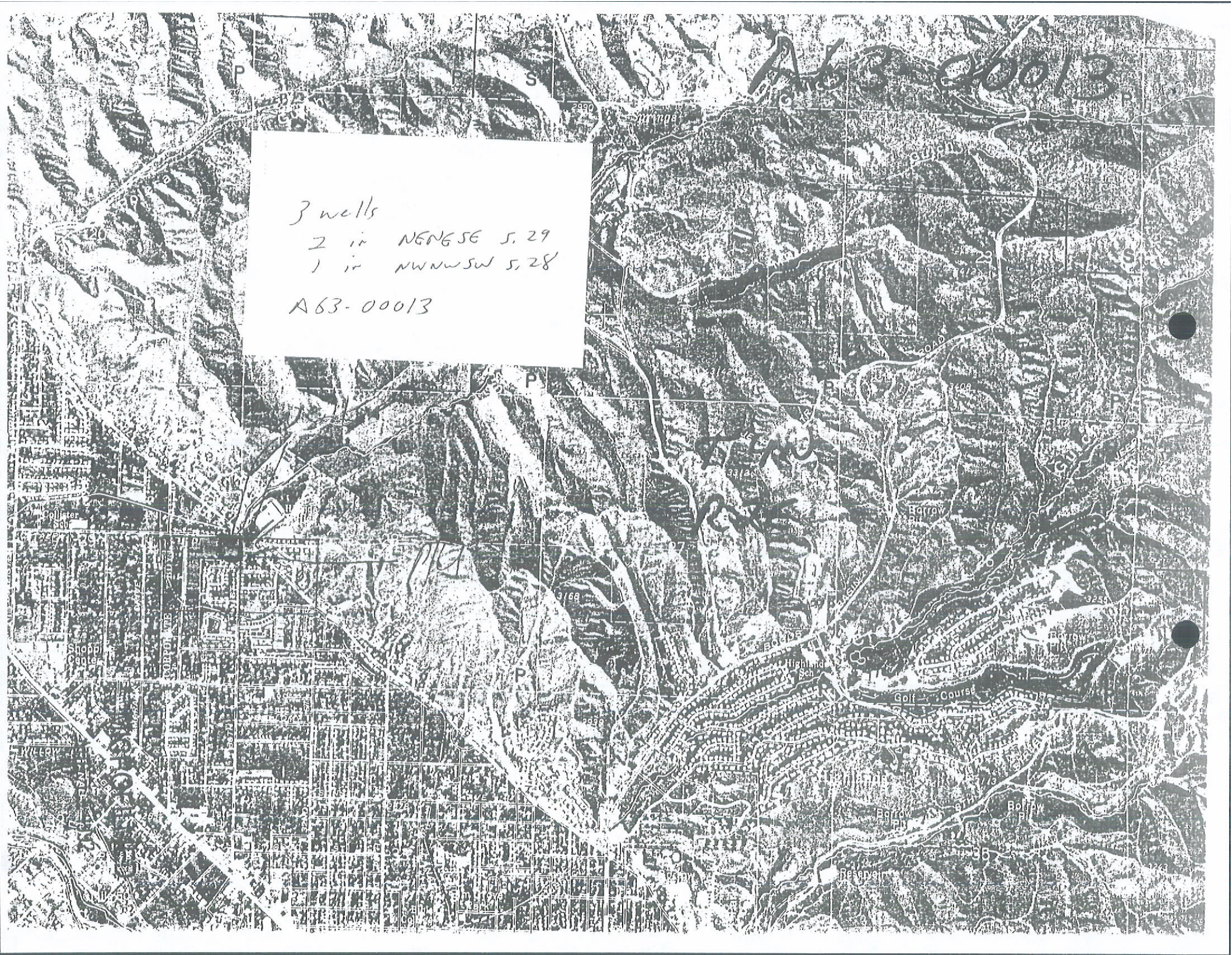


A63-00013

3 wells  
2 in NENESE S. 29  
1 in NWNWSW S. 28  
A63-00013





State of Idaho  
Idaho Department of Water Resources  
Western Region

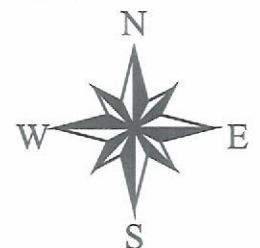
T4N R2E SECTIONS 22, 28 and 29

Water Right (s): 63-12, 63-13 and 63-15



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 15



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration  
2003 Photography  
Prepared By: Vicky Music  
Date: May 2005

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 63-13  
Date Received: 8/18/1989  
Receipt No: W004644  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE TERTELING CO INC Phone: (208)338-5200  
3823 N 36TH ST  
BOISE ID USA 83703

2. Date of Priority: 07/01/1922

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 02E   | 28      | NW NW SW              | ADA    |      |
| 04N      | 02E   | 29      | NE NE SE              | ADA    |      |
| 04N      | 02E   | 29      | NE NE SE              | ADA    |      |
| 04N      | 02E   | 22      | NW NW SW              | ADA    |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 01/01 | 12/31 | 0.66   | 38         |
| COMMERCIAL | 01/01 | 12/31 | 0.66   | 400        |
| HEATING    | 01/01 | 12/31 | 0.66   | 400        |
| DOMESTIC   | 01/01 | 12/31 | 0.04   | 0.6        |
| AESTHETIC  | 01/01 | 12/31 | 0.66   | 400        |

7. Total Quantity Appropriated is:  
0.66 C.F.S. and/or 400 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

Number of other uses: Business offices in house

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 04N      | 02E   | 22      | NE         | SW  | IRRIGATION    | 7     |
|          |       |         | SE         | SW  | IRRIGATION    | 0.5   |
|          |       |         | NE         | SW  | DOMESTIC      |       |
|          |       |         | SE         | SW  | DOMESTIC      |       |
|          |       |         | NE         | SW  | HEATING       |       |
|          |       |         | SE         | SW  | HEATING       |       |
|          |       |         |            |     | Section Acres | 7.5   |
| 04N      | 02E   | 29      | NE         | SE  | HEATING       |       |
|          |       |         | NE         | SE  | DOMESTIC      |       |
|          |       |         | NE         | SE  | IRRIGATION    | 7.5   |
|          |       |         |            |     | Section Acres | 7.5   |
|          |       |         |            |     | Total Acres   | 15    |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Attorney name updated. Removed Givens Pursley and added Charlie Honsinger per notification from Charlie Honsinger. DB 3/1/2004

Commercial and aesthetic uses are claimed pursuant to Idaho Code 42-1425.

Claim amended per claimant request 3/17/04.

Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

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.

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.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.

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.

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.

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.

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.

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.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

Irrigation use is for inside commercial greenhouses and outside irrigation.

Domestic use is for business offices.

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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

15. Basis of Claim: Decreed

RECEIVED

MAR 17 2004

WATER RESOURCES  
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A63-00013

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant (s) The Terteling Company, Inc. Phone (208) 338-5200Mailing Address 3823 N. 36th Street, Boise, ID Zip 837032. Date of Priority (Only one (1) per claim) 7/01/19223. Source of water supply (a) Ground Water  
which is tributary to (b) \_\_\_\_\_4. a. Location of existing point of diversion is: Township 04N Range 02E Section 22,  
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of AdaAdditional points of diversion if any: T04N, R02E, Section 28, NWNWSW; Section 29 NENESE  
(2 PODs in NENESE)

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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. 4 Deep wells diverting lowtemperature geothermal water under artesian pressure into pipelines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 01/01 to 12/31 amount 0.66 or 38.0

For Domestic purposes from 01/01 to 12/31 amount 0.04 or 0.6

For Heating purposes from 01/01 to 12/31 amount 0.66 or 400.0

For Commercial purposes from 01/01 to 12/31 amount 0.66 or 400.0

Aesthetic 01/01 12/31 0.66 400.0

7. Total quantity claimed (a) 0.66 (cfs) and/or (b) 400.0 (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - 1 home; Heating - greenhouses, offices, homes; Commercial - use in greenhouses.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 04N | 02E | 22  |        |       |       |       |        |       |       |       | 7.0    |       |       | .5    |        |       |       |       | 7.5    |
| 04N | 02E | 29  |        |       |       |       |        |       |       |       |        |       |       | 7.5   |        |       |       |       | 7.5    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

\* All uses claimed occur in same 1/4 1/4 Total number of acres irrigated 15 sections as irrigation uses.

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No         
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
63-00012; 63-00015; 63-31051 or None ( )

14. Remarks:  
Commercial and aesthetic uses are claimed pursuant to  
I.C. §42-1425.

Last Name                                  Ident No.

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree X

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court Ada County Case Number 11748 Decree Date 06/30/1930

Plaintiff vs Defendant Silkey v. Tiegs

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am President

Title

of The Terteling Company Inc.

, that I have signed the foregoing

Organization

document in the space below as President

of The Terteling Company Inc

Title

Organization

and that the statements contained in the foregoing document are true and correct.

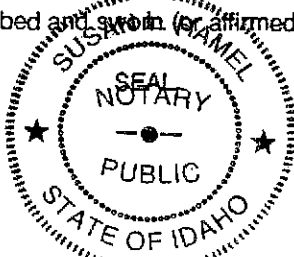
Signature of Authorized Agent Joe Terteling

Title and Organization President, The Terteling Company Inc.

Date 9 Mar 04

State of Idaho/or Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 9th day of March 16 2004



Notary Public Susan L. Hamel

Residing at Ada County, Kuna, ID

My Commission Expires 03/27/2008

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Charles L. Honsinger will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Charles L. Honsinger

Address P.O. 277, Boise, ID 83701

Date 03/15/04

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

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 63-13  
Date Received: 8/18/1989  
Receipt No: W004644  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE TERTELING CO INC Phone: (208)338-5200  
3823 N 36TH ST  
BOISE ID USA 83703

2. Date of Priority: 07/01/1922

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 04N      | 02E   | 28      | NW     | NW     | SW      | ADA    |      |
| 04N      | 02E   | 29      | NE     | NE     | SE      | ADA    |      |
| 04N      | 02E   | 29      | NE     | NE     | SE      | ADA    |      |
| 04N      | 02E   | 22      | NW     | NW     | SW      | ADA    |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 01/01 | 12/31 | 0.66   | 38         |
| HEATING    | 01/01 | 12/31 | 0.66   | 400        |
| DOMESTIC   | 01/01 | 12/31 | 0.04   | 0.6        |

7. Total Quantity Appropriated is:  
0.66 C.F.S. and/or 400 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

Number of other uses: Business offices in house

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 04N           | 02E   | 22      | NE         | SW  | IRRIGATION | 7     |
|               |       |         | SE         | SW  | IRRIGATION | 0.5   |
|               |       |         | NE         | SW  | DOMESTIC   |       |
|               |       |         | SE         | SW  | DOMESTIC   |       |
|               |       |         | NE         | SW  | HEATING    |       |
|               |       |         | SE         | SW  | HEATING    |       |
| Section Acres |       |         |            |     |            | 7.5   |
| 04N           | 02E   | 29      | NE         | SE  | HEATING    |       |
|               |       |         | NE         | SE  | DOMESTIC   |       |
|               |       |         | NE         | SE  | IRRIGATION | 7.5   |
| Section Acres |       |         |            |     |            | 7.5   |
| Total Acres   |       |         |            |     |            | 15    |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Attorney name updated. Removed Givens Pursley and added Charlie Honsinger per notification from Charlie Honsinger. DB 3/1/2004

Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

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.

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.

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.

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.

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.

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.

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.

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.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

Irrigation use is for inside commercial greenhouses and outside irrigation.

Domestic use is for business offices.

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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

15. Basis of Claim: Decreed

**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       | to 12/31  | 0.66 CFS              | 38.0 AF ✓     |
| DOMESTIC              | 01/01       | to 12/31  | 0.04 CFS              | 0.6 AF ✓      |
| HEATING               | 01/01       | to 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**

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 Windsock 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 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.

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.

