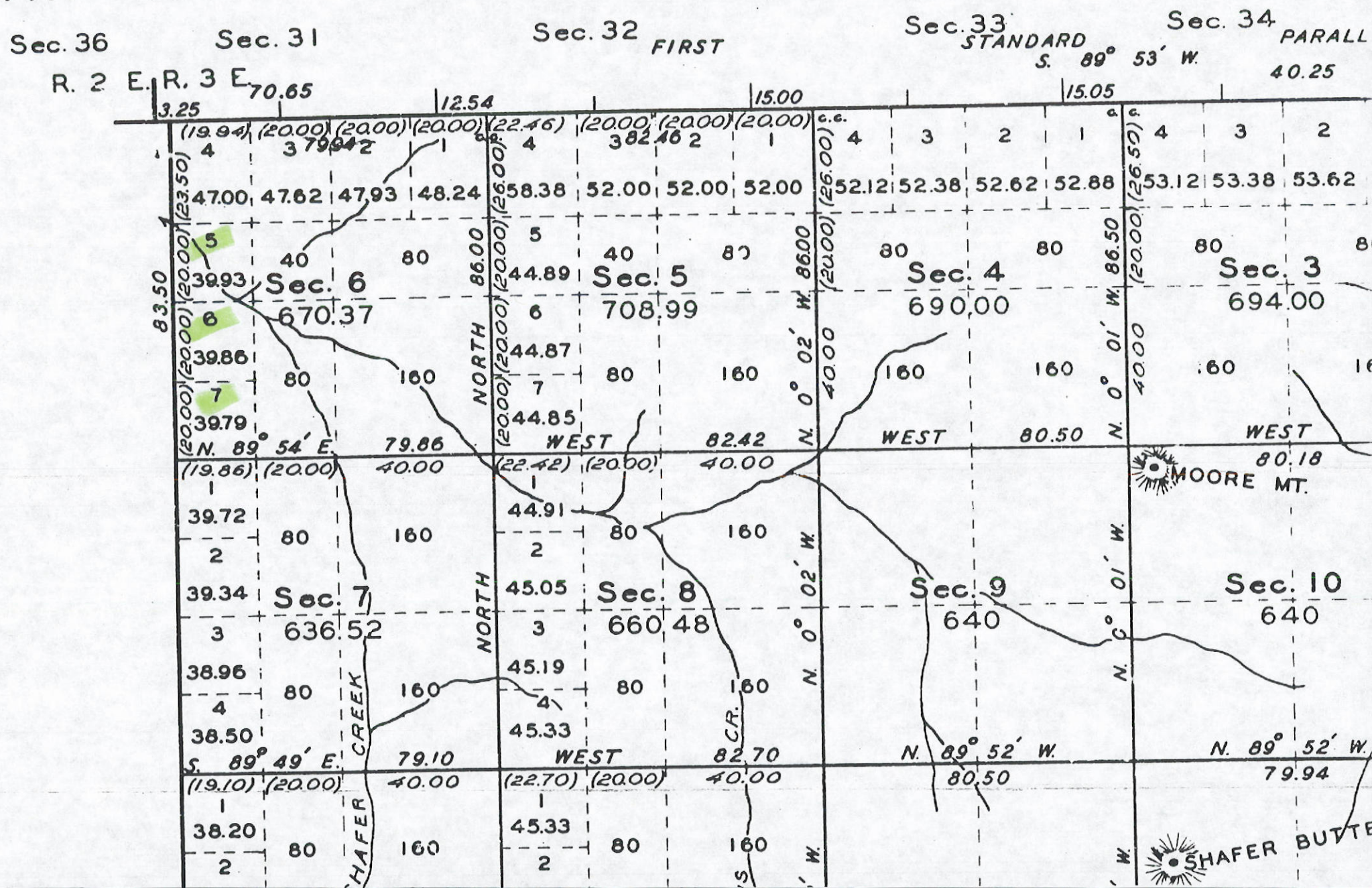
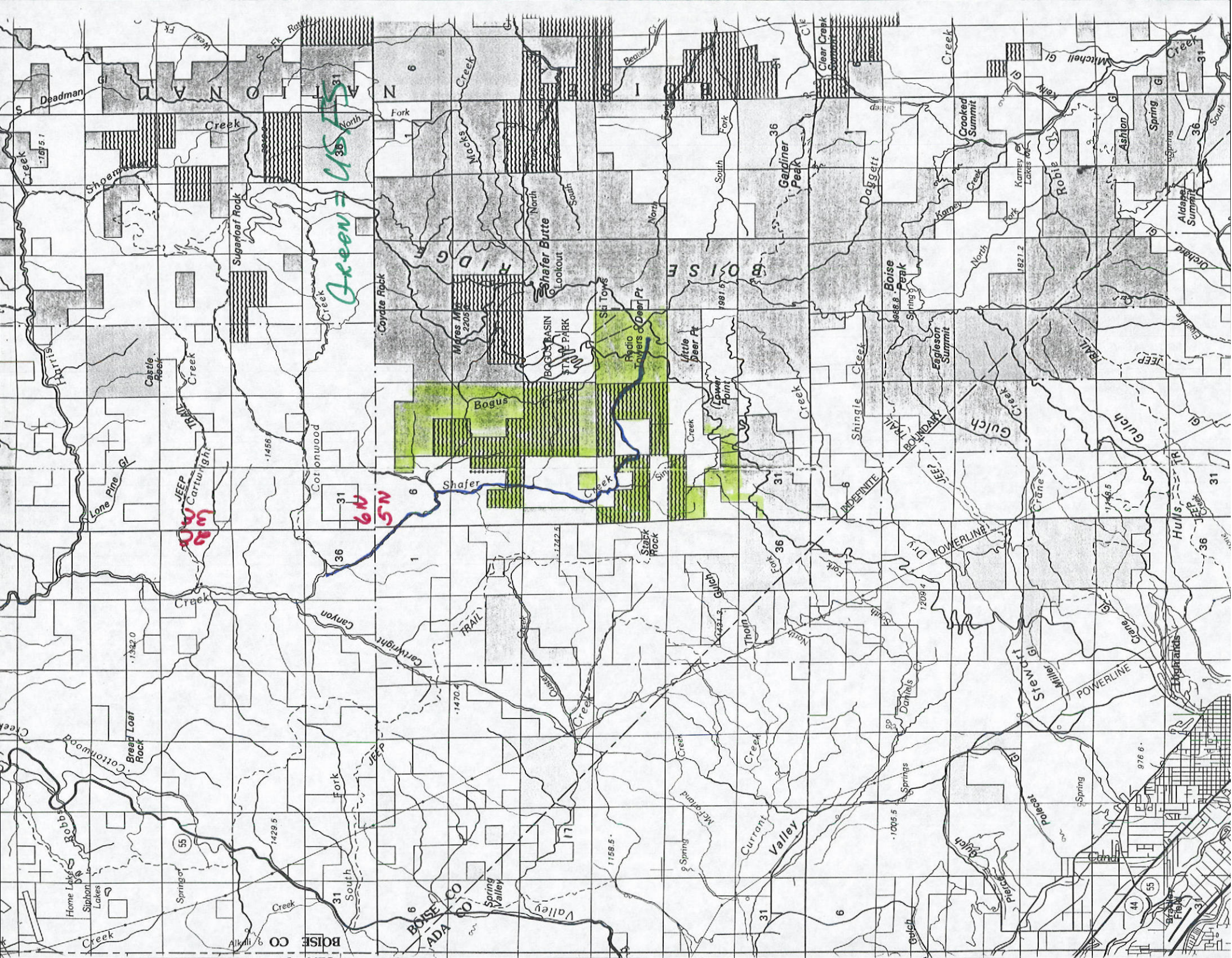


