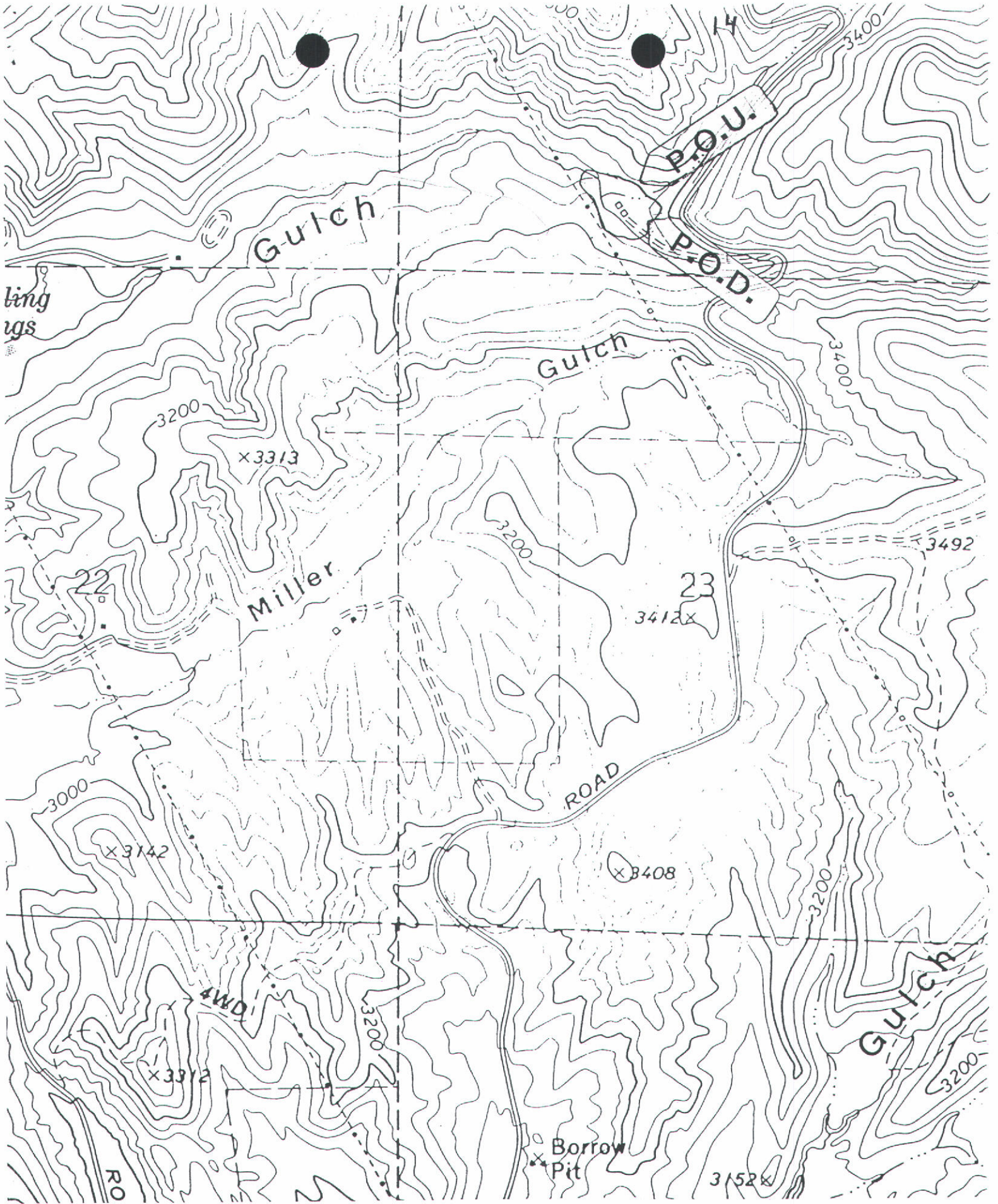