VHM

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

**CONDITIONS OF APPROVAL**

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

*[Signature]*

*[Handwritten initials]*

RECEIVED

JUN 05 2002

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT

TRANSFER NO. 68558

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

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 Limit | Remaining 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>            |

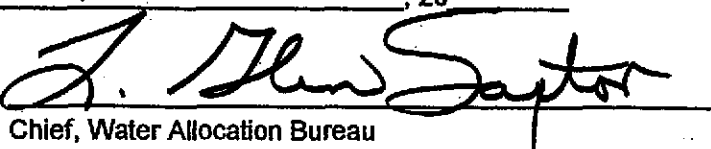
Detailed Water Right Description(s) attached

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

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JUN 10 2002

Department of Water Resources

  
Chief, Water Allocation Bureau

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OCT 02 2000

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

DEC 20 2000

WATER RESOURCES  
WESTERN REGIONName of applicant The Terteling Company, Inc. ("Terteling") Phone 208-388-5200Post Office Address 3823 N. 36<sup>th</sup> Street, Boise, Idaho, 83703Contact/Counsel: John M. Marshall, Givens Pursley LLP, P.O. Box 2720, Boise, ID 83701-2720

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes:

TERTELING SEEKS TO ADD ALTERNATE POINTS OF DIVERSION TO EXISTING DECREED GEOTHERMAL WATER RIGHT SO THAT IT CAN USE THESE WATER RIGHT FOR THE SAME PURPOSES AT AN ALTERNATE LOCATION. PLEASE SEE EXHIBIT A FOR A MORE DETAILED EXPLANATION OF THIS TRANSFER.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority                         | Amount          | Nature of Use     | Period of Use: |                 |
|-----------------|----------------------------------|-----------------|-------------------|----------------|-----------------|
| <u>63-00012</u> | <u>07/01/1921</u>                | <u>0.14 cfs</u> | <u>IRRIGATION</u> | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.14 cfs</u> | <u>STOCKWATER</u> | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.14 cfs</u> | <u>HEATING</u>    | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.14 cfs</u> | <u>DOMESTIC</u>   | <u>1/1</u>     | to <u>12/31</u> |
| <u>63-00013</u> | <u>07/01/1922</u>                | <u>0.66 cfs</u> | <u>IRRIGATION</u> | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.66 cfs</u> | <u>STOCKWATER</u> | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.66 cfs</u> | <u>HEATING</u>    | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.66 cfs</u> | <u>DOMESTIC</u>   | <u>1/1</u>     | to <u>12/31</u> |
| <u>63-00015</u> | <u>3/23</u><br><u>07/01/1927</u> | <u>0.80 cfs</u> | <u>IRRIGATION</u> | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.80 cfs</u> | <u>STOCKWATER</u> | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.80 cfs</u> | <u>HEATING</u>    | <u>1/1</u>     | to <u>12/31</u> |
|                 |                                  | <u>0.80 cfs</u> | <u>DOMESTIC</u>   | <u>1/1</u>     | to <u>12/31</u> |

2. Total amount of water being transferred 1.6 cubic feet per second and/or \_\_\_\_\_ acre feet per annum

3. Source of water GROUND WATER tributary to \_\_\_\_\_

AMENDED

notice

mm 12/8/00  
initials & date

## 4. Point(s) of Diversion

| Lot | ¼  | ¼  | ¼  | Sec. | Twp | Rge | County | Local name for diversion |
|-----|----|----|----|------|-----|-----|--------|--------------------------|
|     | NW | NW | SW | 28   | 4N  | 2E  | ADA    | Pit Well                 |
|     | NE | NE | SE | 29   | 4N  | 2E  | ADA    | Shed Well                |
|     | NE | NE | SE | 29   | 4N  | 2E  | ADA    | House Well               |
|     | NW | NW | SW | 22   | 4N  | 2E  | ADA    | Windsock Well            |

## 5. Lands irrigated or place of use

| Twp. | Rge. | Sec. | NE ¼    |         |         |         | NW ¼    |         |         |         | SW ¼    |         |         |         | SE ¼    |         |         |         | Totals |
|------|------|------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------|
|      |      |      | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |        |
| 4N   | 2E   | 29   |         |         |         |         |         |         |         |         |         |         |         |         | 7.5     |         |         |         | 7.5    |
| 4N   | 2E   | 22   |         |         |         |         |         |         |         | 7       |         |         |         | .5      |         |         |         |         | 7.5    |
| 4N   | 2E   | 29   |         |         |         |         |         |         |         |         |         |         |         |         | S,H,D   |         |         |         |        |
| 4N   | 2E   | 22   |         |         |         |         |         |         |         | S,H,D   |         |         |         | S,H,D   |         |         |         |         |        |

## 6. General Information

TOTAL 7.5

## a. Description of diversion system:

EXISTING GREENHOUSES, AN OFFICE BUILDING AND A GARAGE ARE HEATED AND IRRIGATED BY THREE INTERCONNECTED GEOTHERMAL WELLS. AN EXISTING GEOTHERMAL WELL, KNOWN AS THE WINDSOCK WELL, WILL BE USED TO SUPPLY WATER FOR THE SAME PURPOSES IN NEW GREENHOUSES AND A SHOP IN SECTION 22.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. NOT APPLICABLEc. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer: IRRIGATION OCCURS INSIDE AND OUTSIDE OF GREENHOUSES. THE EXISTING GREENHOUSES MAY BE REDUCED IN SIZE AND POTENTIALLY REMOVED.d. Remarks: PLEASE SEE EXHIBIT A

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Right Nos. \_\_\_\_\_ and said application is hereby \_\_\_\_\_,  
subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by

- a. Decree No. CASE NO. 11748 decreed to FRANCES SILKEY in case of FRANCES SILKEY vs. H.W. TIEGS, THOMAS F. EDWARDS AND J. RYAN dated JUNE 13, 1930 in THIRD DISTRICT COURT county of ADA. THIS RIGHT IS LISTED AS WATER RIGHT 36-00012 IN THE DEPARTMENT'S RECORDS. 63

b. Transfer No. 268

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label Document as Exhibit B. Check appropriate box:

☐ Tax Notice

☒ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water GROUND WATER tributary to \_\_\_\_\_

4. Date or priority 07/01/1921

5. Water is used for the following purpose: irrigation, stock, domestic, heating and other. *ok per decree*

6. Total amount of water under right(s) 0.14 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion

| Lot | ¼  | ¼  | ¼  | Sec. | Twp | Rge | County | Local name for diversion |
|-----|----|----|----|------|-----|-----|--------|--------------------------|
|     | NW | NW | SW | 28   | 4N  | 2E  | ADA    | Pit Well                 |
|     | NE | NE | SE | 29   | 4N  | 2E  | ADA    | Shed Well                |
|     | NE | NE | SE | 29   | 4N  | 2E  | ADA    | House Well               |

8. Lands irrigated or place of use: THE PLACE OF USE FOR ALL USES IS IN THE NESE OF TOWNSHIP 4N, RANGE 2E, SECTION 29. *and SENE 5, 29*

9. Describe any other water rights used for the same purpose as described above:

63-00013 and 63-00015.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe \_\_\_\_\_

**B. Description of Portion of Right Being Transferred**

NOT APPLICABLE

**C. Description of Unchanged Portion of Right**

NOT APPLICABLE

**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by

- a. Decree No. CASE NO. 11748 decreed to FRANCES SILKEY in case of FRANCES SILKEY vs. H.W. TIEGS, THOMAS F. EDWARDS AND J. RYAN dated JUNE 13, 1930 in THIRD DISTRICT COURT county of ADA. THIS RIGHT IS LISTED AS WATER RIGHT 38-00013 IN THE DEPARTMENT'S RECORDS. 63

- b. Transfer No. 268

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label Document as Exhibit B. Check appropriate box:

☐ Tax Notice

☒ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water GROUND WATER tributary to \_\_\_\_\_

4. Date or priority 07/01/1922

5. Water is used for the following purpose: irrigation, stock, domestic, heating and other. *ok per decree*

6. Total amount of water under right(s) 0.66 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion

| Lot | ¼  | ¼  | ¼  | Sec. | Twp | Rge | County | Local name for diversion |
|-----|----|----|----|------|-----|-----|--------|--------------------------|
|     | NW | NW | SW | 28   | 4N  | 2E  | ADA    | Pit Well                 |
|     | NE | NE | SE | 29   | 4N  | 2E  | ADA    | Shed Well                |
|     | NE | NE | SE | 29   | 4N  | 2E  | ADA    | House Well               |

8. Lands irrigated or place of use: THE PLACE OF USE FOR ALL USES IS IN THE NESE of TOWNSHIP 4N, RANGE 2E, SECTION 29. and JUNE 5, 29

9. Describe any other water rights used for the same purpose as described above:

63-00012 and 63-00015.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe \_\_\_\_\_

**B. Description of Portion of Right Being Transferred**

NOT APPLICABLE

**C. Description of Unchanged Portion of Right**

NOT APPLICABLE

**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by

- a. Decree No. CASE NO. 11748 decreed to H.W. TIEGS in case of FRANCES SILKEY vs. H.W. TIEGS, THOMAS F. EDWARDS AND J. RYAN dated JUNE 13, 1930 in THIRD DISTRICT COURT county of ADA. THIS RIGHT IS LISTED AS WATER RIGHT 36-00015 IN THE DEPARTMENT'S RECORDS. <sup>63</sup>

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label Document as Exhibit B. Check appropriate box:

☐ Tax Notice☒ Warranty Deed☐ Other \_\_\_\_\_

3. Source of water GROUND WATER tributary to \_\_\_\_\_

4. Date or priority 03/23/1927

5. Water is used for the following purpose: irrigation, stock, domestic, heating and other. *not ok per decree*

6. Total amount of water under right(s) 0.80 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion

| Lot | ¼  | ¼  | ¼  | Sec. | Twp | Rge | County | Local name for diversion |
|-----|----|----|----|------|-----|-----|--------|--------------------------|
|     | NW | NW | SW | 28   | 4N  | 2E  | ADA    | Pit Well                 |

8. Lands irrigated or place of use: THE PLACE OF USE FOR ALL USES IS IN THE NWSW of TOWNSHIP 4N, RANGE 2E, SECTION 28.

9. Describe any other water rights used for the same purpose as described above:

63-00012 and 63-00013

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe \_\_\_\_\_

**B. Description of Portion of Right Being Transferred**

NOT APPLICABLE

**C. Description of Unchanged Portion of Right**

NOT APPLICABLE

**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

PLEASE SEE EXHIBIT C.

**B. CHANGES IN NATURE OF USE**

1. New nature of use, amount, hours/days/years, period of use:

NOT APPLICABLE.

2. Quantity and quality of return flows and location of discharge:

NOT APPLICABLE.

3. Describe effects on other water uses resulting from the proposed change:

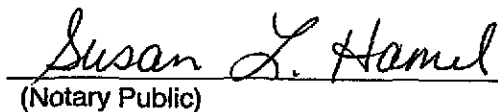
NOT APPLICABLE.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

  
J.L. Terteling, President.

Subscribed and sworn to before me this 19<sup>th</sup> day of September, 2000.

  
(Notary Public)

My commission expires 3/22/2002

Page 8 of 8

Transfer No. \_\_\_\_\_

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FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by st Date 10-2-00 Protest by \_\_\_\_\_

Prelim. check by st Fee 290<sup>00</sup> W027031

Receipted by st Date 10-3-00

Published in THE IDAHO STATESMAN Copies of protest forwarded by \_\_\_\_\_

Pub. dates 12/7+14/W -82 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation request on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to line holder \_\_\_\_\_

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-13

WATER RIGHT NUMBER: 63-13

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                              |
|-------------------|----------------------------------------------------------------------------------------------------------------------|
| Original Owner    | O L MILSTEAD                                                                                                         |
|                   | BOISE, ID 83703                                                                                                      |
| Original Owner    | FRANCIS SILKEY                                                                                                       |
|                   | BOISE, ID 83703                                                                                                      |
| Original Owner    | FLORA CO<br>C/O JEFF JAYO<br>3823 N 36TH STREET<br>BOISE, ID 83702<br>(208)344-3751                                  |
| Original Owner    | HUNT BROS FLORAL INC<br>3823 N 36<br>BOISE, ID 83703<br>(208)344-3751                                                |
| Current Owner     | THE TERTELING COMPANY INC<br>3823 N 36TH ST<br>BOISE, ID 83703<br>(208)338-5200                                      |
| Attorney          | JEFFREY C FEREDAY<br>GIVENS PURSLEY LLP<br>277 N 6TH ST #200<br>PO BOX 2720<br>BOISE, ID 83701-2720<br>(208)388-1200 |

Priority Date: 07/01/1922

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31           | 0.030 CFS             |                      |
| DOMESTIC              | 1/01 to 12/31           | 0.040 CFS             |                      |
| IRRIGATION            | 1/01 to 12/31           | 0.660 CFS             |                      |
| HEATING               | 1/01 to 12/31           | 0.660 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.660 CFS             |                      |

Location of Point(s) of Diversion

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

Place of Use

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-13

| 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 | 29  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |        |

## 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 | 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 | 28  |    |    |    |    |    |    |    |    |    | 1.5 |    |    |     |    |    |    | 1.5    |
| 04N | 02E | 29  |    |    |    |    |    |    |    |    |    |     |    |    | 6.0 |    |    |    | 6.0    |

Total Acres: 7.5

## 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 | 29  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |        |

Conditions of Approval:Remarks:

## 1. General

TRANS. #268.