SHIP N° 5 NORTH, RANGE N° 3 EAST OF



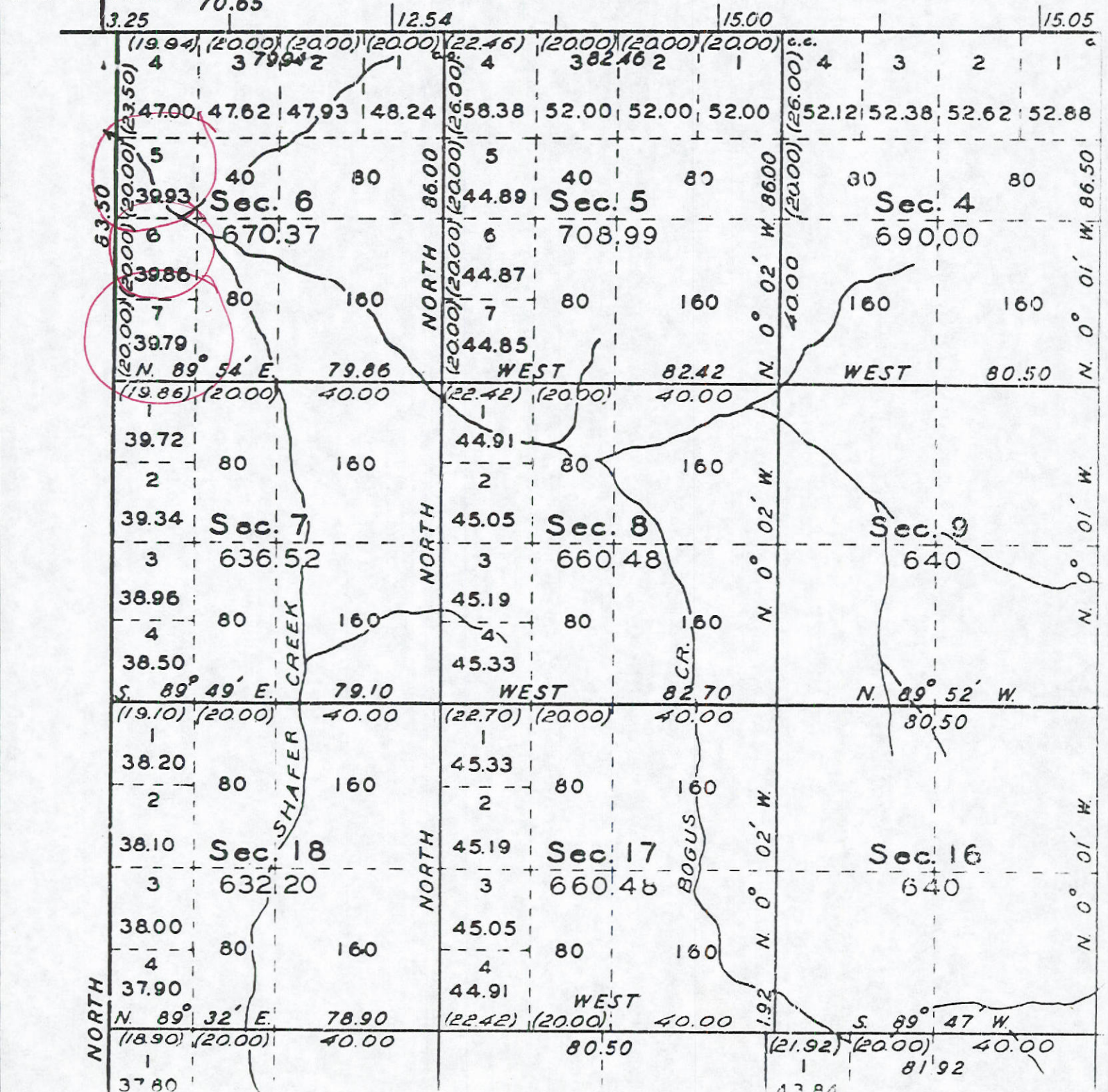


65-2203/B

COMPOSITE

P N° 5 NORTH, RANGE N° 3 E/

Sec. 36 Sec. 31 Sec. 32 Sec. 33
 R. 2 E. R. 3 E. FIRST STANDARD
 S. 89°



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-22031B**
Date Received: 3/ 7/1990
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: HOFF COMPANIES INC 208-884-2002
Address: 280 E CORPORATE DR #200
MERIDIAN ID 83642

2. Date of Priority: DEC 31, 1875

3. Source: SHAFER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
----------	-------	---------	--------	--------	-----	-----	--------

Beginning Point of Instream Flow

05N	03E	21	SW	NE		BOISE
-----	-----	----	----	----	--	-------

Ending Point of Instream Flow

05N	03E	36	NE	SW		BOISE
-----	-----	----	----	----	--	-------

5. Description of diverting works:
INSTREAM USE ONLY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.015		

7. Total Quantity Appropriated is:
0.015 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 30 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	03E	6	SW		NW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
		7	SW		NE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NW		SE		STOCK	
		18	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
06N	02E	36	NE		SW		STOCK	
			SW		SE		STOCK	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NONE

14. Remarks:

PLACE OF USE PROPERTY INCLUDES U.S. FOREST SERVICE LANDS THAT ARE
LEASED FOR GRAZING BY CLAIMANT.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF
A65-22031.

15. Basis of Claim: BENEFICIAL USE

Received at
S.O. 11-13-97

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

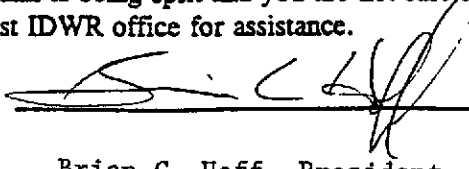
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A63-30212
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant The Terteling Company, Inc.
877 W. Main St., Suite 706, Boise, ID 83702
4. New Owner/Claimant(s) Hoff Companies, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 280 E. Corporate Drive, Suite #200
