

STATE OF  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF  
TRANSFER

This is to certify that: THE TERTELING COMPANY  
3823 N 36TH ST  
BOISE ID 83703  
(208)338-5200

**ROUTING & REQUEST**

Please...

- Read
- Handle
- Approve
- And...
- Forward
- Return
- Keep or Recycle
- Review with Me

To: Dupe / Lem  
See page 3,  
paragraph 4.

FYI!!! 😊

From: Kari Lynn and Pam

Post-It® 7664 C3M 1995

Date: 6.3.02

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-12	AJC/Decreed	07/01/1921	0.14 cfs			7.5	GROUND WATER
63-13	AJC/Decreed	07/01/1922	0.66 cfs			7.5	GROUND WATER
63-15	AJC/Decreed	03/23/1927	0.80 cfs			7.5	GROUND WATER

**Purpose of Transfer (Changes Proposed)**

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-12	NO	NO	YES	YES	NO	NO
63-13	NO	NO	YES	YES	NO	NO
63-15	NO	NO	YES	YES	NO	NO

**Summary of Water Rights After the Approved Change**

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre	Remaining Limit Total Acres
63-12	63-12	0.14 cfs	101.4 af	6.0	15.0		N/A	N/A	N/A	N/A
63-13	63-13	0.66 cfs	400.0 af	6.0	15.0		N/A	N/A	N/A	N/A
63-15	63-15	0.80 cfs	400.0 af	6.0	15.0		N/A	N/A	N/A	N/A
<b>TOTALS</b>		<b>0.86 cfs</b>	<b>400.0 af</b>	<b>6.0</b>	<b>15.0</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Detailed Water Right Description(s) attached

Dated this 3<sup>rd</sup> day of June, 2002

[Signature]  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-12**  
**As Modified by Transfer No. 68558**

In accordance with the approval of Transfer No. 68558, Water Right No. 63-12 is now described as follows.

**Right Holder:** THE TERTELING COMPANY INC  
 3823 N 36TH ST  
 BOISE ID 83703

**Priority Date:** 07/01/1921

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
HEATING	01/01	12/31	0.14 CFS	101.4 AF
DOMESTIC	01/01	12/31	0.04 CFS	0.6 AF
IRRIGATION	01/01	12/31	0.14 CFS	38.0 AF
			0.14 CFS	101.4 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER	NWNWSW Sec. 22Twp 04N Rge 02E ADA County
GROUND WATER	NWNWSW Sec. 28 Twp 04N Rge 02E ADA County
GROUND WATER	NENESE Sec. 29 Twp 04N Rge 02E ADA County
GROUND WATER	NENESE Sec. 29 Twp 04N Rge 02E ADA County

**PLACE OF USE:** HEATING & DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02E 22								X				X					
04N 02E 29													X				

**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02E 22									7.0			.5					7.5
04N 02E 29													7.5				7.5

Total Acres: 15

**WATER RIGHT NO. 63-12  
As Modified by Transfer No. 68558**

**CONDITIONS OF APPROVAL**

1. Right 63-12 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
2. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
3. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
4. Prior to diversion of water under approval of Transfer 68558, action shall be taken to activate Water District 63-S. Diversion and use of water from the Windssock well is contingent upon continued activity of Water District 63-S.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Diversion from points of diversion authorized by this water right and other measurements described below shall be measured and recorded at least weekly. The measurements shall include aquifer shut in pressure, well-head pressure under pumping conditions, artesian flow or pumping discharge rate, totalized production volume for the period between readings, and water temperature. If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.
8. The measuring devices for the wells must be calibrated by an independent method of measurement at least once a year. These calibrations shall be included in the watermasters annual report to IDWR.
9. Diversion from the Windssock well shall not significantly reduce artesian pressure for water rights bearing a priority date earlier than December 20, 2000, describing points of diversion within Water District 63-S. A significant reduction is defined as a decline in pressure below historical pressure reductions caused by diverting from the wells recognized in the *Silkey v. Tiegs* decree. Upon written complaint of significant reduction from the holder of a water right bearing a priority date earlier than December 20, 2000 or upon IDWRs own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windssock well is causing the significant reduction in pressure; (b) curtail diversion of water from the Windssock well; or (c) require mitigation for diversion of water from the Windssock well.
10. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.