P/U DESCRIBED BY METES &amp; BOUNDS.

TRANSFER OF PLACE OF USE AND ADDITIONAL POINT OF DIVERSION OCCURS WITH CLAIM. HEATING IS 1 HOUSE AT 2500 SQ-FT & GREENHOUSES AT 60,000 SQ-FT. IRRIGATION SEASON SHOWN ALL YEAR SINCE OCCURS IN COMMERCIAL GREENHOUSES.

TWO P/D IN NENESE S.29. ALL 3 WELLS HOT ARTESIAN WELLS.

SEE TRANSFER FILE #268 AND A63-00012, A63-00015 TO REVIEW CLAIM. NOTE THAT IRRIGATED ACRES NEED TO BE CLARIFIED IF RIGHT IS LEFT AS IRRIGATION. MAY NEED TO CHANGE TO COMMERCIAL TO ALLOW ALL YR. PERIOD OF USE? OWNERSHIP CHANGED BY RDH ON JANUARY 14, 1992.

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 09 1999

WATER RESOURCES  
WESTERN REGION

### 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).: A63-00012, A63-00013, and A63-00015  
 Adjudication Claim No(s).: A63-00012, A63-00013, and A63-00015
  
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 Flora Company, c/o Jeff Jayo  
3823 N. 36th Street, Boise, ID 83702
  
4. New Owner/Claimant(s) The Terteling Company, Inc.  
 Name Connector (Check one): ( ) and, ( ) or, ( ) and/or  
 New Mailing Address 3823 N. 36th Street,  
 City, State and ZIP Code Boise, Idaho 83703  
 New Telephone Number (208 ) 338-5200
  
5. Date you acquired the property Feb. 14, 1997
  
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 6.1 Number and type of stock 0  
 Diversion rate in CFS 1.6 Number of homes 1 commercial office  
 Other uses Approx. 63,000 sq feet of heated green house, green house irrigation and tropical fish propagation.
  

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) *J. A. Terteling* Date 6-7-99  
PRESIDENT
  
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.

ADA CO. RECORDER  
J. DAVID NAVARRO  
BOISE ID  
WARRANTY DEED

PIONEER TITLE

'92 FEB 14 PM 4 41

Warranty Deed made this 14 day of February, 1997, between Flora Co., an Idaho corporation, with its principal office at 3823 North 36th Street, in the City of Boise, County of Ada, State of Idaho (herein referred to as "Grantor"), and The Terteling Company, Inc., an Idaho corporation, with its principal office at 877 West Main Street, Suite 706, Boise, Idaho 83702 (herein referred to as "Grantee"), witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, and convey unto Grantee and its successors and assigns forever, all of that certain real property situated in the County of Ada, State of Idaho, more particularly described in Schedule I attached hereto and incorporated herein by this reference.

Together with all and singular the tenements, hereditaments, easements, rights and appurtenances thereunto belonging or in anywise appertaining (including, without limitation, all easements, rights and appurtenances described in Schedule II attached hereto and incorporated herein by this reference), the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law as in equity.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its successors and assigns forever. And Grantor does hereby

Reviewed By: *[Signature]*

covenant to and with Grantee that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by Grantee; and subject to easements, rights-of-way and restrictions, if any, of record and general taxes and assessments for the current year which are not yet due and payable, and Grantor and Grantor's successors and assigns shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its successors and assigns against Grantor and Grantor's successors and assigns and against all and every person or persons whomsoever, lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand on the day and year first above written.

GRANTOR:

Flora Co., an Idaho corporation

Daniel P. See Pres

By: Daniel P. See

Its: President

(J:\8975.29\doc\wardd.1)

STATE OF IDAHO )

) ss.

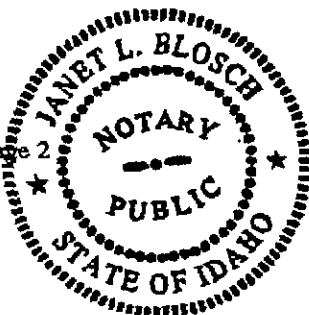
County of Ada )

Elizabeth Tullis Sec

On this 14<sup>th</sup> day of February, 1997, before me, the undersigned, a Notary Public in and for said state, personally appeared Daniel P. See, known or identified to me to be the President of Flora Co., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same. *and Elizabeth Tullis* *and Secretary Treasurer*

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

WARRANTY DEED - Page 2  
MM&C 8975.29 02/14/97



Janet L. Bloesch  
Notary Public  
Residing at Boise, Idaho  
my commission expires  
3-17-1999

### SCHEDULE I

That portion of Section 29, Township 4 North, Range 2 East, Boise Meridian, in the County of Ada, State of Idaho, more particularly described as follows:

Commencing at the quarter section corner common to Sections numbered 28 and 29, in Township 4 North, Range 2 East, the REAL PLACE OF BEGINNING; thence South  $0^{\circ}29'$  West a distance of 662.3 feet along the section line common to said Sections 28 and 29; thence North  $89^{\circ}11'$  West, parallel to the East and West quarter section line of said Section 29, a distance of 657.4 feet; thence North  $0^{\circ}39'$  East a distance of 662.3 feet, to the East and West quarter section line of said Section 29; thence South  $89^{\circ}11'$  East, along said quarter section line, 656.5 feet to the PLACE OF BEGINNING.

EXCEPT any portion lying within the following:

Commencing at the quarter section corner common to Sections 28 and 29, Township 4 North, Range 2 East, of the Boise Meridian, marked by a stone; thence South along the East line of said Section 29, a distance of 437.2 feet to a point the same being the TRUE POINT AND PLACE OF BEGINNING; thence continuing South  $0^{\circ}29'$  West 1003.9 feet on the East line of said Section 29 marked by an iron pin; thence North  $81^{\circ}16'$  West 234.2 feet to a point; thence North  $61^{\circ}35'$  West 135.75 feet to a point; thence North  $76^{\circ}20'$  West 328.4 feet to a point, marked by an iron pin; thence North  $0^{\circ}39'$  East 838.2 feet to a point; thence South  $89^{\circ}05'$  East 657 feet to the POINT AND PLACE OF BEGINNING.

EXCEPT ditch and road rights-of-way.

## SCHEDULE II

1. All water, water rights, geothermal water rights, well rights, ditch rights and/or other water rights appurtenant to the premises including but not limited to the rights decreed to Frances Silkey and H. W. Tiegs under Silkey v. Tiegs, et al., in the District Court of the Third Judicial District of the State of Idaho, in and for Ada County, entered June 13, 1930, Case No. 11748; and rights acquired under Water Right No. 63-0012, 63-0013 and 63-0015 of the Idaho Department of Water Resources and Claims Nos. A63-0012, A63-0013 and A63-0015 filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls in that certain action entitled In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Case No. 39576, which water rights are for eighty (80) miner's inches (1.6 cu. ft. per second) of water for irrigation, stock, domestic, heating and other beneficial uses; and all water, water rights, geothermal water rights, well rights, ditch rights and/or other water rights as set forth in that certain Corporate Warranty Deed dated November 15, 1991, between Hunt Bros. Floral, Inc., as grantor, to Flora Co., as grantee, recorded on November 15, 1991, as Instrument No. 9165042, records of the Ada County Recorder, Ada County, Idaho.
2. The geothermal well retained by the grantor for itself and its successors and assigns, located in the northerly tip of the real property more particularly described in that certain Warranty Deed dated March 20, 1996, between Flora Co., Inc., as grantor, and Michael E. Peterson and Beth E. Peterson, husband and wife, as grantees, recorded on March 21, 1996, as Instrument No. 96023748, official records of Ada County, Idaho, along with any and all water rights, including geothermal rights, associated with said real property.
3. All easements set forth in that certain Agreement for Easement dated only as March, 1996, between Michael E. Peterson and Beth E. Peterson, husband and wife, as grantors, and Flora Co., Inc., an Idaho corporation, as grantee, recorded on March 21, 1996, as Instrument No. 96023749, official records of Ada County, Idaho, and the geothermal well and the related water lines and equipment located on the "Servient Parcel" described in said Easement Agreement.



Jeffrey C. Fereday  
Givens Pursley LLP  
277 North 6th Street  
P.O. Box 2720  
Boise, ID 83701  
(208) 388-1200  
(208) 388-1300 (fax)

Claimant: The Terteling Company, Inc.

**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  
\_\_\_\_\_

)  
)  
)  
)  
)

NOTICE OF APPEARANCE

The law firm of Givens Pursley LLP, 277 North 6th Street, Suite 200, P.O. Box 2720, Boise, Idaho 83701, through Jeffrey C. Fereday, hereby enters its appearance as attorneys of record in this matter for The Terteling Company, Inc. (water right numbers A63-00012, A63-00013, and A63-00015).

Dated this 7th day of June, 1999.

\_\_\_\_\_  
Jeffrey C. Fereday  
Givens Pursley LLP

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 1999, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Office of the Attorney General

State of Idaho

P. O. Box 44449

Boise, ID 83711-4449

☒ U.S. Mail ☐ Fax ☐ By Hand ☐ Overnight

Director of IDWR

P.O. Box 83720

Boise, ID 83720-0098

☒ U.S. Mail ☐ Fax ☐ By Hand ☐ Overnight

The U.S. Department of Justice

Environmental & Natural Resources Division

550 West Fort Street

MSC 033

Boise, ID 83724

☒ U.S. Mail ☐ Fax ☐ By Hand ☐ Overnight

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: A63-00013  
Date Received: 8/18/1989  
Receipt No: W004644  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FLORA CO 208-344-3751  
Address: C/O JEFF JAYO  
3823 N 36TH STREET  
BOISE ID 83702

2. Date of Priority: JUL 1, 1922

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 02E   | 28      | NW     | NW     | SW     |     | ADA    |
|          |       | 29      | NE     | NE     | SE     |     | ADA    |

5. Description of diverting works:  
3 WELLS: 2",4",4", APPROX. 1250' DEEP, ARTESIAN W/ PIPELINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 01/01 | 12/31 | 0.660 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.030 |      |        |
| HEATING    | 01/01 | 12/31 | 0.660 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |

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

8. Total consumptive use is 26.3 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 W/ YARD, STOCK 70 HD. MISC., HEATING 62,500 SQ-FT

MICROFILMED

AUG 14 1982

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04N      | 02E   | 28      | NW     | SW  |     | IRR           | 1.5   |
|          |       |         |        |     |     | Section Acres | 1.5   |
|          |       | 29      | NE     | SE  |     | IRR           | 6.0   |
|          |       |         | NE     | SE  |     | STOCK         |       |
|          |       |         | NE     | SE  |     | HEAT          |       |
|          |       |         | NE     | SE  |     | DOMEST        |       |
|          |       |         |        |     |     | Section Acres | 6.0   |
|          |       |         |        |     |     | Total Acres   | 7.5   |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
A63-00012, A63-00015

14. Remarks:

TRANS. #268.

P/U DESCRIBED BY METES & BOUNDS.

TRANSFER OF PLACE OF USE AND ADDITIONAL POINT OF DIVERSION OCCURS WITH CLAIM. HEATING IS 1 HOUSE AT 2500 SQ-FT & GREENHOUSES AT 60,000 SQ-FT. IRRIGATION SEASON SHOWN ALL YEAR SINCE OCCURS IN COMMERCIAL GREENHOUSES.

TWO P/D IN NENESE S.29. ALL 3 WELLS HOT ARTESIAN WELLS.

SEE TRANSFER FILE #268 AND A63-00012, A63-00015 TO REVIEW CLAIM.