City, State and ZIP Code Meridian, ID 83642
New Telephone Number (208) 884-2002
5. Date you acquired the property 5/17/93
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS .030 Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) 
Brian C. Hoff, President
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

101-55

FOR VALUE RECEIVED, THE TERTELING COMPANY, INC., Grantor, does hereby grant, bargain, sell and convey unto HOFF COMPANIES, INC., of 5257 Fairview Avenue, Suite 230, Boise, Idaho 83706, Grantee, the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, EXCLUDING ALL MINERAL RIGHTS.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except (i) current taxes and assessments, easements, restrictions and reservations of record, and (ii) encumbrances set forth on Exhibit "B" attached. The Grantor will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

DATED this 17th day of May, 1993.

THE TERTELING COMPANY, INC., an Idaho corporation

By J. L. Terteling
J. L. Terteling, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of May, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared J. L. Terteling, known or identified to me to be the President of THE TERTELING COMPANY, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

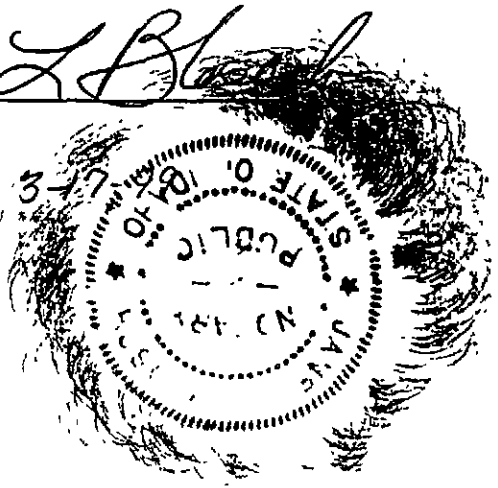
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

BOISE COUNTY IDAHO SS
REQUEST OF

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires:

93 MAY 18 PM 3: 33

ARLENE C. KOLAR
BY Joyce A. Lebo
DEPUTY
FEE \$12.00



147297

TOWNSHIP 5 NORTH, RANGE 2 EAST OF BOISE-MERIDIAN IN BOISE COUNTY, IDAHO

SECTION 1

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND
THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND
THE SOUTH HALF OF THE SOUTHWEST QUARTER;

SECTION 2

THE SOUTH HALF OF THE SOUTH HALF; A65-22010
22029

SECTION 3

GOVERNMENT LOT 1 AND
THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND
THE EAST HALF OF THE SOUTHWEST QUARTER; B1-M