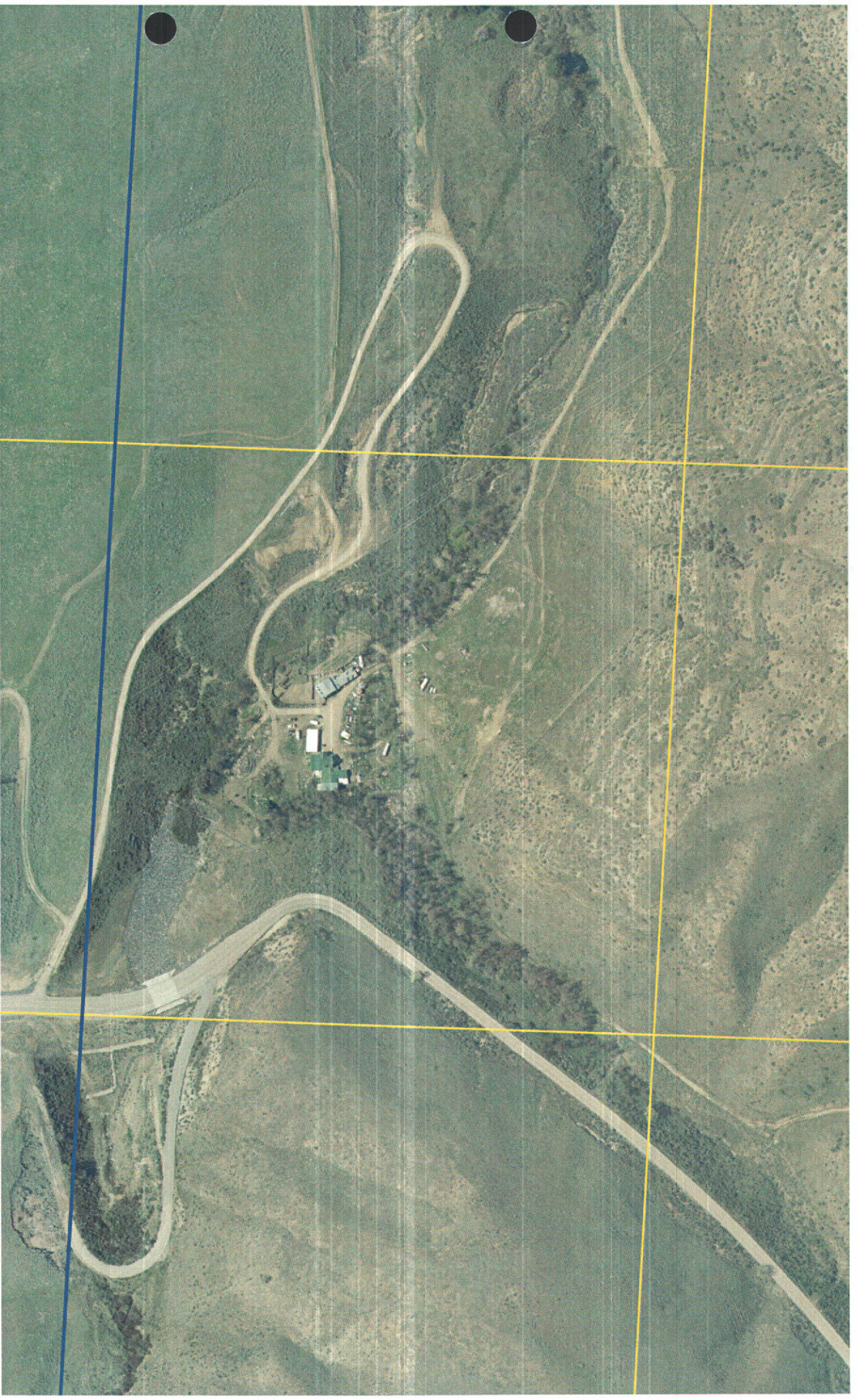