NOTE THAT IRRIGATED ACRES NEED TO BE CLARIFIED IF RIGHT IS LEFT AS IRRIGATION. MAY NEED TO CHANGE TO COMMERCIAL TO ALLOW ALL YR. PERIOD OF USE?

OWNERSHIP CHANGED BY RDH ON JANUARY 14, 1992.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

SILKEY

Decree Plaintiff

TIEGS

vs

Decree Defendant

MICROFILMED

AUG 14 1992

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 Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_  
Title  
\_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_  
Title  
\_\_\_\_\_ and that the statements contained in the  
Organization  
foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
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 \_\_\_\_\_

**MICROFILMED**  
**AUG 14 1992**

# CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, HUNT BROS. FLORAL, INC., an Idaho Corporation

organized and existing under the laws of the State of Idaho, with its principal office at \_\_\_\_\_, a corporation  
of County of \_\_\_\_\_ Ada \_\_\_\_\_, State of Idaho,  
GRANTOR, hereby GRANT, BARGAIN, SELL and CONVEY unto

FLORA CO., an Idaho Corporation

GRANTEE

whose current address is: 3823 North 36th Street, Boise, Idaho 83703  
the following described real property located in \_\_\_\_\_ Ada \_\_\_\_\_ County, State of Idaho,  
more particularly described as follows, to wit:

Attached hereto and made a part hereof by reference marked as  
"Exhibit A"

"All water, water rights, geothermal water rights, well rights, ditch rights and/or other water rights appurtenant to the premises including but not limited to decreed rights under Silkey v. Tieg's, et al., Case No. 11748 Ada County, Idaho District Court, dated June 30, 1930; and rights accrued under Claim No.s' 63-0012, 63-0013 and 63-0015 IDWR, to include forty-one (41) miner's inches for irrigation, stock, domestic, heating and other beneficial uses."

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that 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.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 15th day of November, in the year of 1991.

(CORPORATE SEAL)

HUNT BROS. FLORAL, INC.

(CORPORATE NAME)

BY

PRESIDENT

Attest:

SECRETARY

## ACKNOWLEDGEMENT — Corporate

STATE OF Idaho County of Ada ss.

On this 15th day of November, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared

CHARLES A. HINDMAN

known or identified to me to be the PRESIDENT

of the corporation that executed the instrument

or the person who executed the instrument on behalf of said corporation, and

acknowledged to me that such corporation executed the same.

Signature: *Dianna L. Stork*  
Name: Dianna L. Stork  
(type or print)

Residing at Meridian, Idaho

My commission expires 1-23-96

9165042

BOISE TITLE & ESCROW, INC.  
ADA COUNTY, ID. FOR  
J. DAVID NAVARRO  
RECORDER BY *B. Belueal*

'91 NOV 15 PM 4 14



Boise Title & Escrow, Inc.

PARCEL 1:

That portion of Section 29, Township 4 North, Range 2 East, Boise Meridian, in the County of Ada, State of Idaho, more particularly described as follows:

Commencing at the quarter section corner common to Sections numbered 28 and 29, in Township 4 North, Range 2 East, the REAL PLACE OF BEGINNING; thence South  $0^{\circ}29'$  West a distance of 662.3 feet along the section line common to said Sections 28 and 29; thence North  $89^{\circ}11'$  West, parallel to the East and West quarter section line of said Section 29, a distance of 657.4 feet; thence North  $0^{\circ}39'$  East a distance of 662.3 feet, to the East and West quarter section line of said Section 29; thence South  $89^{\circ}11'$  East, along said quarter section line, 656.5 feet to the PLACE OF BEGINNING.

EXCEPT any portion lying within the following:

Commencing at the quarter section corner common to Sections 28 and 29, Township 4 North, Range 2 East, of the Boise Meridian, marked by a stone; thence South along the East line of said Section 29, a distance of 437.2 feet to a point the same being the TRUE POINT AND PLACE OF BEGINNING; thence continuing South  $0^{\circ}29'$  West 1003.9 feet on the East line of said Section 29 marked by an iron pin; thence North  $81^{\circ}16'$  West 224.2 feet to a point; thence North  $61^{\circ}35'$  West 135.75 feet to a point; thence North  $76^{\circ}20'$  West 328.4 feet to a point, marked by an iron pin; thence North  $0^{\circ}39'$  East 838.2 feet to a point; thence South  $89^{\circ}05'$  East 657 feet to the POINT AND PLACE OF BEGINNING.  
EXCEPT ditch and road rights-of-way.

PARCEL 2:

That portion of Section 28, Township 4 North, Range 2 East, Boise Meridian in the County of Ada, State of Idaho, more particularly described as follows:

Beginning at the quarter section corner between Sections 28 and 29, Township 4 North, Range 2 East, Boise Meridian; thence South  $0^{\circ}29'$  West 300 feet on section line; thence South  $89^{\circ}53'$  East 370 feet; thence North  $47^{\circ}53'$  West 446 feet on center line of Foot Hill Road; thence North  $89^{\circ}22'$  West 35.64 feet on center line of Section 28, to the PLACE OF BEGINNING.  
EXCEPT ditch and road rights-of-way.

MICROFILMED  
AUG 14 1992

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: A63-00013  
Date Received: 8/18/1989  
Receipt No: W00 4644  
Received By: SR

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: HUNT BROS. FLORAL, INC. 208-344-3751  
Address: 3823 N. 36  
BOISE, ID 83703

2. Date of Priority: JUL 01, 1922

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 02E   | 28      | NW     | NW     | SW     |     | ADA    |
|          |       | 29      | NE     | NE     | SE     |     | ADA    |

5. Description of diverting works:  
3 WELLS: 2", 4", 4", APPROX. 1250' DEEP, ARTESIAN W/ PIPELINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 01/01 | 12/31 | 0.660  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.030  |      |        |
| HEATING    | 01/01 | 12/31 | 0.660  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is 26.3 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 W/ YARD, STOCK 70 HD. MISC., HEATING 62,500 SQ-FT

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04N      | 02E   | 28      | NW     | SW  |     | IRR           | 1.5   |
|          |       |         |        |     |     | Section Acres | 1.5   |
|          |       | 29      | NE     | SE  |     | IRR           | 6.0   |
|          |       |         | NE     | SE  |     | STOCK         |       |
|          |       |         | NE     | SE  |     | HEAT          |       |
|          |       |         | NE     | SE  |     | DOMEST        |       |
|          |       |         |        |     |     | Section Acres | 6.0   |
|          |       |         |        |     |     | Total Acres   | 7.5   |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
A63-00012, A63-00015

14. Remarks:

TRANS. #268.  
P/U DESCRIBED BY METES & BOUNDS.  
TRANSFER OF PLACE OF USE AND ADDITIONAL POINT OF DIVERSION OCCURS WITH CLAIM. HEATING IS 1 HOUSE AT 2500 SQ-FT & GREENHOUSES AT 60,000 SQ-FT. IRRIGATION SEASON SHOWN ALL YEAR SINCE OCCURS IN COMMERCIAL GREENHOUSES.  
TWO P/D IN NENESE S.29. ALL 3 WELLS HOT ARTESIAN WELLS.  
SEE TRANSFER FILE #268 AND A63-00012, A63-00015 TO REVIEW CLAIM.  
NOTE THAT IRRIGATED ACRES NEED TO BE CLARIFIED IF RIGHT IS LEFT AS IRRIGATION. MAY NEED TO CHANGE TO COMMERCIAL TO ALLOW ALL YR. PERIOD OF USE?

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SILKEY

Decree Plaintiff

vs

TIEGS

Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Robert J. Hunt Date: 8/18/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am President of  
\_\_\_\_\_  
Title  
Hunt Bros. Floral, Inc., that I have signed the foregoing  
Organization  
document in the space below as Same of  
\_\_\_\_\_  
Title  
Same and that the statements contained in the  
Organization  
foregoing document are true and correct.

Robert J. Hunt  
Signature of Authorized Agent  
Hunt Bros Floral, Inc.  
Title and Organization  
Aug 18, 1989  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 18 day

of August 19 89

Doris Harris  
Notary Public

Seal

Residing at Boise, Idaho

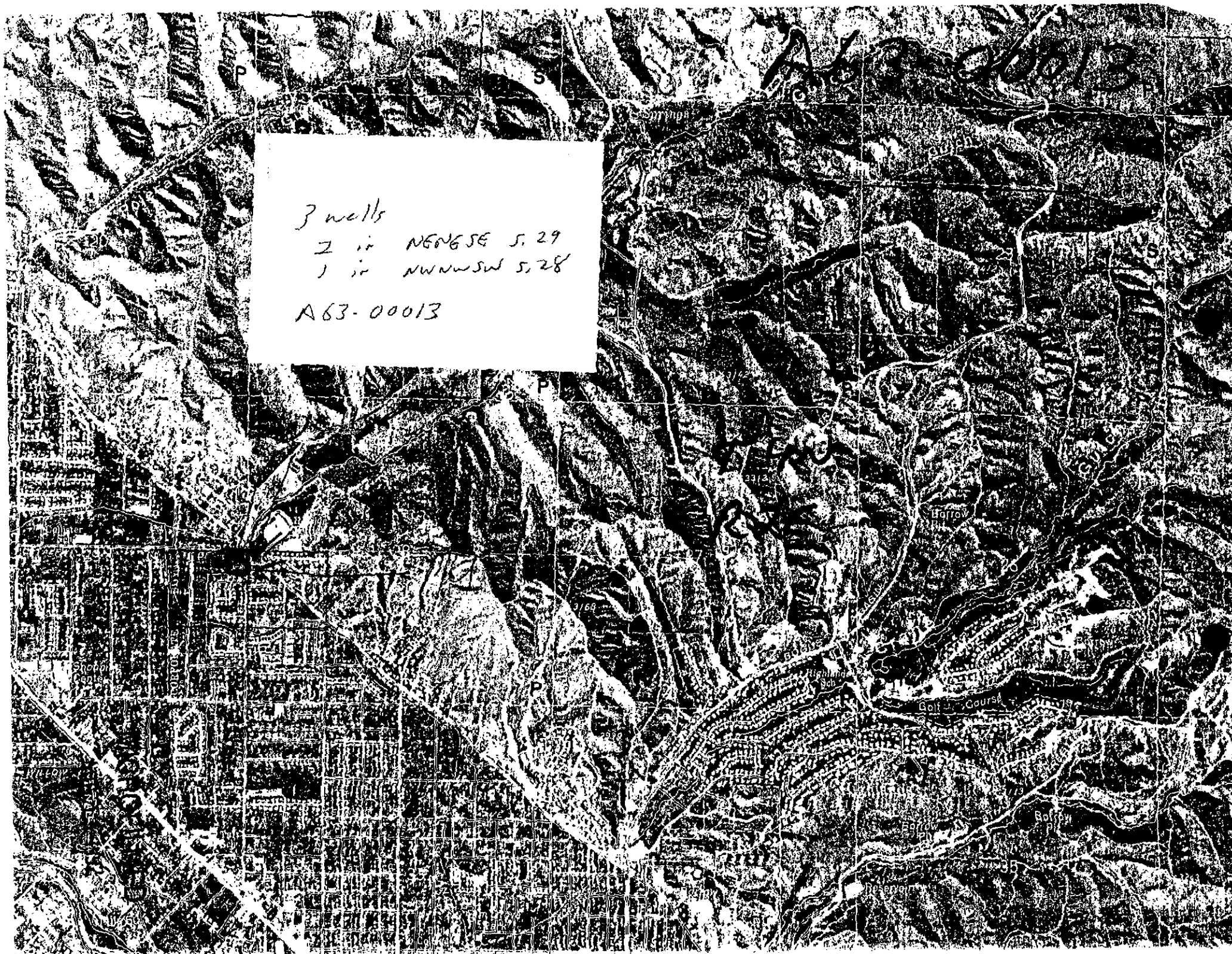
A63-00013

Page

My Commission Expires 12-8-94  
3 Date: 08/18/89

MICROFILMED  
AUG 14 1992

3 wells  
2 in NE6SE S. 29  
1 in NWNWSW S. 28  
A63-00013



RECEIVED

APR 21 2006

DEPARTMENT OF  
WATER RESOURCES

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

A. Subcase 63-13

(Insert water right no.)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: THE TERTELING CO INC.

Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

Daytime Phone: 208 338-5200

Name & Address of Attorney, if any:

Charles L. Honsinger  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: THE TERTELING CO INC.

Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

COP<sup>2</sup>

**D.** I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: Combined irrigation use remark should be removed or modified to include only right nos. 12, 13 and 15.
10. ☐ **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION (S):** The remark is not listed on Transfer no. 68558, approved on Oct. 9, 2002.

### INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: THE TERTELING CO INC.

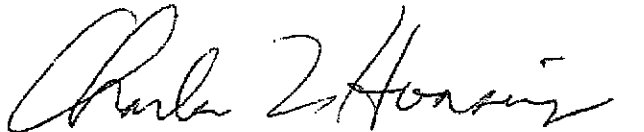
Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449



Signature of Objector or attorney  
mailing on Objector's behalf

**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

A. Subcase 63-13

(Insert water right number  
From the Objection Form)

**STANDARD FORM 2  
RESPONSE TO OBJECTION**

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: Edwards Family LLC  
Address: 4106 Sand Creek Street  
Boise, Idaho 83703  
Daytime Phone: (208) 342-7548

Name & Address of Attorney, if any:  
Dana L. Hofstetter, ISB # 3867  
Hofstetter Law Office, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
(208) 424-7800

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING**

Name: The Terteling Co. Inc.  
Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

D. I am responding to the objections to the following elements. (Please check the appropriate box(es))

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
11. Recommendation
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho )  
County of Ada ) ss:

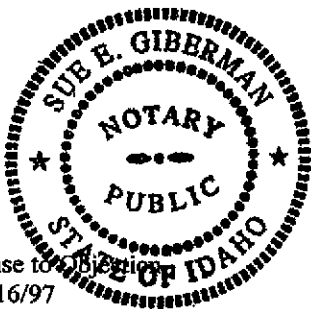
Dana L. Hofstetter duly sworn, upon oath, deposes and says:  
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 23, 2006



Sue E. Giberman  
Notary Public for the State of Idaho  
Residing at: Boise Idaho  
My Commission Expires: 2-25-09

## INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### F. CERTIFICATE OF MAILING

I certify that on June 23, 2006, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: The Terteling Co. Inc.  
Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

3. One copy to the party who filed the objection. at the following address:

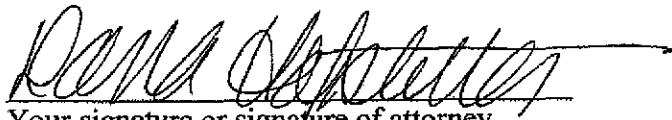
Name: Charles L. Honsinger  
Address: Ringert Clark Chartered  
P.O. Box 2773  
Boise, Idaho 83701

4. Copies to:

IDWR Document Depository  
P. O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
Your signature or signature of attorney  
mailing on your behalf

RECEIVED  
APR 24 2005  
DEPARTMENT OF  
WATER RESOURCES

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 39576

A. Subcase 63-13  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC  
Address: 4106 Sand Creek Street  
Boise, Idaho 83703  
Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter  
Hofstetter Law Office, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Terteling Co. Inc  
Address: 3823 N. 36<sup>th</sup> Street  
Boise, Idaho 83703

D. I object to the following elements as recommended in the Director's Report.  
(Please check the appropriate box(es)):

■ **General Provisions Basin 63, Part II**  
(General Provisions 1 and 2) Separate Sources Administration

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☒ **Source**  
Should be: See Section E
3. ☒ **Quantity**  
Should be: See Section E
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☒ **Point of Diversion**  
Should be: See Section E
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: See Section E
8. ☒ **Period of Year**  
Should be: See Section E
9. ☒ **Place of Use**  
Should be: See Section E
10. **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The Stewart Gulch Geothermal Aquifer should be managed as a separate source pursuant to *Silkey v. Tiags*. Heating is not a year round use. The provisions listed under "Explanatory Material" (except for "Basis of Claim") should be listed under "Other Provisions." The reference to "Water District 63-S in the 3rd, 7th, and 9th provisions under "Explanatory Material" should read "Water District 63-S or successor regulatory entity." The reference to "geothermal water" in the 6th provision under "Explanatory Material" should read "low-temperature geothermal water." A statement that this right is no longer diverted under artesian conditions without pumping should be included in "Other Provisions." Duplicate 63-31054 should be corrected.

F.

VERIFICATION (Must be Completed)

State of Idaho )  
 ) ss.  
County of Ada )

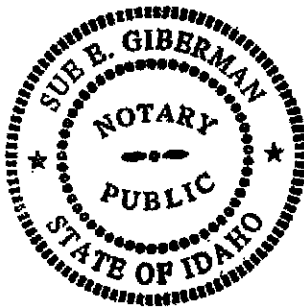
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
Signature of person filing objection

Dana Hofstetter  
\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006



Sue E. Giberman  
Notary Public for the State of Idaho  
Residing at: Boise Idaho  
My Commission expires: 2-25-09

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to the claimant of the water right at the following addresses:

Name: The Terteling Co. Inc  
Address: 3823 N 36<sup>th</sup> Street  
Boise, Idaho 83703

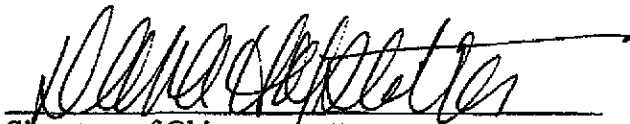
Charles Honsinger  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, Idaho 83701-2273

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MCS 033  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

JUN 28 2005

WATER RESOURCES  
WESTERN REGION**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005**

Water Right Number: 63-13

THE TERTELING CO., INC.  
3823 N. 36<sup>TH</sup> ST  
BOISE, ID 83703  
Telephone Number: (208)338-5200

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):  
Purpose and period of use  
Place of use  
Explanatory Material
2. Describe the changes you wish to make in the proposed recommendation:  
Remove remarks from the Purpose and Period of Use elements of the recommendation and place them under "EXPLANATORY MATERIAL."

Ensure that the attached map showing places of use is not part of the recommendation itself, and does not limit the water right holder to any particular place of use within each 1/4 1/4 section.

Remove remarks from Explanatory Material that are no longer applicable. I.e. remarks that explain that the transfer must be accomplished within one year of its approval, or that the transferee must place lockable controllable diversion works and measuring devices prior to diversion under the transfer.

Add a remark in the Explanatory Material section stating that aquifer pressures in the wells that were the original points of diversion for this water right are protected at their current levels, and that no examination or determination of "reasonable pumping levels" in those wells shall be made.

3. Give a brief explanation as to why you disagree with these portions:  
The remarks under the elements are simply explanatory material, and are not elements of the water right.

Place of use cannot be limited within each 1/4 1/4 section to any particular, specified location.

Certain remarks in the Explanatory Material section of the recommendation are no longer applicable as the time period referred to by the remark has already passed, or other contingency has already occurred. Therefore, the remarks are no longer necessary.

Remarks regarding aquifer pressures are necessary to reflect the intent and language of the Silkey v. Tiegs decree.

       **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 6/27/05

SIGNATURE: Charles L. Honsinger

Please print your name: Charles L. Honsinger

11/28/2005

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

RIGHT NUMBER: 63-13

NAME AND ADDRESS: THE TERTELING CO INC  
3823 N 36TH ST  
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.660 CFS  
400.000 AFY

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.

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.

PRIORITY DATE: 07/01/1922

POINT OF DIVERSION:

T04N R02E S22 NWSW Within ADA County

T04N R02E S28 NWSW Within ADA County

T04N R02E S29 NESE Within ADA County

T04N R02E S29 NESE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 01/01 12/31          | 0.660 CFS<br>38.00 AFY  |
| DOMESTIC              | 01/01 12/31          | 0.040 CFS<br>0.60 AFY   |
| HEATING               | 01/01 12/31          | 0.660 CFS<br>400.00 AFY |

Domestic use is for business offices.

Irrigation use is for inside commercial greenhouses and outside irrigation.

PLACE OF USE: IRRIGATION Within ADA County

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T04N R02E S22 | NESW | 7.0 | T04N R02E S22 | SESW | 0.5 |
|---------------|------|-----|---------------|------|-----|

|               |      |     |
|---------------|------|-----|
| T04N R02E S29 | NESE | 7.5 |
|---------------|------|-----|

HEATING Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S22 | NESW | T04N R02E S22 | SESW |
|---------------|------|---------------|------|

|               |      |
|---------------|------|
| T04N R02E S29 | NESE |
|---------------|------|

DOMESTIC Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S22 | NESW | T04N R02E S22 | SESW |
|---------------|------|---------------|------|

|               |      |
|---------------|------|
| T04N R02E S29 | NESE |
|---------------|------|

15 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 171 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31053, 63-31054, 63-31055, 63-31054.

Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

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

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 - Decreed

The Director maintains jurisdiction of transfer no. 68558 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.

Diversion and use of water from the Windsock well is contingent upon continued activity of Water District 63-S.

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.

The Silkey v. Tiegs decree specifically addressed the protected artesian pressure in the aquifer. The Department, in deference to the Silkey decree, will refrain from examining whether the artesian pressure in Stewart Gulch constitutes a reasonable pumping level and is in the public interest pursuant to I.C. 42-226 unless and until a contrary determination is made in an appropriate judicial or administrative proceeding.

Water is 120 degrees F geothermal water.

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.

The right holder shall accomplish the change authorized by transfer no. 68558 with one year of the date of approval.

Prior to diversion of water under transfer no. 68558, 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.

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

---

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 IDWR's 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.

The measuring devices for the wells must be calibrated by an independent method of measurement at least once a year. These calibrations shall be method of measurement at least once a year. These calibrations shall be included in the watermasters annual report to IDWR.

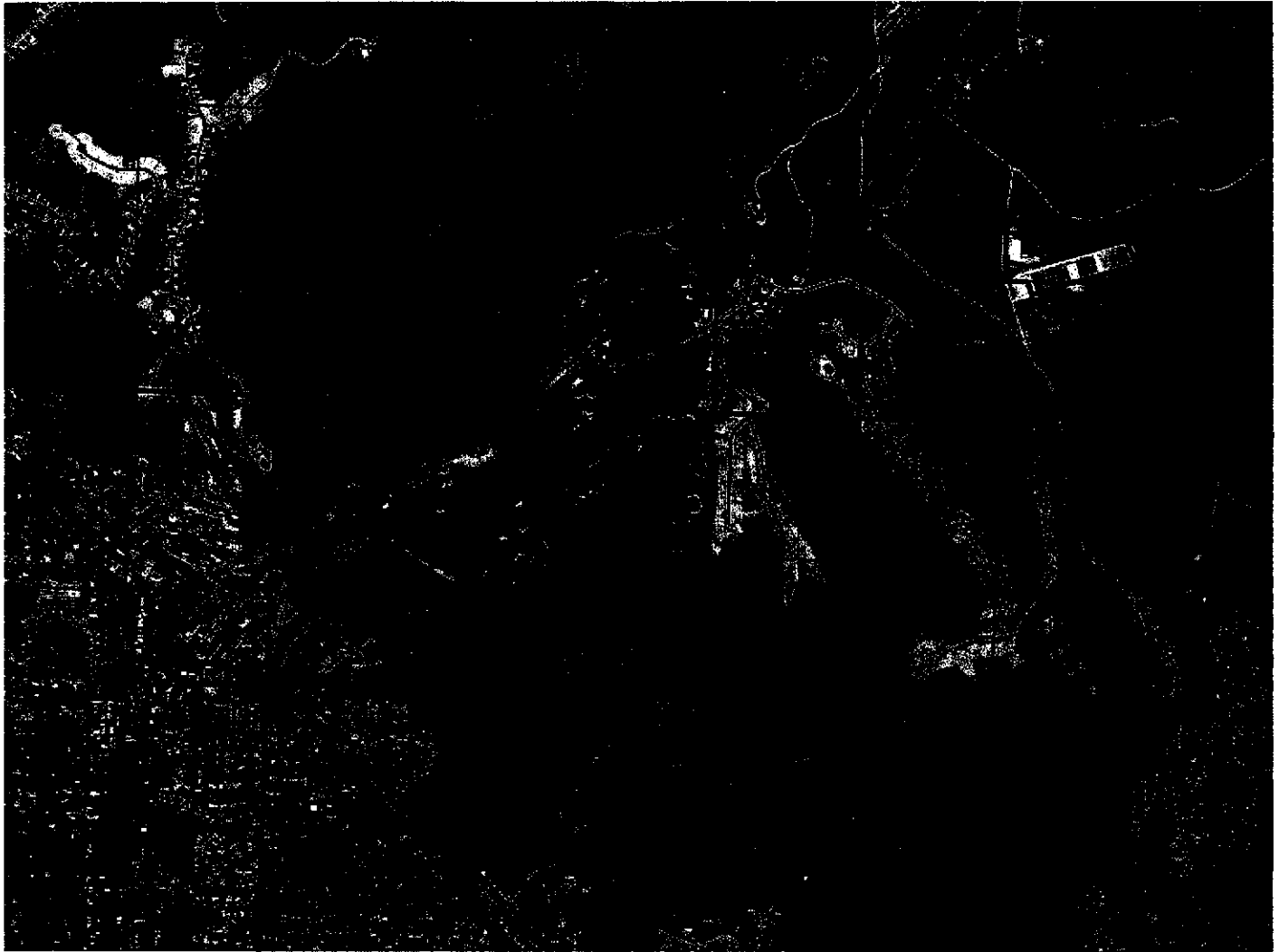
Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.