SECTION 11

ALL; A65-22029, A65-22010, A65-22011

SECTION 12

THE NORTH HALF AND THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER; A65-22029

SECTION 13

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER AND THE
SOUTH HALF; J

SECTION 14

ALL EXCEPT THE SOUTH HALF OF THE SOUTH HALF. J

TOWNSHIP 6 NORTH, RANGE 2 EAST OF BOISE-MERIDIAN IN BOISE COUNTY, IDAHO

SECTION 36

THE SOUTH HALF. A65-22029

TOWNSHIP 5 NORTH, RANGE 3 EAST OF BOISE-MERIDIAN IN BOISE COUNTY, IDAHO

SECTION 4

GOVERNMENT LOT 4, AND
THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; J

SECTION 5

GOVERNMENT LOTS 1, 2, 3, 4 AND 5 AND A65-22029
THE SOUTH HALF OF THE NORTHEAST QUARTER AND
THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

SECTION 6

GOVERNMENT LOTS 3, 4, 5, 6 AND 7 AND A65-22029
THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND
THE EAST HALF OF THE SOUTHWEST QUARTER;

LEGAL CONTINUED

EXHIBIT "A"

SN 3E SECTION 7

Adm. 100-10, 105-02021

- THE NORTH HALF OF THE NORTHEAST QUARTER AND
- THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND
- THE EAST HALF OF THE NORTHWEST QUARTER AND
- GOVERNMENT LOTS 1 AND 2 AND
- THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;
- EXCEPT ROAD RIGHT OF WAY;

SECTION 18

- THE WEST HALF OF THE EAST HALF AND
- THE EAST HALF OF THE WEST HALF AND
- GOVERNMENT LOTS 1, 2, 3 AND 4;

TOWNSHIP 6 NORTH, RANGE 3 EAST OF BOISE-MERIDIAN IN BOISE COUNTY

SECTION 21

- THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; 0

SECTION 27

- THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND
- THE WEST HALF OF THE SOUTHWEST QUARTER; 40-

SECTION 28

- THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND
- THE SOUTH HALF OF THE NORTHEAST QUARTER AND
- THE NORTHWEST QUARTER AND
- THE NORTH HALF OF THE SOUTHWEST QUARTER AND
- THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND
- THE SOUTHEAST QUARTER;

SECTION 29

- THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND
- THE SOUTH HALF OF THE NORTHEAST QUARTER AND
- THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND
- THE SOUTH HALF;

SECTION 30

- THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND
- GOVERNMENT LOTS 3 AND 4 AND
- THE EAST HALF OF THE SOUTHWEST QUARTER AND
- THE SOUTHEAST QUARTER;

SECTION 31

- THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER AND
- GOVERNMENT LOTS 1, 2, 3 AND 4 AND
- THE EAST HALF OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE
- SOUTHEAST QUARTER; 100-15

SECTION 32

- ALL EXCEPT THE NORTH HALF OF THE SOUTHEAST QUARTER AND ALSO
- EXCEPT THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND ALSO EXCEPT THE NORTH
- HALF OF THE SOUTHWEST QUARTER AND ALSO EXCEPT THE WEST HALF OF THE SOUTHWEST
- QUARTER OF THE SOUTHWEST QUARTER; Adm. 100-10, 105-02021

SECTION 33

- THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER. 2

END OF LEGAL DESCRIPTION



COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

File Number: P 119670/B

C. Special Exceptions:

2. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: ROAD OF TRAMWAY FOR GENERAL LOGGING PURPOSES
DISCLOSED BY: DEED RECORDED JULY 28, 1916, UNDER INSTRUMENT NO. 24717 IN BOOK 41 OF DEEDS AT PAGE 256
IN FAVOR OF: UNDISCLOSED
AFFECTS: A STRIP OF LAND 50' FEET WIDE THROUGH THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 3 EAST. *Ab5-22025*

4. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: A RIGHT OF WAY AND EASEMENT FOR THE ERECTION AND CONTINUED OPERATION, MAINTENANCE, REPAIR, ALTERATION, INSPECTION AND REPLACEMENT OF THE ELECTRICAL TRANSMISSION, DISTRIBUTION AND TELEPHONE LINES AND CIRCUITS OF THE GRANTEE, ATTACHED TO POLES OR OTHER SUPPORTS, TOGETHER WITH GUYS, CROSSARMS AND OTHER ATTACHMENTS AND INCIDENTAL EQUIPMENT THEREON AND APPURTENANCES, WITH THE RIGHT TO PERMIT THE ATTACHMENT OF THE WIRES AND FIXTURES OF OTHER COMPANIES OR PARTIES
IN FAVOR OF: IDAHO POWER COMPANY, A CORPORATION
RECORDED: FEBRUARY 1, 1966
INSTRUMENT NO.: 70747 *Ab5-22024, Ab5-22026, Ab5-22028, Ab5-07450, Ab5-22027, Ab5-22021*
AFFECTS: NORTHWEST QUARTER AND THE SOUTH HALF SECTION 6, TOWNSHIP 5 NORTH, RANGE 3 EAST, BOISE-MERIDIAN, AND THE NORTH HALF NORTHEAST QUARTER AND SOUTHWEST QUARTER NORTHEAST QUARTER, SECTION 7, TOWNSHIP 5 NORTH, RANGE 3 EAST, BOISE-MERIDIAN.

5. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: ACCESS TO THE LANDS OF DOBSON
RECORDED: MAY 13, 1974
INSTRUMENT NO.: 80603
AFFECTS: THE SOUTH HALF OF SECTION 36 TOWNSHIP 6 NORTH, RANGE 2 EAST, BOISE-MERIDIAN *Ab5-22021*

6. RESERVATIONS CONTAINED IN DEED
DATED: MARCH 3, 19
EXECUTED BY: TERTELING LAND COMPANY, A CORPORATION
IN FAVOR OF: TERTELING LAND COMPANY, A CORPORATION
RECORDED: MARCH 6, 1978
INSTRUMENT NO.: 88361
AS FOLLOWS: EXCEPT ALL MINERALS IN OR UNDER SAID LAND INCLUDING BUT NOT LIMITED TO METALS, OIL, GAS, COAL, STONE AND MINERAL RIGHTS, MINING RIGHTS AND EASEMENTS OR OTHER MATTERS RELATING THERETO WHETHER EXPRESSED OR IMPLIED.
AFFECTS: ALL OF SAID PREMISES EXCEPT THAT PORTION LYING WITHIN SECTION 18 TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE-MERIDIAN *Ab5-22021*

7. EXCEPTIONS AND RESERVATIONS CONTAINED IN DEED FROM THE STATE OF IDAHO WHEREBY SAID GRANTOR EXCEPTS ALL MINERAL RIGHTS AS DEFINED BY SECTION 47-701 OF IDAHO CODE, TOGETHER WITH RIGHTS AND CLAIMS OF PARTIES CLAIMING BY THROUGH OR UNDER THEM.
RECORDED: MAY 16, 1984
INSTRUMENT NO./BOOK AND PAGE: 113132
AFFECTS: THE SOUTH HALF OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 EAST *Ab5-22021*

8. RIGHTS OF WAY FOR DITCHES, TUNNELS AND TELEPHONE AND TRANSMISSION LINES CONSTRUCTED BY AUTHORITY OF THE UNITED STATES, AS GRANTED TO THE UNITED STATES UNDER THE PROVISIONS OF SECTION 58-604 IDAHO CODE 1947.
AFFECTS: THE SOUTH HALF OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 EAST *Ab5-22021*

9. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: ACCESS TO LANDS OF DOBSON
RECORDED: SEPTEMBER 20, 1974
INSTRUMENT NO.: 115552
AFFECTS: EAST HALF OF THE EAST HALF OF SECTION 3 AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 2 AND SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE-MERIDIAN. *Ab5-22013, Ab5-22023*

ASSIGNMENT OF WATER RIGHTS

THIS ASSIGNMENT is entered into as of the 17th day of May, 1993, by and between THE TERTELING COMPANY, INC., an Idaho corporation ("Assignor"), and HOFF COMPANIES, INC., an Idaho corporation ("Assignee");

WITNESSETH:

WHEREAS, Assignor desires to assign all of its right, title and interest in, to and under the water and water rights set forth and described on Exhibit "A" attached hereto and by this reference made a part hereof, together with all applications, permits, shares of stock in water and canal companies, and all licenses, permits, applications and all rights to water now owned or hereafter perfected in any water adjudication matters, and Assignee is desirous of accepting same;

NOW, THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, Assignor has assigned, transferred and conveyed, and by these presents does assign, transfer and convey unto Assignee all of Assignor's right, title and interest in, to and under all applications, permits, shares of stock in water and canal companies and all licenses, permits, applications and rights to water now owned or hereafter perfected in any water adjudication matters described on Exhibit "A" attached hereto.

By its execution hereof, Assignee hereby agrees to assume and perform all duties and obligations under said water rights and to hold Assignor harmless from any liability for performance or nonperformance of such obligations.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

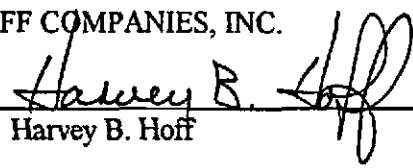
ASSIGNOR:

THE TERTELING COMPANY, INC.

By 
Joe L. Terteling
President

ASSIGNEE:

HOFF COMPANIES, INC.

By 
Harvey B. Hoff

Notice of a Claim to a Water Right - Boise County
Instream Flow - Filed 3/90

Claimant
Date of Priority
Source of Water Supply
Beginning Point of Claimed
Instream Flow
Ending Point
Use
Place of Use

The Terteling Company, Inc.
1870s
Shafer Creek

T5N R3E, SEC 21, SWNE
T5N R3E, SEC 36, NESW
Stockwater .03cfs

~~T5N R3E, SEC 18, NWNE, SWNE, NENW~~ Split 31'

T5N R3E, SEC 18, NWNE, SWNE, NESW, SESW - H65-22021

T5N R3E, SEC 7, SWNE, NENW, SENW, NWSE - H65-22021

T5N R3E, SEC 6, SWNW, NWSW, SWSW, SESW, SWSE - H65-22021

T6N R2E, SEC 36, NESW H65-22021

Claimant
Date of Priority
Source of Water Supply
Beginning Point of Claimed
Instream Flow
Ending Point
Use
Place of Use

The Terteling Company, Inc.
1870
Cottonwood Creek

T6N R3E, SEC 28, SESW H65-22022

T6N R3E, SEC 28, SESW H65-22023

Stockwater .03cfs

T6N R3E, SEC 28, SESW H65-22022

Claimant
Date of Priority
Source of Water Supply
Beginning Point of Claimed
Instream Flow
Ending Point
Use
Place of Use

