niznik used 18 af during the 2013 water year, which runs 10/1 – 9/30, whereas the water right season of use is 1/1 – 12/31, so the two do not correspond.

I discussed the situation with Ken and we decided we would present some options to the WD. Those suggestions are attached. The WD passed 2 resolutions, [1] to modify the monitoring schedule to include a yearend measurement of the Niznik well, and [2] to include 63-5195 in the water district. See attachment for handout at the WD meeting.

Now, we will refer to water distribution to see if the WD order has to be amended, or what the procedure will be to get 63-51

SCANNED

MAY 01 2015

WD 63S suggestions

1 - NIZNIK WR 63-63-5195 should be added to WS due to non exempt status.

See Final WD order dated 12/8/95. Finding of Fact No.1 [page 2] states "...Minor or domestic uses exempt from water right permitting requirements remain unregulated within the District absent a showing of cause for regulation."

And, Conclusion of Law No 7 [page 7] states, "... Low temperature geothermal wells found within the District and utilized for domestic use defined in I.C. § 42-111 remain excused from watermaster regulation."

Prior to the partial decree, and during the history of the WD, Whitehead/Stralow/Niznik was treated as an exempt domestic. However, the 16 af annual volume recommended and decreed kicks the right out of the exempt domestic category.

VIA a RESOLUTION and letter to Tim Luke? Maybe an e-mail from a WD officer to Tim with copy of minutes with resolution is first low cost option, and see if that is enough.

2 - RESOLUTION Because WR 63-5195 was decreed with a season of use of 1/1 - 12/31, the WD proposes to modify the monitoring schedule to add an year end measurement of the 63-5195 [Niznik] well to determine a calendar year volume. This will allow the Watermaster to determine whether Niznik is using more water than the 16 af annually that his water right authorizes.

3 - The Watermaster report indicates that 63-5195 used 18 af for the water year. The "neighborly letter" discussed in prior WD meetings may be timely now, though we cannot be certain that he is exceeding 16 af until the year end monitoring.

4 - If the revised monitoring schedule indicates that Niznik is exceeding his authorized annual volume, when the WM report is available, the WM can refer his finding to the IDWR Compliance Bureau for action.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 21, 2014

«Name»
«Address1»
«Address2»
«City_State_Zip»

Dear Water User,

Notice is hereby given, that pursuant to law, the regular **annual meeting** for adoption of a budget and election of a water master for **Water District 63S, Stewart Gulch**, is scheduled for the time and location listed below.

Day & Date: Thursday, March 6, 2014

Time: 1:30 PM

**Location: Quail Hollow Golf Course
Clubhouse
4520 N. 36th St.
Boise, ID**

For more information regarding water rights and water districts, including forms and records, visit the Idaho Department of Water Resources (IDWR) website, www.idwr.idaho.gov.

If you have questions regarding this notice, please contact the IDWR Water Distribution Section at the phone number above.

Sincerely,

A handwritten signature in blue ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman
Director

SCANNED

MAY 01 2015