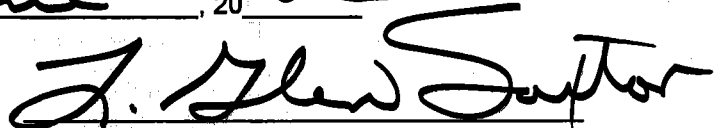
**WATER RIGHT NO. 63-12**  
**As Modified by Transfer No. 68558**

**CONDITIONS OF APPROVAL**

11. Use of water under this right may be affected by an agreement between the protestant and the right holder.
12. Irrigation use is for inside commercial greenhouses and outside irrigation.
13. Domestic use is for business offices.
14. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3<sup>rd</sup> day of June, 2002



Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-13**  
**As Modified by Transfer No. 68558**

In accordance with the approval of Transfer No. 68558, Water Right No. 63-13 is now described as follows.

**Right Holder:** THE TERTELING COMPANY INC  
 3823 N 36TH ST  
 BOISE ID 83703

**Priority Date:** 07/01/1922

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01	12/31	0.66 CFS	38.0 AF
DOMESTIC	01/01	12/31	0.04 CFS	0.6 AF
HEATING	01/01	12/31	0.66 CFS	400.0 AF
			0.66 CFS	400.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER	NWNWSW Sec. 22 Twp 04N Rge 02E ADA County
GROUND WATER	NWNWSW Sec. 28 Twp 04N Rge 02E ADA County
GROUND WATER	NENESE Sec. 29 Twp 04N Rge 02E ADA County
GROUND WATER	NENESE Sec. 29 Twp 04N Rge 02E ADA County

**PLACE OF USE: IRRIGATION**

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02E 22								7.0				.5					7.5
04N 02E 29													7.5				7.5

Total Acres: 15

**PLACE OF USE: DOMESTIC & HEATING**

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02E 22									X								X
04N 02E 29																	X

**WATER RIGHT NO. 63-13  
As Modified by Transfer No. 68558**

**CONDITIONS OF APPROVAL**

1. Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
2. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
3. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
4. Prior to diversion of water under approval of Transfer 68558, action shall be taken to activate Water District 63-S. Diversion and use of water from the Windssock well is contingent upon continued activity of Water District 63-S.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Diversion from points of diversion authorized by this water right and other measurements described below shall be measured and recorded at least weekly. The measurements shall include aquifer shut in pressure, well-head pressure under pumping conditions, artesian flow or pumping discharge rate, totalized production volume for the period between readings, and water temperature. If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.
8. The measuring devices for the wells must be calibrated by an independent method of measurement at least once a year. These calibrations shall be included in the watermasters annual report to IDWR.
9. Diversion from the Windssock well shall not significantly reduce artesian pressure for water rights bearing a priority date earlier than December 20, 2000, describing points of diversion within Water District 63-S. A significant reduction is defined as a decline in pressure below historical pressure reductions caused by diverting from the wells recognized in the Silkey v. Tiegs decree. Upon written complaint of significant reduction from the holder of a water right bearing a priority date earlier than December 20, 2000 or upon IDWRs own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windssock well is causing the significant reduction in pressure; (b) curtail diversion of water from the Windssock well; or (c) require mitigation for diversion of water from the Windssock well.
10. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.

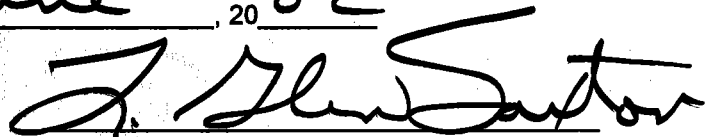
**WATER RIGHT NO. 63-13**  
**As Modified by Transfer No. 68558**

**CONDITIONS OF APPROVAL**

11. Use of water under this right may be affected by an agreement between the protestant and the right holder.
12. Irrigation use is for inside commercial greenhouses and outside irrigation.
13. Domestic use is for business offices.
14. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3<sup>rd</sup> day of June, 2002



Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-15**  
**As Modified by Transfer No. 68558**

In accordance with the approval of Transfer No. 68558, Water Right No. 63-15 is now described as follows.