The Terteling Company, Inc.
1870
Cottonwood Creek

T6N R3E, SEC 29, SESE

T6N R3E, SEC 30, SWSW

Stockwater .03cfs

T6N R3E, SEC 29, SWSW, SESW, SESE H65-22022

T6N R3E, SEC 32, NENE, NWNE, NWNW H65-22022

T6N R3E, SEC 31, NENE, NWNE, NENW H65-22022

T6N R3E, SEC 30 SWSW, SESW H65-22022

Claimant
Date of Priority
Source of Water Supply
Beginning Point of Claimed
Instream Flow
Ending Point
Use
Place of Use

The Terteling Company, Inc.
1870
Custer Creek

T5N R2E, SEC 12, SESW

T5N R2E, SEC 14, NWNW

Stockwater .03cfs

T5N R2E, SEC 12, NESW, SWSW, SESW H65-22021

T5N R2E, SEC 11, SESE H65-22021

T5N R2E, SEC 14, NENE, NWNE, NENW, NWNW

Notice of Claim to a Water Right - Boise County
Stockwater - Filed 3/90

Claimant The Terteling Company, Inc.
Date of Priority 1870s
Source of Water Supply Unnamed Spring
Location of Diversion T6N R3E, Sec. 27 SWNW
Use Stockwater, 1/1 to 12/31, .02cfs
Place of Use T6N R3E, SEC 27, SWNW

1465-32011

Claimant The Terteling Company, Inc.
Date of Priority 1870s
Source of Water Supply Unnamed Spring
Location of Diversion T5N R2E, SEC 2, SWSW
Use Stockwater, 1/1 to 12/31, .02cfs
Place of Use T5N R2E, SEC 2, SWSW

1465-32013

Claimant The Terteling Company, Inc.
Date of Priority 1870s
Source of Water Supply Unnamed Spring
Location of Diversion T5N R2E, SEC 11, NENW
Use Stockwater, 1/1 to 12/31, .02cfs
Place of Use T5N R2E, SEC 11, NENW

1465-32015

Claimant The Terteling Company, Inc.
Date of Priority 1870s
Source of Water Supply Unnamed Spring
Location of Diversion T5N R2E, SEC 12, NENE
Use Stockwater, 1/1 to 12/31, .02cfs
Place of Use T5N R2E, SEC 12, NENE

1465-32014

Claimant The Terteling Company, Inc.
Date of Priority 1870s
Source of Water Supply Unnamed Spring
Location of Diversion T5N R3E, SEC 5, NWNW
Use Stockwater, 1/1 to 12/31, .02cfs
Place of Use T5N R2E, SEC 5, NWNW

1465-32012

Claimant The Terteling Company, Inc.
Date of Priority 1870s
Source of Water Supply Unnamed Spring
Location of Diversion T6N R3E, SEC 21, NWSE
Use Stockwater, 1/1 to 12/31, .02cfs
Place of Use T6N R3E, SEC 21, NWSE