This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.



**State of Idaho  
Idaho Department of Water Resources  
Western Region**

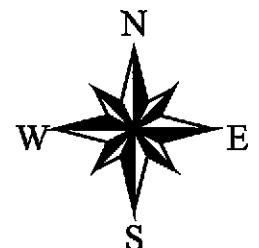
**T4N R2E SECTIONS 22, 28 and 29  
Water Right (s): 63-12, 63-13 and 63-15**



1320 0 1320 2640 3960 5280 Feet



**TOTAL IRRIGATED ACRES = 15**



- Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

**GIS Place of Use Illustration  
2003 Photography  
Prepared By: Vicky Music  
Date: May 2005**

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-13 V1

WATER RIGHT NUMBER: 63-13 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------|
| Current Owner     | THE TERTEILING CO INC<br>3823 N 36TH ST<br>BOISE, ID 83703<br>(208)338-5200                            |
| Original Owner    | FRANCIS SILKEY<br><br>BOISE, ID 83703                                                                  |
| Original Owner    | O L MILSTEAD<br><br>BOISE, ID 83703                                                                    |
| Attorney          | CHARLES L HONSINGER<br>RINGERT CLARK CHARTERED<br>PO BOX 2773<br>BOISE, ID 83701-2773<br>(208)342-4591 |

Priority Date: 07/01/1922

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u> | <u>From To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 01/01 to 12/31          | 0.660 CFS             | 38.00 AF             |
| DOMESTIC              | 01/01 to 12/31          | 0.040 CFS             | 0.60 AF              |
| HEATING               | 01/01 to 12/31          | 0.660 CFS             | 400.00 AF            |
|                       | <u>Total Diversion:</u> | 0.660 CFS             | 400.00 AF            |

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

|               |          |               |          |
|---------------|----------|---------------|----------|
| T04N R02E S22 | NESW 7.0 | T04N R02E S22 | SESW 0.5 |
| T04N R02E S29 | NESE 7.5 |               |          |

Total Acres: 15

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-13 V1

Total Acres: 15

DOMESTIC Within ADA County

T04N R02E S22      NESW                      T04N R02E S22      SESW

T04N R02E S29      NESE

HEATING Within ADA County

T04N R02E S22      NESW                      T04N R02E S22      SESW

T04N R02E S29      NESE

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 171 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31053, 63-31054, 63-31055, 63-31054.
2. T02 The Director maintains jurisdiction of transfer no. 68558 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.
3. 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.
4. Diversion and use of water from the Windsock well is contingent upon continued activity of Water District 63-S.
5. C18 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.
6. 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.
7. The Silkey v. Tiegs decree specifically addressed the protected artesian pressure in the aquifer. The Department, in deference to the Silkey decree, will refrain from examining whether the artesian pressure in Stewart Gulch constitutes a reasonable pumping level and is in the public interest pursuant to I.C. 42-226 unless and until a contrary determination is made in an appropriate judicial or administrative proceeding.
8. X27 Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
9. B07 Water is 120 degrees F geothermal water.
10. X01 Domestic use is for business offices.
11. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch.
12. Irrigation use is for inside commercial greenhouses and outside irrigation.
13. The right holder shall accomplish the change authorized by transfer no. 68558 with one year of the date of approval.
14. 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.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-13 V1

15. T18 Prior to diversion of water under transfer no. 68558, 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.
16. 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.
17. 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.
18. 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.
19. 020 This water right is subject to the terms of an Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.

Remarks:Comments:

1. vmusic 5/24/2005 RECOMMENDATION

Comment: recommended per approved transfer, transfer number = 68558

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 5/24/2005 10:59:38 AM     | vmusic          |                           |                 | Active        |
| Priority Date  | 5/24/2005 10:59:57 AM     | vmusic          |                           |                 | Active        |
| POD            | 5/24/2005 11:00:40 AM     | vmusic          |                           |                 | Active        |
| Source         | 5/24/2005 11:03:01 AM     | vmusic          |                           |                 | Active        |
| POD            | 5/24/2005 11:03:29 AM     | vmusic          |                           |                 | Active        |
| POU            | 5/24/2005 11:03:48 AM     | vmusic          |                           |                 | Active        |
| Use            | 5/24/2005 11:04:36 AM     | vmusic          |                           |                 | Active        |
| Season         | 5/24/2005 11:05:19 AM     | vmusic          |                           |                 | Active        |
| Quantity       | 5/24/2005 11:06:34 AM     | vmusic          |                           |                 | Active        |
| Summary        |                           |                 | 05/24/2005                | vmusic          | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                 |
|----------------|------------------------|-----------------|-------------------------------------------------|
| Contacts       | 5/24/2005 10:59:38 AM  | vmusic          | (No) 1. Do you want to schedule an appointment? |

Comment for 1: DESKTOP REVIEW

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-13 V1

|          |                       |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|-----------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General  | 5/24/2005 10:59:58 AM | vmusic | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p>                                              |
| POD      | 5/24/2005 11:00:40 AM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                            |
| Source   | 5/24/2005 11:03:01 AM | vmusic | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(Yes) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                         |
| POD      | 5/24/2005 11:03:30 AM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(Yes) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                           |
| POU      | 5/24/2005 11:03:48 AM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                                                                     |
| POU      | 5/24/2005 11:04:14 AM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Quantity | 5/24/2005 11:06:35 AM | vmusic | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(Yes) 8. Does the parent right have an annual diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 10 - SEE TRANSFER FILE</p> |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-13 V1

|         |                       |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------|-----------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD     | 5/24/2005 11:01:40 AM | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POD     | 5/24/2005 11:02:20 AM | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Use     | 5/24/2005 11:04:36 AM | vmusic | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(Yes) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                         |
| Season  | 5/24/2005 11:05:19 AM | vmusic | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a Period of Use?<br>(Yes) 5. Can the claimed Period of Use be verified using the water right file?<br>(Yes) 14. Is irrigation claimed as a Purpose of Use?<br>(No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?<br>(No) 18. Is a Period of Use remark and/or condition required?                                                                                                                                                              |
| POD     | 5/24/2005 11:08:46 AM | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POD     | 5/24/2005 11:09:25 AM | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POD     | 5/24/2005 11:09:41 AM | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POU     | 5/24/2005 11:10:14 AM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Summary | 5/24/2005 11:40:33 AM | vmusic | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(Yes) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |

Water Supply Bank:

## Music, Vicky

---

**From:** Music, Vicky  
**Sent:** Friday, October 14, 2005 1:55 PM  
**To:** Charlie Honsinger (E-mail); 'tom@tertco.com'  
**Cc:** Shurte, Jan  
**Subject:** B63 Pt 2 DR

Charlie and Tom -

The Director's Report for Basin 63 Part 2 will be submitted to the SRBA Court the week of December 12. Internal IDWR deadlines in preparation for the Director's Report require that I have all of the supporting documentation for claims to be recommended in this Director's report by October 31, 2005.

Please submit all supporting documentation for the Terteling claims, including the amended claims, by October 31, 2005. If I do not have the information by that time, I will recommend the claims based on the information I have.

Thanks,

Vicky L. Music  
Sr. Water Resource Agent  
Adjudication Bureau  
IDWR/Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

**Tracking:**

**Recipient**

Charlie Honsinger (E-mail)  
'tom@tertco.com'  
Shurte, Jan

**Delivery**

Delivered: 10/14/2005 1:55 PM

**Music, Vicky**

**From:** Music, Vicky  
**Sent:** Wednesday, November 23, 2005 9:54 AM  
**To:** 'Charlie Honsinger'  
**Cc:** 'Tom Terteling (E-mail)'; Shurte, Jan; Spencer, Nick  
**Subject:** RE: Preliminary Recommendations/Notices of Error

|                  |                          |                               |
|------------------|--------------------------|-------------------------------|
| <b>Tracking:</b> | <b>Recipient</b>         | <b>Delivery</b>               |
|                  | 'Charlie Honsinger'      |                               |
|                  | 'Tom Terteling (E-mail)' |                               |
|                  | Shurte, Jan              | Delivered: 11/23/2005 9:54 AM |
|                  | Spencer, Nick            | Delivered: 11/23/2005 9:54 AM |

Charlie and Tom -

I am very sorry about the short timeline, however, the sheer number of claims filed by your client, including late claims filed only a few weeks ago and the confusion regarding the licenses 63-3603 and 63-7595 that resulted in amended claims being submitted just 3 weeks ago, have caused these preliminary DRs to be sent with a short NOE period. My deadline for having recommendations done is Dec 2 and the Basin 63 Part 2 DR is due to be submitted around Dec 13. Submitting a notice of error will most likely not affect my recommendations because I really don't think there are errors in the preliminary DRs that can be corrected by the NOE process, such as typos or changes in ownership, but you may submit them when you can through December 9. We will have to let the objection procedure handle the substantive issues as is usual.

8 of the 12 preliminaries sent this week [63-31056 is listed twice in your email] are associated with 3 of the 4 residences on the property and I attempted to group those together so they could be reviewed together. They are small domestic and stock.

Lastly, I will be adding to the recommendations for 63-12, 63-13, 63-15 and 63-308 the combined use POU remark for 171 acres. For 63-12, 63-13, 63-15, 63-3603 and 63-7595, I will be adding the temperature of the water. I will not send out an new preliminary on these.

Hope this helps -

Vicky L. Music  
 Sr. Water Resource Agent  
 Adjudication Bureau  
 IDWR/Western Region  
 2735 Airport Way  
 Boise, Idaho 83705-5082  
 (208) 334-2190

-----Original Message-----

**From:** Charlie Honsinger [mailto:clh@ringertclark.com]  
**Sent:** Wednesday, November 23, 2005 8:29 AM  
**To:** Music, Vicky  
**Cc:** Tom Terteling  
**Subject:** Preliminary Recommendations/Notices of Error

Vicky: Preliminary recommendations for the following water rights have been sent via e-mail to Tom Terteling and I over the past two days:

11/23/2005

63-27649, 63-27671, 63-31054, 63-31055, 63-31053, 63-31050, 63-31052, 63-31062, 63-31056, 63-31057, 63-31056, 63-31058, 63-31060.

I did not receive one of these e-mails until I came into the office this morning. The instructions attached to the Preliminary Recommendations provide that the Notices of Error are due on Tuesday, November 29 - six days from today. My client has been out of town for several days, and the Thanksgiving holiday is tomorrow - I plan on leaving my office this afternoon at 2:00 to travel out of town, and will not be back until Monday. I do not know my client's plans, but I know he has been extremely busy and was expecting to be so for some time.

Given all of these factors, together with the facts that I have many other pressing matters I must address over the next several business days and that I believe my client's situation to be similar to mine, it is simply unrealistic to expect the Terteling Company to respond to 14 Preliminary Recommendations within a six-day period with an intervening four-day holiday weekend. We will attempt to review and respond to the Preliminary Recommendations as soon as possible, but it is simply impossible for us to get to them as quickly as provided.

Please respond with an extended timeline. Thank you.

