

IDAHO DEPARTMENT OF WATER RESOURCES  
 Adjudication Recommendation Report 63-12 V1

WATER RIGHT NUMBER: 63-12 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JOHN M MARSHALL GIVENS PURSLEY LLP 277 N 6TH ST PO BOX 2720 BOISE, ID 83701 2720 (208)388-1200
Current Owner	THE TERTELING CO INC 3823 N 36TH ST BOISE, ID 83703 (208)338-5200
Original Owner	O L MILSTEAD  BOISE, ID 83703

Priority Date: 07/01/1921

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	0.140 CFS	101.40 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
IRRIGATION	01/01 to 12/31	0.140 CFS	38.00 AF
	<u>Total Diversion:</u>	0.140 CFS	101.40 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	NW1/4NW1/4SW1/4	Sec. 28, Twp 04N, Rge 02E, B.M.
GROUND WATER ADA County	NE1/4NE1/4SE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
GROUND WATER ADA County	NE1/4NE1/4SE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
GROUND WATER ADA County	NW1/4NW1/4SW1/4	Sec. 22, Twp 04N, Rge 02E, B.M.

Place of Use

HEATING

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

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04N 02E 29							X	
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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	

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

Conditions of Approval:

1. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.
3. T02 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 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.
7. T18 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. WB4 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.
9. X01 Domestic use is for business offices.
10. X10 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.
11. X27 Right 63-12 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

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12. X35 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.

Remarks:

1. 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.
2. 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.
3. 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.
4. Irrigation use is for inside commercial greenhouses and outside irrigation.
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 Windssock well is contingent upon continued activity of Water District 63-S.

Comments:

1. PSKAGGS 6/3/2002 1:15:47 PM Transferred Right  
Comment: This is now a approved transfer, transfer number = 68558

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal:  
 Owner Name Connector:  
 Water District Number: 63  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False