1465-32010

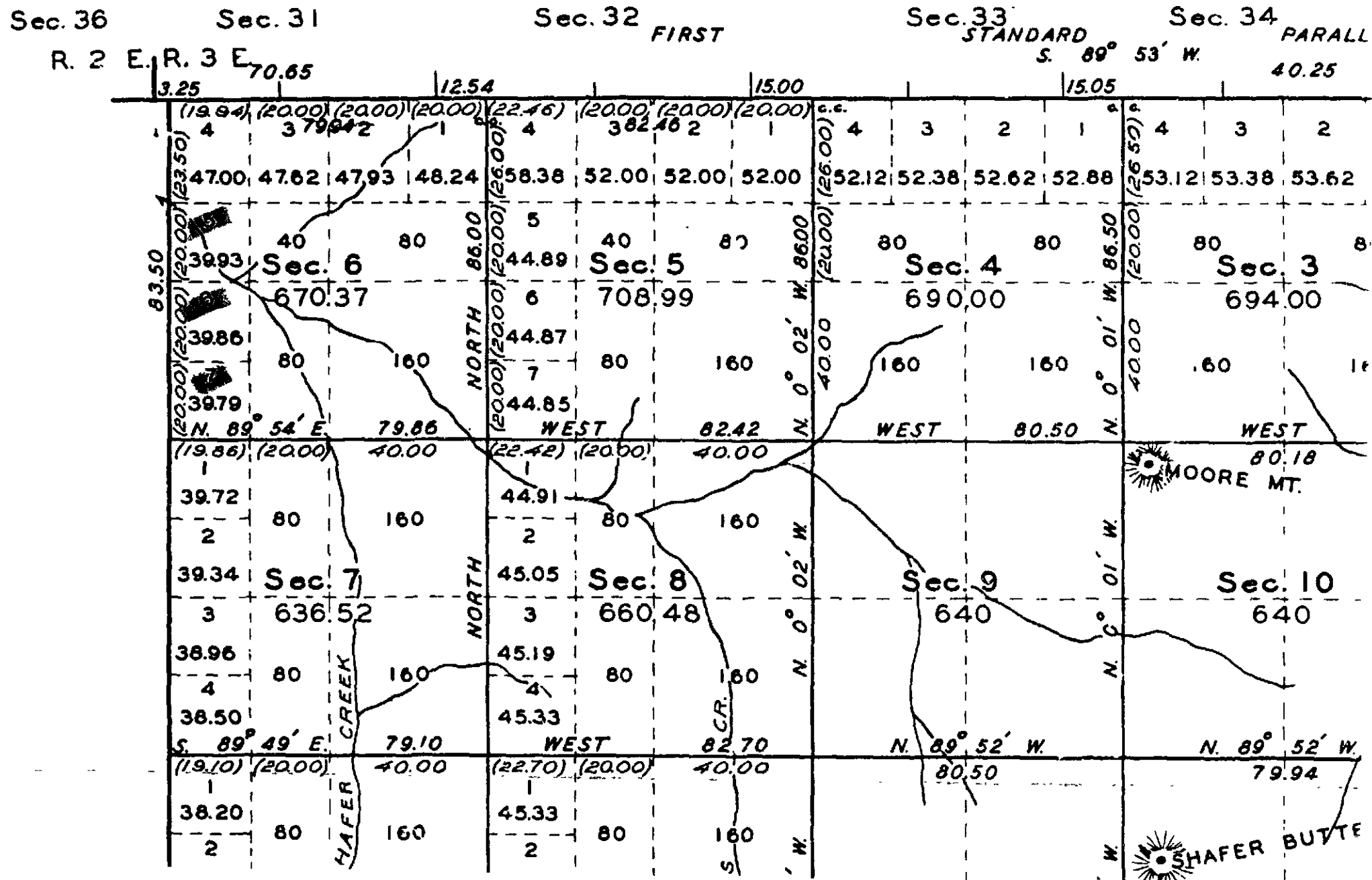
HL

77

Notice of a Claim to a Water Right - Boise County
Instream Flow - Filed 3/90

Claimant	The Terteling Company, Inc.
Date of Priority	1870
Source of Water Supply	Pole Cat Creek
Beginning Point of Claimed	
Instream Flow	T5N R2E, SEC 12, NESW L
Ending Point	T5N R2E, SEC 2, SWSE
Use	Stockwater, .03cfs
Place of Use	T5N R2E, SEC 12, SWNW, SENW, NESW Abs-22029
	T5N R2E, SEC 11, NENE, NWNE Abs-22029
	T5N R2E, SEC 2, SWSE Abs-2-229

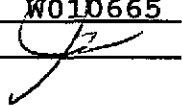
COMPOSITE PLAT OF SHIP N° 5 NORTH, RANGE N° 3 EAST OF



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-22031
Date Received: 3/ 7/1990
Receipt No: W010665
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE TERTELING COMPANY INC 208-338-5200
Address: 877 WEST MAIN ST
SUITE 706
BOISE ID 83702

2. Date of Priority: DEC 31, 1875

3. Source: SHAFER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
Beginning Point of Instream Flow							
05N	03E	21	SW	NE			BOISE
Ending Point of Instream Flow							
05N	03E	36	NE	SW			BOISE

5. Description of diverting works:
INSTREAM USE ONLY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.030 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 60 HEAD.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	03E	6	SW		NW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
		7	SW		NE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NW		SE		STOCK	
			NW		NE		STOCK	
		18	SW		NE		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
			NW		NE		STOCK	
			NW		NE		STOCK	
19	SW		NE		STOCK			
	NE		NW		STOCK			
	SE		SW		STOCK			
	NW		NE		STOCK			
	NW		NE		STOCK			
06N	02E	36	NE		SW		STOCK	
			NE		NW		STOCK	
			SW		SE		STOCK	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
PLACE OF USE PROPERTY INCLUDES U.S. FOREST SERVICE LANDS THAT ARE
LEASED FOR GRAZING BY CLAIMANT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

RECEIVED
MAR 07 1990

Department of Water Resources
Western Regional Office

CIVIL CASE NUMBER: 39576
Ident. Number AL65-22037
Date Received 3-2-90
Receipt Number 4010665-25+50 LATE FEE = 75

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) The Terteling Co., Inc. Phone (208) 338-5200
Mailing Address 877 West Main, Suite 706, Boise, ID Zip 83702

2. Date of Priority (Only one (1) per claim) 1870's

3. Source of water supply (a) Shafer Creek
which is tributary to (b) Payette River

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 05N Range 03E Section 21, _____ 1/4 of SW 1/4 of NE 1/4,

Govt. Lot _____ B.M., County of Boise

ending point is: Township 05N Range 03E Section 36, _____ 1/4 of NE 1/4 of

SW 1/4, Govt. Lot _____ B.M., County of Boise

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Instream Use Only.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season"

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

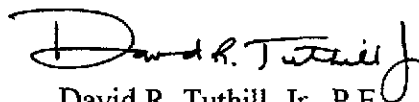
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim

- 1 You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right
- 2 You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
- 3 You must not have filed a stockwater claim with the surface water irrigation claim

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

02/01/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22031B

NAME AND ADDRESS: HOFF COMPANIES INC
280 E CORPORATE DR #200
MERIDIAN, ID 83642

SOURCE: SHAFER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.015 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NO. 65-22031A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .03 CFS.