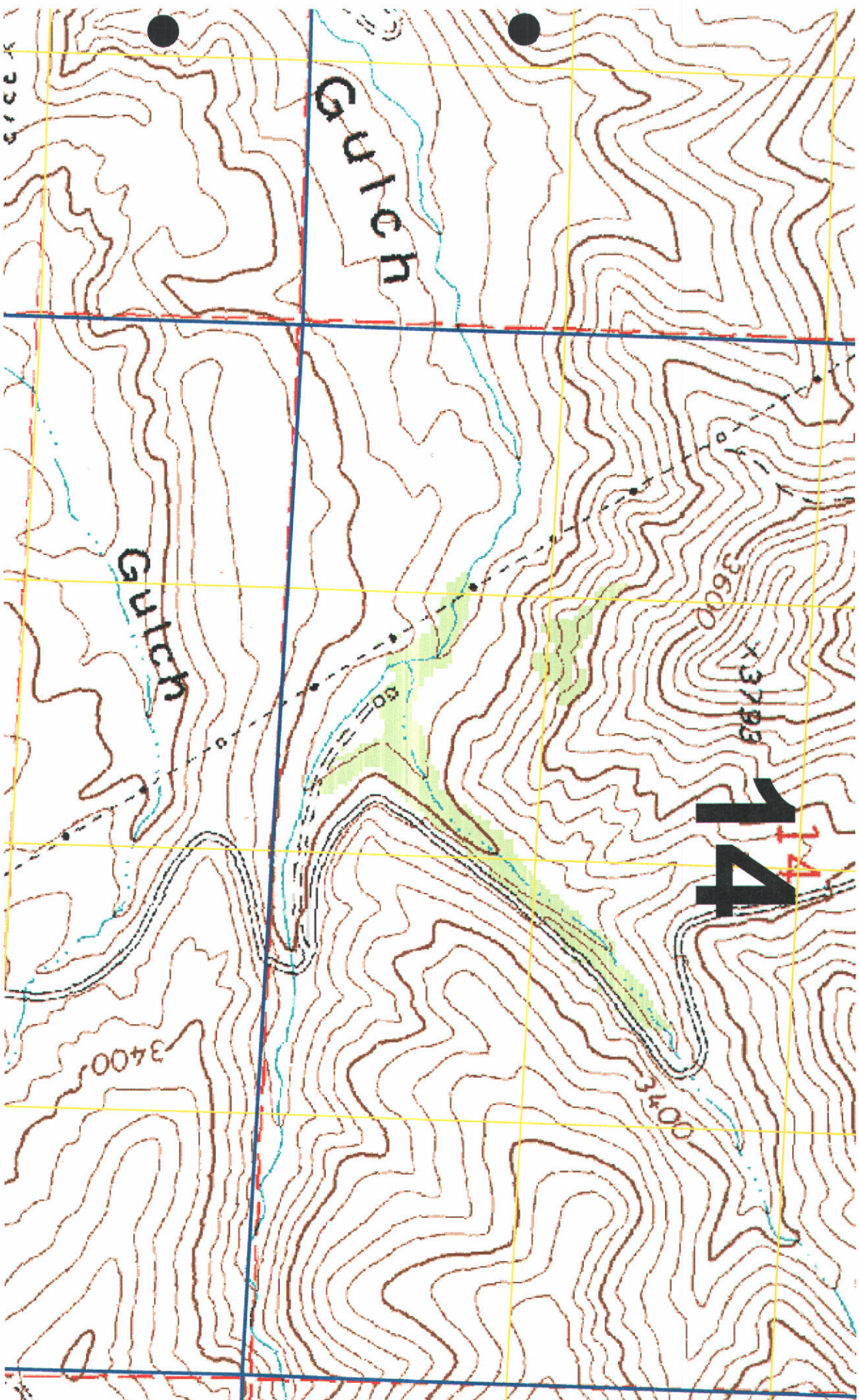
Last Name Terteling Ident No. _____
Township 4N Range 2E Section 14