Charlie Honsinger

## Music, Vicky

---

**From:** Music, Vicky  
**Sent:** Wednesday, June 29, 2005 4:07 PM  
**To:** Charlie Honsinger (E-mail)  
**Cc:** Shurte, Jan  
**Subject:** SRBA Claims 63-12, 63-13, 63-15, 63-308

Hi Charlie -

I received the NOAs for the claims referenced above. For the most part, no changes to the recommendations will be made. See reasons below.

### 63-12, 63-13 and 63-15

Re ownership - All were claimed in the name of the Terteling Co. Inc. If the claimant wants the rights in the name of another business entity, a change of ownership must be filed.

Re remarks in purpose and period of use - these are not explanatory but further described the approved uses and were properly located in the element portion of the recommendation.

Re place of use - The water right holder IS restricted to use within the recommended 1/4 1/4 sections. The place of use approved under the transfer is very specific, there is no permissible place of use under the transfer, and the map and pou comport with the map submitted in the application for transfer # 68558.

Re explanatory remarks - Adjudication agents have been instructed to include in the recommendation all conditions upon which a transfer is approved. When the water rights have been decreed and are moved to the water rights section of the database, the conditions are preserved. Hence, they will stay.

Re a "reasonable pumping level" remark - I see I missed condition # 7 in the amended transfer 68558, amended after the order amending preliminary order and denying petition of reconsideration was issued in 2002. Therefore, I will add the following condition #7 in its entirety in explanatory remarks:

" The Silkey v. Tiegs decree specifically addressed the protected artesian pressure in the aquifer. The Department, in deference to the Silkey decree, will refrain from examining whether the artesian pressure in Stewart Gulch constitutes a reasonable pumping level and is in the public interest pursuant to I.C. 42-226 until such time as the court address the issue in the Snake River Basin Adjudication. "

### 63-308

re ownership - claimed in the name of The Terteling Co Inc. and Terteling Trust No. 7. If claimant desires right be held in another name, a change of ownership form is needed.

re place of use and map - the original claim filed in 1990 and the amended claim filed in 1999 both include maps of the place use. The maps contradict each other and the map attached to the 1999 claim locates the pou in QQ sections not even claimed. Please clarify the pou. Additionally, a field exam will be needed. Should we coordinate it with Ed Squires?

I hope this is helpful.  
Sincerely,

Vicky L. Music  
Senior Water Resource Agent  
Adjudication Bureau

RECEIVED

MAR 17 2004

WATER RESOURCES  
WESTERN REGION

Laura E. Burri  
Jeffrey R. Christenson  
David P. Claiborne  
D. Blair Clark  
Michael J. Doolittle  
S. Bryce Farris  
David Hammerquist  
Charles L. Honsinger  
Joseph B. Jones  
James P. Kaufman  
Jennifer Reid Mahoney  
James G. Reid  
Daniel V. Steenson  
Alyn L. Sweeney

William F. Ringert, of Counsel  
Samuel Kaufman (1921-1986)

March 16, 2004

Ms. Jan Shurte  
Idaho Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Amended Claims to Water Right Nos. 63-12, 63-13, 63-15, 63-31051

Dear Jan:

Enclosed please find the above referenced Amended Claims to Water Rights which I submit on behalf of my client, The Terteling Company, Inc. Please replace the original claims to these water rights with the enclosed Amended Claims.

Please contact me with any questions or concerns.

Sincerely,



Charles L. Honsinger

cc: Tom Terteling  
Ed Squires

**RINGERT  
CLARK**  
CHARTERED  
LAWYERS

RECEIVED  
FEB 23 2004  
WATER RESOURCES  
WESTERN REGION

Laura E. Burri  
Jeffrey R. Christenson  
David P. Clalborne  
D. Blair Clark  
Michael J. Doolittle  
S. Bryce Parris  
David Hammerquist  
Charles L. Honsinger  
Joseph B. Jones  
James P. Kaufman  
Jennifer Reid Mahoney  
James G. Reid  
Daniel V. Steenson  
Allyn L. Sweeney

William F. Ringert, of Counsel  
Samuel Kaufman (1921-1986)

February 20, 2004

Mr. John Westra  
Western Regional Manager  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

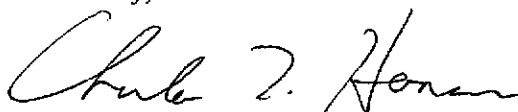
Re: Terteling Company and T-7, LLC water rights

Dear Mr. Westra:

This correspondence will notify you that my clients, the Terteling Company and T-7, LLC, have requested that I be designated as the attorney of record for all matters involving any water rights that they own. Such matters include SRBA claims filed by my clients, as well as any other water right proceedings in which they are currently involved. Please ensure that such changes are made to IDWR's records as are appropriate.

Thank you for your assistance, and please feel free to contact me with questions or concerns.

Sincerely,



Charles L. Honsinger

cc: Clients  
Jeff Fereday  
Ed Squires

\* See attached spreadsheet  
✓ done 3-1-04.

| <u>Basin</u> | <u>Sequ</u> | <u>Suf</u> | <u>Basis</u>   | <u>Status</u> | <u>Right ID</u> | <u>Owner(s)</u>         | <u>Source Table</u>             |
|--------------|-------------|------------|----------------|---------------|-----------------|-------------------------|---------------------------------|
| 63           | 12          |            | Decreed        | Active        | 550157          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 13          |            | Decreed        | Active        | 550159          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 15          |            | Decreed        | Active        | 550160          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 308         |            | Decreed        | Active        | 190638          | TERTEING TRUST NO 7 (Cu | wrAdjudicationClaim ✓           |
| 63           | 3603        |            | License        | Active        | 280386          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 7595        |            | License        | Active        | 280392          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 31051       |            | Beneficial Use | Active        | 550153          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 31058       |            | Beneficial Use | Active        | 423099          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 31059       |            | Beneficial Use | Active        | 423100          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 31060       |            | Beneficial Use | Active        | 422793          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 31061       |            | Beneficial Use | Active        | 422794          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 63           | 31062       |            | Beneficial Use | Active        | 422968          | THE TERTEING CO INC (Cu | wrAdjudicationClaim ✓           |
| 65           | 4040        |            | Beneficial Use | Active        | 378448          | THE TERTEING CO INC (Cu | wrAdjudicationClaim Disallowed  |
| 65           | 7450        |            | License        | Active        | 279509          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 65           | 7451        |            | License        | Active        | 323108          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 65           | 7452        |            | License        | Active        | 278690          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 65           | 22031       | A          | Beneficial Use | Active        | 425066          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 65           | 22291       |            | Beneficial Use | Active        | 544712          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 65           | 22293       |            | Beneficial Use | Active        | 544722          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 65           | 22295       |            | Beneficial Use | Active        | 544739          | THE TERTEING CO INC (Cu | wrAdjudicationClaim PD Issued   |
| 63           | 12          |            | Decreed        | Active        | 560186          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. ✓         |
| 63           | 13          |            | Decreed        | Active        | 560187          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. ✓         |
| 63           | 15          |            | Decreed        | Active        | 560188          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. ✓         |
| 63           | 31051       |            | Beneficial Use | Active        | 560185          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. ✓         |
| 65           | 7450        |            | License        | Active        | 545342          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
| 65           | 7451        |            | License        | Active        | 545344          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
| 65           | 7452        |            | License        | Active        | 545343          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
| 65           | 22031       | A          | Beneficial Use | Active        | 545350          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
| 65           | 22291       |            | Beneficial Use | Active        | 545351          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
| 65           | 22293       |            | Beneficial Use | Active        | 545353          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
| 65           | 22295       |            | Beneficial Use | Active        | 545352          | THE TERTEING CO INC (Cu | wrAdjudicationRecomm. PD Issued |
|              |             |            |                |               |                 |                         |                                 |
|              |             |            |                |               |                 |                         |                                 |

| <u>Basin</u> | <u>Sequ</u> | <u>Suf</u> | <u>Basis</u> | <u>Status</u> | <u>Right ID</u> | <u>Owner(s)</u>          | <u>Source Table</u> |                     |
|--------------|-------------|------------|--------------|---------------|-----------------|--------------------------|---------------------|---------------------|
| 63           | 12540       |            |              | Active        | 110399          | THE TERTELING CO INC (Cu | wrWaterApplication  | Western Hold Drawer |
| 63           | 27670       |            | Decreed      | Active        | 119795          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |
| 63           | 28364       |            | Decreed      | Active        | 126717          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |
| 65           | 22013       |            | Decreed      | Active        | 545345          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |
| 65           | 22016       |            | Decreed      | Active        | 545346          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |
| 65           | 22018       |            | Decreed      | Active        | 545347          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |
| 65           | 22019       |            | Decreed      | Active        | 545348          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |
| 65           | 22021       |            | Decreed      | Active        | 545349          | THE TERTELING CO INC (Cu | wrWaterRight        | PD Issued           |

| <u>Basin</u> | <u>Sequ</u> | <u>Suf</u> | <u>Basis</u>   | <u>Status</u> | <u>Right ID</u> | <u>Owner(s)</u>   | <u>Source Table</u> |   |
|--------------|-------------|------------|----------------|---------------|-----------------|-------------------|---------------------|---|
| 63           | 27649       |            | Beneficial Use | Active        | 190606          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 27671       |            | Beneficial Use | Active        | 125220          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 30006       |            | Beneficial Use | Active        | 338726          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 30007       |            | Beneficial Use | Active        | 338727          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31050       |            | Beneficial Use | Active        | 423091          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31052       |            | Beneficial Use | Active        | 423093          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31053       |            | Beneficial Use | Active        | 423094          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31054       |            | Beneficial Use | Active        | 423095          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31055       |            | Beneficial Use | Active        | 423096          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31056       |            | Beneficial Use | Active        | 423097          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |
| 63           | 31057       |            | Beneficial Use | Active        | 423098          | T-7 LLC (Current) | wrAdjudicationClaim | ✓ |

July 30, 2001

Steve Lester 

## BOISE FRONT GWMA SUMMARY

### CHRONOLOGY

1892 - BWSWD, first 2 hot wells & heating district in US, discharge to river.

1976- BLM monitoring well.

1983

- State Capitol Mall production & injection wells (1 each) in use
- 3 City wells in use, discharge to river
- Boise Front production increased about 100%.

1987

- Aquifer declines, GWMA Order, ground water  $> 85^{\circ}$  F or cold water  $\geq 300'$
- Monitor Order for rate, volume, psi &/or drawdown, temperatures for production & monitoring wells.

1988

- GWMA Management Plan: use heat value, promote efficiency & minimize waste, switch to cold water where feasible, require injection where feasible, require measurement & data collection, create water district once interim decree issued, permits w/o proof cannot develop more unless justify, applications for permit cannot be processed unless justify
- Moratorium Order for 5 years
- VA production & injection wells (1 each) in use, 15% increase in Boise Front production but minor impact
- 4 major users served several hundred private & public buildings, heat  $> 3.7$  million square feet, save \$1M + annually compared to heating w/ fossil fuel.

1993 – Moratorium extended 5 years.

1998 – Neely's report, Moratorium extended 5 years.

2001

- System appears stable, 3 of 4 main users have injection wells
- Model suggests BSWD & City could increase 20% (include injection) without problems.

WATER DISTRICT 63-S

- In GWMA but not included in above summary
- About 6 wells, no injection, indirect discharge to river
- 2 nurseries, one major ranch, 1 golf course & some minor domestic uses
- Annual use unknown but less now than early 1990s (substitute cold water, reduced irrigation use)
- Pumping continues but district inactive last few years.

ACTIVE WELL SITES & DEPTHS

| <u>System</u> | <u>Site</u>                                                                | <u>Depth (ft.)</u> | <u>Year</u> |
|---------------|----------------------------------------------------------------------------|--------------------|-------------|
| BSWD          | foothills above Quarry Park                                                | 400                | 1891        |
| State         | Capitol Mall, State & 6 <sup>th</sup>                                      | 2152-3030          | 1981        |
| City          | foothills above Fort Boise                                                 | 880-2008           | 1981        |
| VA            | Fort St. & 5 <sup>th</sup>                                                 | 1666-2300          | 1983-87     |
| BLM           | between City & VA<br>(monitoring well)                                     | 1222               | 1976        |
| 63-S          | 36 <sup>th</sup> & Hill to Cartwright Rd.<br>(@ 4 miles NW of above wells) | 1200 ±             | 1920s-1930s |
|               |                                                                            | 600-1400 ±         | 1960s-1980s |

REPORTED PUMPING

- BWSWD 1978-1983 averaged about 860 afa
- 1984 production about 1930 af (State & City started)
- Average afa 1980s-1990s: BWSWD 770, State 476, City 433, VA 447, total 2027
- Volume data unavailable for 63-S wells (combined estimate several hundred afa?)