PRIORITY DATE: 12/31/1875

POINT OF DIVERSION:	T05N R03E S6	LOT 5	NWSWNW	End of Stream Flow	Within BOISE County
	T05N R03E S7		SWNWSE	Beginning of Stream Flow	Within BOISE County
	T05N R03E S18		NWNWNE	End of Stream Flow	Within BOISE County
	T05N R03E S18		SESESW	Beginning of Stream Flow	Within BOISE County
	T06N R02E S36		NENESW	End of Stream Flow	Within BOISE County
	T06N R02E S36		SESWSE	Beginning of Stream Flow	Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

IN STREAM STOCK WATER

PLACE OF USE:

<u>STOCKWATER Within BOISE County</u>				
T05N R03E S18		SWNE	T05N R03E S18	NESW
T05N R03E S18		SESW	T05N R03E S18	NWNE
T05N R03E S18		SENW	T05N R03E S6	SWSE
T05N R03E S6		SESW	T05N R03E S6	LOT 5 SWNW
T05N R03E S6	LOT 6	NWSW	T05N R03E S6	LOT 7 SWSW
T05N R03E S7		NWSE	T05N R03E S7	SWNE
T05N R03E S7		NENW	T05N R03E S7	SENW
T05N R03E S7		NWNE	T06N R02E S36	NESW
T06N R02E S36		SWSE		

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. SECTION 42-1412(6),
IDAHO CODE.

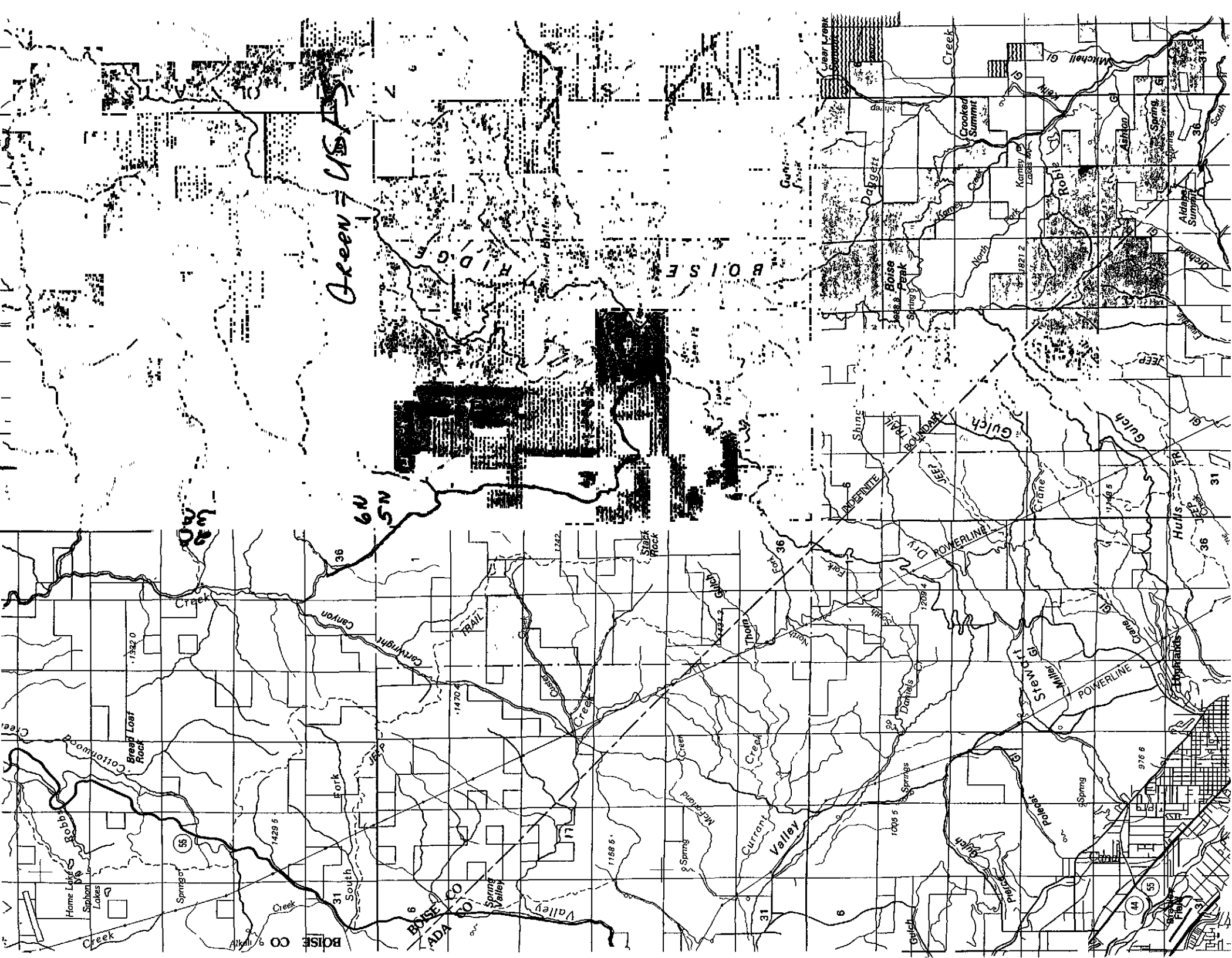
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 30 RANGE CATTLE

DATE: 08/10/00
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	03/22/00 LHARRIS	03/27/00 LHARRIS	

POB's & POU's adjusted to reflect split and ownerships
excluding USFS land
N11 + N13
QNT - limited to 103 cfs when combined with 65-22031A



65-2203/B

COMPOSITE

P N° 5 NORTH, RANGE N° 3 E/

Sec. 36 Sec. 31 Sec. 32 FIRST Sec. 33 STANDARD
R. 2 E. R. 3 E. S. 89°