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD
2000 AERIAL PHOTO



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD
2003 AERIAL PHOTO



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

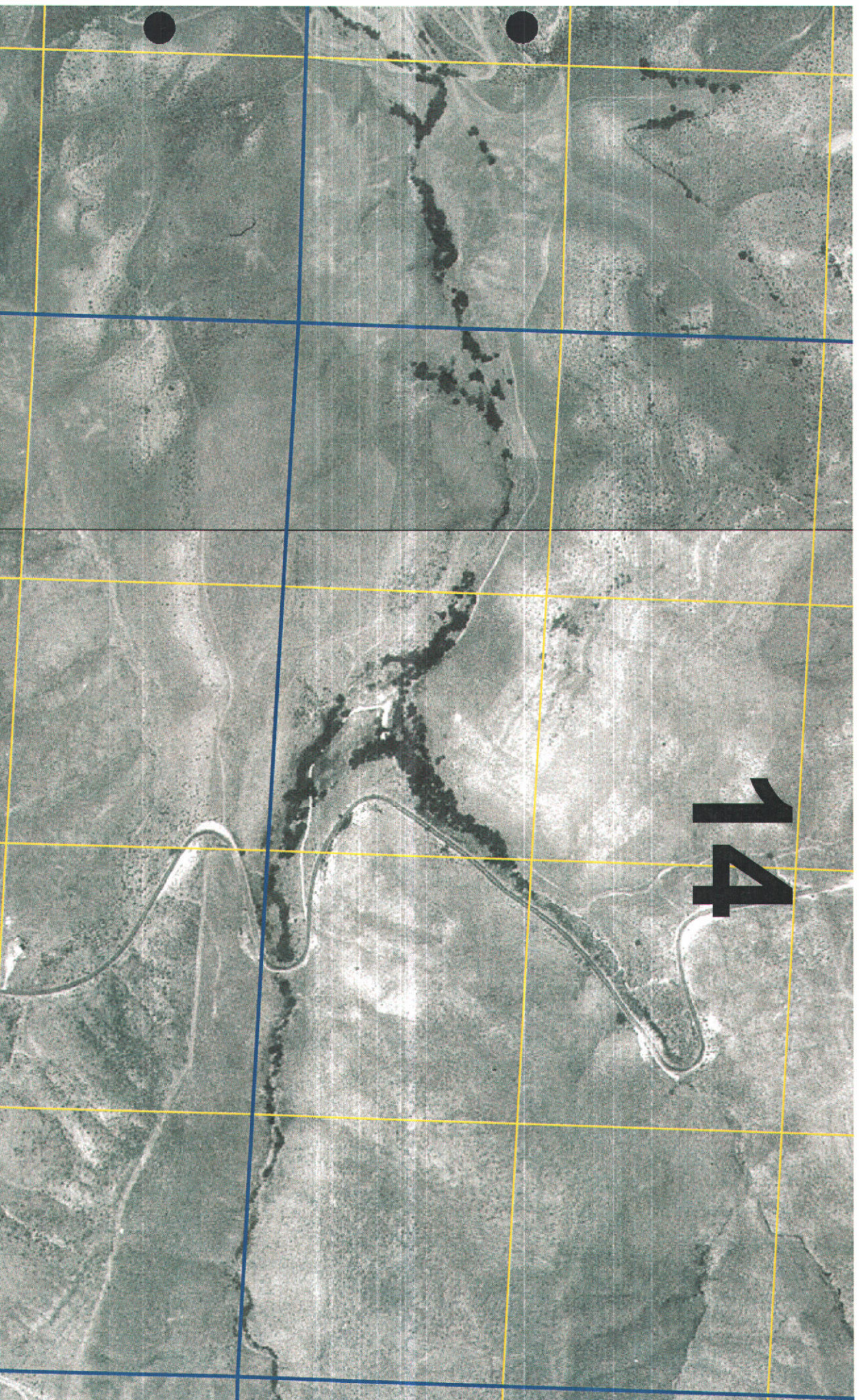
X 9 TOPO MAP



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

all
area

14



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD
1992 X9 SE, SW

7-31-87



1987 NAPP
no irrigation

Idaho Department of Water Resources

Claim Number: 63-31058
Legal: T04N, R02E, S14
Reviewed By:

● Point of Diversion



Place of Use

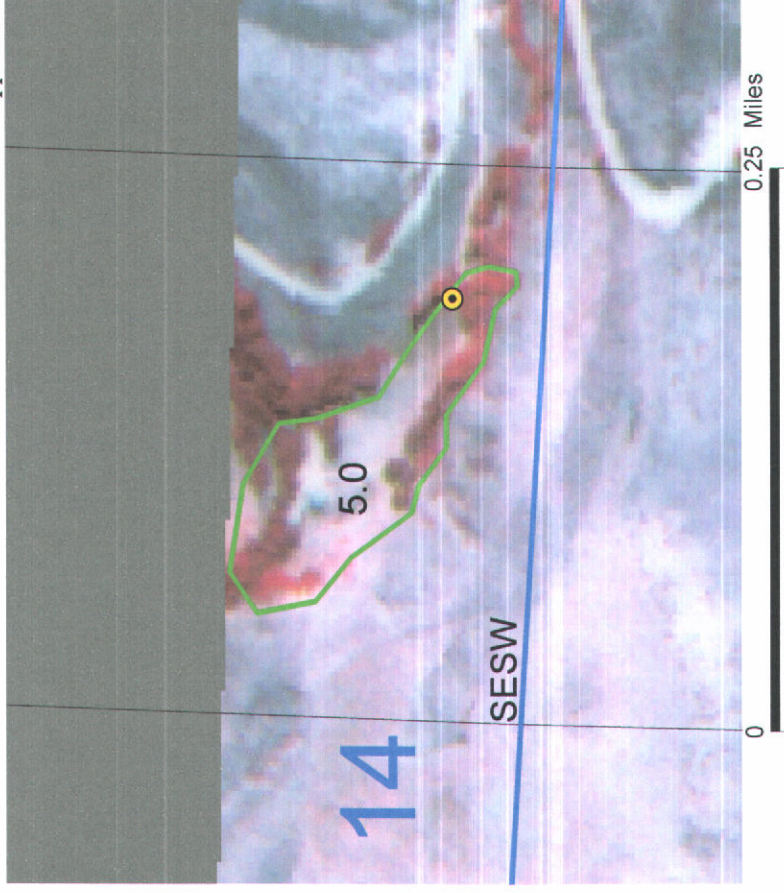


Section Lines



Quarter Quarter Lines

1987 Napp Photo



no 1992 ~~the~~ NAPP coverage for the
entire parcel. No aerial coverage in
1934, 1964. Have aerials for 1945, 2000,
2003. Can vaguely see CU