**Suggest: 63-S wells might need to reimplement measurement/reporting and include volume data to comply with GWMA Orders. Will help 63-S also.**

06/13/01 WED 13:44 FAX 208 3 1300

GIVENS PURSLEY LLP

002

+ GIVENS PURSLEY

002/003

06/13/01 10:47 FAX

1993001265

## WARRANTY DEED

FOR VALUE RECEIVED, Flora Co., Inc. as Grantor, does hereby grant, bargain, sell and convey unto Michael E. Peterson and Beth E. Peterson, husband and wife, as Grantees, whose current address is 2016 S. Main, Boise, ID 83704, the following described premises in Ada County, Idaho, to-wit:

That portion of Section 28, Township 4 North, Range 2 East, Boise Meridian, in the County of Ada, State of Idaho, more particularly described as follows:

BEGINNING at the Quarter Section corner between Sections 28 and 29, Township 4 North, Range 2 East, Boise Meridian; thence

South 00 degrees 28' West 300 feet on Section line; thence  
South 89 degrees 53' East 370 feet; thence  
North 47 degrees 53' West 446 feet on center line of Foot Hill Road; thence  
North 89 degrees 22' West 35.64 feet on center line of Section 28, to the PLACE OF BEGINNING.

EXCEPT road rights-of-way for Hill Road and N. 36th Street.

EXCEPTING the parcels deeded to Ada County Highway District in Corporate Warranty Deeds, Instrument Nos. 8306740 and 8366741 Official Records,

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, and said Grantees' heirs and assigns, forever. And the said Grantor does hereby covenant to and with the said Grantees that the Grantor is the owner in fee simple of said premises, that said premises are free from all encumbrances except those of record, and that Grantor will warrant and defend the same from all lawful claims whatsoever which do not appear of record as of the date hereof.

EXCEPTIONS FROM CONVEYANCE: Specifically excepted from this conveyance, and retained by Grantor for itself and its successors and assigns, are the geothermal well located in the northerly tip of the above described parcel along with and any and all water rights, including geothermal rights, associated with the above described parcel.

DATED: This 20 day of March, 1996.

FLORA CO., INC.

96023748

ALLIANCE TITLE  
ADA CO. RECORDER  
J. DAVID CAVAPRO  
BOISE ID

BY: *Charles L. Teller*

96 MAR 21 AM 11:34

RECORDED AT THE REQUEST OF

08/13/01 WED 13:44 FAX 208 1300

GIVENS PURSLEY LLP

0003

08/13/01 10:48 FAX

+ GIVENS PURSLEY

003/003

1993001269

STATE OF IDAHO )

County of Ada )

On this 2<sup>nd</sup> day of March, 1996, before me, the undersigned,  
a Notary Public in and for said State, personally appeared  
Barbara J. Davis, the Secretary of Flata Co., Inc., known to  
me to be the person who executed the within and foregoing  
instrument for and on behalf of said Corporation, and acknowledged  
to me that said Corporation executed the same.

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

[Signature]  
Notary Public for IdahoResiding At: BoiseMy Commission Expires: 10-5-97



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

DATE: JANUARY 15, 1992

CECIL D. ANDRUS

FLORA CO.

C/O JEFF JAYO

3823 N 36TH STREET

BOISE ID 83702

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

NOTICE OF CLAIM NO.(S)

A63-00012

A63-00013

A63-00015

Dear Jeff Jayo,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claims(s), feel free to contact this office.

Sincerely,

Ron Howerton  
Senior Water Agent  
Adjudication Bureau

cc: File(s)

A63-00012

A63-00013

A63-00015

William R Snyder

MICROFILMED  
AUG 14 1992

COFFIN, SNYDER & MATTHEWS,

A Professional Association  
ATTORNEYS AND COUNSELORS

STEVEN R. MATTHEWS\*  
WILLIAM R. SNYDER  
KENT E. NELSON  
TERRY E. COFFIN

LLOYD E. HAIGHT,  
OF COUNSEL

\* ADMITTED IN IDAHO  
AND COLORADO

520 WEST FRANKLIN STREET, UPPER LEVEL  
BOISE, IDAHO 83702  
(208) 336-9080

RECEIVED  
NOV 22 1991

RECEIVED

NOV 26 1991

MAILING ADDRESS  
POST OFFICE BOX 2338  
BOISE, IDAHO 83701-2338

FACSIMILE  
(208) 343-4539

Department of Water Resources  
Western Regional Office

Department of Water Resources

November 21, 1991

Idaho Department of Water Resources  
Attention: Keith Higginson, Director  
1301 North Orchard Street  
Boise, Idaho 83706

Dear Mr. Higginson:

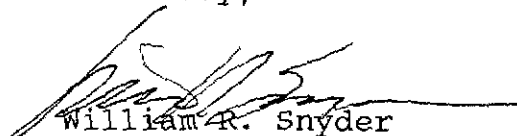
This letter is written to you on behalf of Flora Co., an Idaho corporation. On November 15, 1991, Flora Co. purchased all of the water rights of Hunt Bros. Floral Company appurtenant to parcels of about seven and one-half acres in the vicinity of 36th Street and Hill Road in Boise, Idaho.

For purposes of complying with Idaho Code §42-1409(7), I'm enclosing a copy of a warranty deed more particularly describing the transfer. Please make sure the transfer is duly noted on IDWR records. If anything further is required concerning property transfer, please let me know.

Finally, if Flora Co. needs to coordinate any of its water use activities with your department, feel free to contact Jeff Jayo at 3823 N. 36th Street, Boise, Idaho, 83702. The phone number is 344-3751.

Thanks for your attention and courtesy.

Sincerely,

  
William R. Snyder

WRS:bn

Enclosure

cc: Flora Co.

MICROFILMED  
AUG 14 1992



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 6, 1991

Mr. W. F. Ringert  
Ringert Clark Chartered Lawyers  
PO Box 2773  
Boise ID 83701

RE: Claim Nos. A63-00012, A63-00013, and A63-00015

Dear Bill:

Enclosed are the copies of the information on file with the Department of Water Resources for the above referenced claims.

These claims have been received and receipted by the Department, but have not yet been investigated.

Please feel free to contact me if I can be of further assistance.

Yours truly,

A handwritten signature in cursive script, appearing to read 'David B. Shaw'.

David B. Shaw  
Adjudication Bureau Chief

Enc.

MICROFILMED  
AUG 14 1992

**RINGERT  
CLARK**  
CHARTERED  
LAWYERS

November 5, 1991

**RECEIVED**  
NOV 06 1991

William F. Ringert  
D. Blair Clark  
Andrew M. Harrington  
James G. Reid  
Jeffrey R. Christensen  
James P. Kaufman  
Laura E. Burri  
David Hammerquist  
Daniel V. Steenson  
Samuel Kaufman (1921-1986)

Mr. David B. Shaw  
Chief, Adjudication Section  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83706

Department of Water Resources

Re: Claims Nos. 63-00012, 63-00013 and 63-00015  
In the Name of Hunt Bros. Floral, Inc.

Dear Mr. Shaw:

Please substitute this for my letter of November 4, 1991, regarding Claims Nos. 63-00012, 63-00013 and 63-00015, which contains errors and should be disregarded.

For purposes of a proposed sale of the property to which the water rights identified above are appurtenant, please verify for me that proper claims have been filed with respect to these water rights in the Snake River Basin Adjudication, Twin Falls County Case No. 39576, as follows:

1. The points of diversion under all three water rights are located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 4 North, Range 2 East, B.M., Ada County;

2. The priority dates, quantities for irrigation use and heating use, and places of use are as follows:

| <u>WATER RIGHT NO.</u> | <u>QUANTITY FOR<br/>IRRIGATION &amp; HEATING</u> | <u>PRIORITY<br/>DATE</u> | <u>PLACE OF USE</u>                                                                                                          |
|------------------------|--------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 63-00012               | 0.66 cfs                                         | 7/1/21                   | NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 28<br>(1.5 acres) and<br>NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 29<br>(6.0 acres) |
| 63-00013               | 0.14 cfs                                         | 7/1/22                   | NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 28<br>(1.5 acres) and<br>NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 29<br>(6.0 acres) |

**MICROFILMED**

AUG 14 1992

Mr. David B. Shaw  
November 5, 1991  
Page 2

|          |          |         |                                                                                                                              |
|----------|----------|---------|------------------------------------------------------------------------------------------------------------------------------|
| 63-00015 | 0.80 cfs | 3/23/27 | NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 28<br>(1.5 acres) and<br>NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 29<br>(6.0 acres) |
|----------|----------|---------|------------------------------------------------------------------------------------------------------------------------------|

I apologize for any inconvenience that the errors in my letter of November 4th might have caused you or your staff.

Yours very truly,



W. F. Ringert

WFR:am

MICROFILMED  
AUG 14 1992

**RINGERT  
CLARK**  
CHARTERED  
LAWYERS

November 4, 1991

William F. Ringert  
D. Blair Clark  
Andrew M. Harrington  
James G. Reid  
Jeffrey R. Christenson  
James P. Kaufman  
Laura E. Burri  
David Hammerquist  
Daniel V. Steenson

Samuel Kaufman (1921-1986)

**RECEIVED**  
NOV 05 1991

Mr. David B. Shaw  
Chief, Adjudication Section  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83706

Department of Water Resources

Re: Claims Nos. 63-00012, 63-00013 and 63-00015  
In the Name of Hunt Bros. Floral, Inc.

Dear Mr. Shaw:

For purposes of a proposed sale of the property to which the water rights identified above are appurtenant, please verify for me that proper claims have been filed with respect to these water rights in the Snake River Basin Adjudication, Twin Falls County Case No. 39576, as follows:

1. The points of diversion under all three water rights are located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 4 North, Range 2 East, B.M., Ada County;

2. The priority dates, quantities for irrigation use and heating use, and places of use are as follows:

| <u>WATER RIGHT NO.</u> | <u>QUANTITY FOR<br/>IRRIGATION &amp; HEATING</u> | <u>PLACE OF USE</u>                                               |
|------------------------|--------------------------------------------------|-------------------------------------------------------------------|
| 63-00012               | 0.66 cfs                                         | NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 18<br>(1.5 acres)<br>and |
| 63-00013               | 0.14 cfs                                         | NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 18<br>(1.5 acres)        |
| 63-00015               | 0.80 cfs                                         | NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 29<br>(6.0 acres)        |

3. Each claim includes 0.03 cfs for stock water and 0.04 cfs for domestic use;

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**AUG 14 1992**

Mr. David B. Shaw  
November 4, 1991  
Page 2

4. The source for all three water rights is groundwater.

Please advise if you require any additional information in order to enable you to provide the requested verification.

Yours very truly,

  
W. F. Ringert

WFR:am

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AUG 14 1992

## CONVERSATION MEMORANDUM

DATE

8/18/89

FILE

A63-00012

NAME OF PARTY

Robert Hunt, Hunt <sup>Pres.</sup> Floral, Inc.

- 00013

- 00015

EMPLOYEE

John Lester

RE:

7 1/2 acres in each claim are the same 7 1/2 acres  
so fee (\$7.50 = \$8.00) for acres changed once.

A63-00012      \$50 + \$8 + \$14      = \$72  
                                 acres    feeding

A63-00013      \$50 + \$66      = \$116  
                                 feeding

A63-00015      \$50 + \$80      = \$130

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AUG 14 1992

\$318

Claimant wanted to keep irrig. use instead of changing  
to commercial for comm. greenhouses. Stated irrig. season  
as 1/1-12/31. Stated 7 1/2 ac. irrigated.

It's doubtful that 7 1/2 ac. are irrigated. A more proper  
description of use is commercial 1/1-12/31. This would  
allow (or be a better ~~argument~~ <sup>argument</sup> for) full flow rate to  
be protected instead of limiting flow rate based on  
b.w. for # acres irrigated.

The stock use refers to mixed: chickens, turkeys,  
etc. Type of stock has varied over the years.  
Used .03 cfs flow based on probable max. for 70 hd.  
cattle. Actual b.w. for stock may be less.