**Right Holder:** THE TERTELING COMPANY INC  
 3823 N 36TH ST  
 BOISE ID 83703

**Priority Date:** 03/23/1927

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.04 CFS	0.6 AF
IRRIGATION	01/01	to 12/31	0.80 CFS	38.0 AF
HEATING	01/01	to 12/31	0.80 CFS	400.0 AF
			0.80 CFS	400.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

- GROUND WATER                      NWNWSW Sec. 22 Twp 04N Rge 02E ADA County
- GROUND WATER                      NWNWSW Sec. 28 Twp 04N Rge 02E ADA County
- GROUND WATER                      NENESE Sec. 29 Twp 04N Rge 02E ADA County
- GROUND WATER                      NENESE Sec. 29 Twp 04N Rge 02E ADA County

**PLACE OF USE: DOMESTIC & HEATING**

Twp Rge Sec	NE				NW				SW				SE				Totals				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
04N 02E 22									X								X				
04N 02E 29																			X		

**PLACE OF USE: IRRIGATION**

Twp Rge Sec	NE				NW				SW				SE				Totals				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
04N 02E 22									7.0								.5				7.5
04N 02E 29																			7.5		7.5

Total Acres: 15



**WATER RIGHT NO. 63-15**  
**As Modified by Transfer No. 68558**

**CONDITIONS OF APPROVAL**

1. Right 63-15 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
2. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.
3. The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af.
4. Water under Right 63-15 shall not be diverted or allowed to flow pending further direction from the court as described under the Silkey v. Tiegs decree dated 06-13-1930.
5. Prior to diversion of water under approval of Transfer 68558, action shall be taken to activate Water District 63-S. Diversion and use of water from the Windsock well is contingent upon continued activity of Water District 63-S.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. Diversion from points of diversion authorized by this water right and other measurements described below shall be measured and recorded at least weekly. The measurements shall include aquifer shut in pressure, well-head pressure under pumping conditions, artesian flow or pumping discharge rate, totalized production volume for the period between readings, and water temperature. If these measurements are not being taken directly by the watermaster, the measurements must be reported to the watermaster at least quarterly.
9. The measuring devices for the wells must be calibrated by an independent method of measurement at least once a year. These calibrations shall be included in the watermasters annual report to IDWR.
10. Diversion from the Windsock well shall not significantly reduce artesian pressure for water rights bearing a priority date earlier than December 20, 2000, describing points of diversion within Water District 63-S. A significant reduction is defined as a decline in pressure below historical pressure reductions caused by diverting from the wells recognized in the Silkey v. Tiegs decree. Upon written complaint of significant reduction from the holder of a water right bearing a priority date earlier than December 20, 2000 or upon IDWRs own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock well is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock well; or (c) require mitigation for diversion of water from the Windsock well.

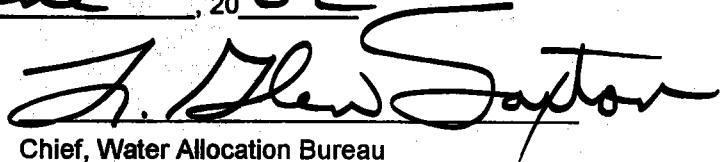
**WATER RIGHT NO. 63-15**  
**As Modified by Transfer No. 68558**

**CONDITIONS OF APPROVAL**

11. Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.
12. Use of water under this right may be affected by an agreement between the protestant and the right holder.
13. Irrigation use is for inside commercial greenhouses and outside irrigation.
14. Domestic use is for business offices.
15. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
16. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3<sup>rd</sup> day of June, 2002

  
Chief, Water Allocation Bureau