R2E

H-10
WFC

3-11-48
406-

H-8
FC
3M4A
15E-2
Vier

N-9
PC
30 L 6 A
506-2
Viller

$\frac{2(1)H_2}{3-1}$

 HI
 PC
 1MY
 706-2
 VII

3MA
25F2
YLE1

H-3
FC
3C6Q
40G-2
V1152

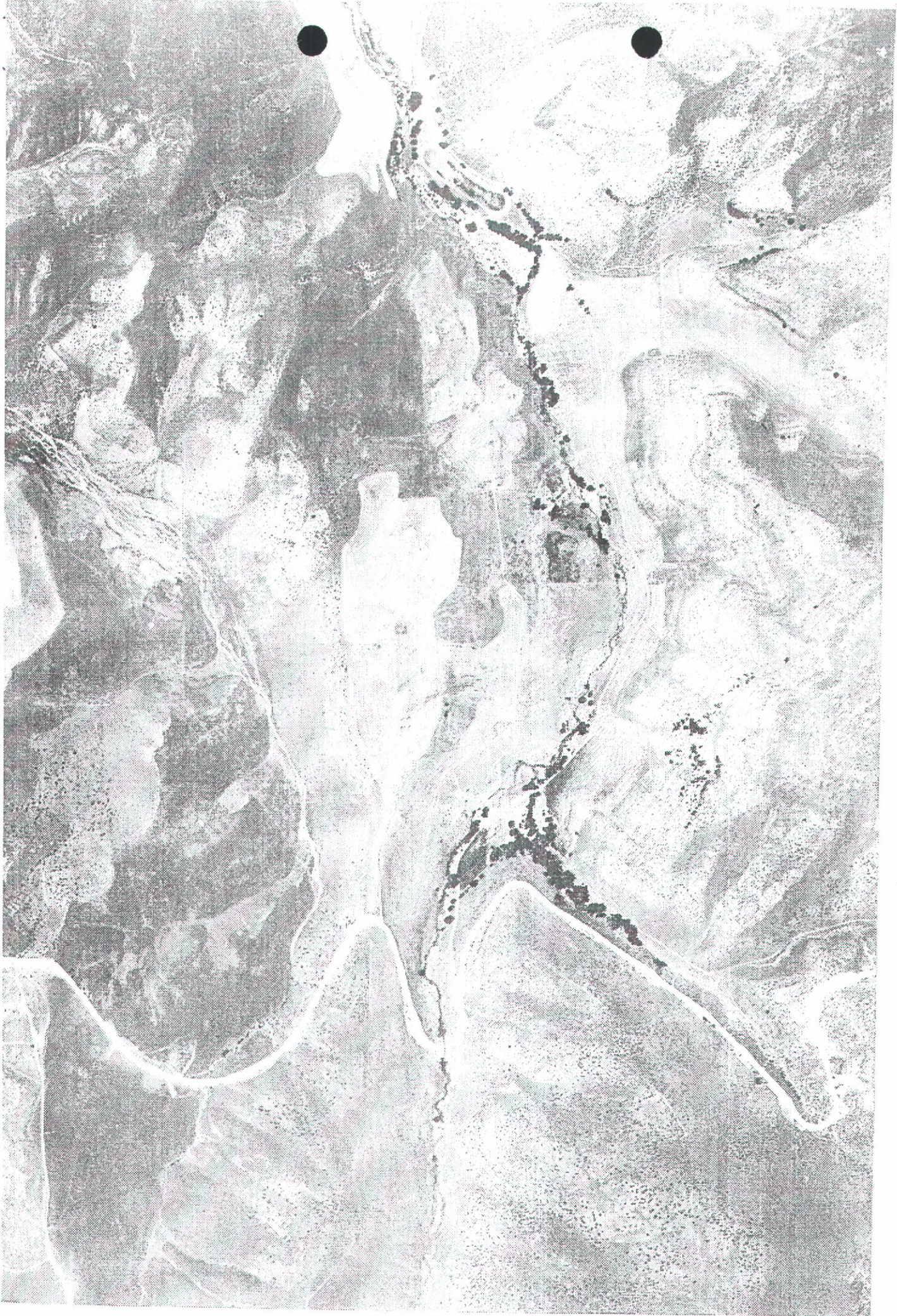
H-7
PC
3C6Q
506-2
VIL52

Hand-drawn map of the Klamath River area. The map shows a river flowing from the top left towards the bottom right. Various locations are marked with labels and distances. Key labels include:

- 166**: Located at the top left, near the river.
- 8-2**: Located below 166, near the river.
- 156-20-20**: Located at the top right, near the river.
- 3M4A**: Located in the center, near the river.
- 50N-2**: Located below 3M4A, near the river.
- 3C6A**: Located at the bottom left, near the river.
- 36**: Located at the bottom right, near the river.

The map also shows some terrain features, including a large area labeled **F** (Forest) and a smaller area labeled **3M4A** (Mountain). The river is labeled **Klamath River** at the bottom right.

Hand-drawn map of the Klamath River area. The map shows a winding river with several points marked by 'X'. Distances are noted along the river and between points: '2 MYA' (twice), '3 MYA', '4 MYA', '1 MYA - 4-1', and '2 MYA - B-2'. A large area is labeled 'Klamath River' and another 'Klamath River' is written vertically. A small structure is drawn near the bottom center.

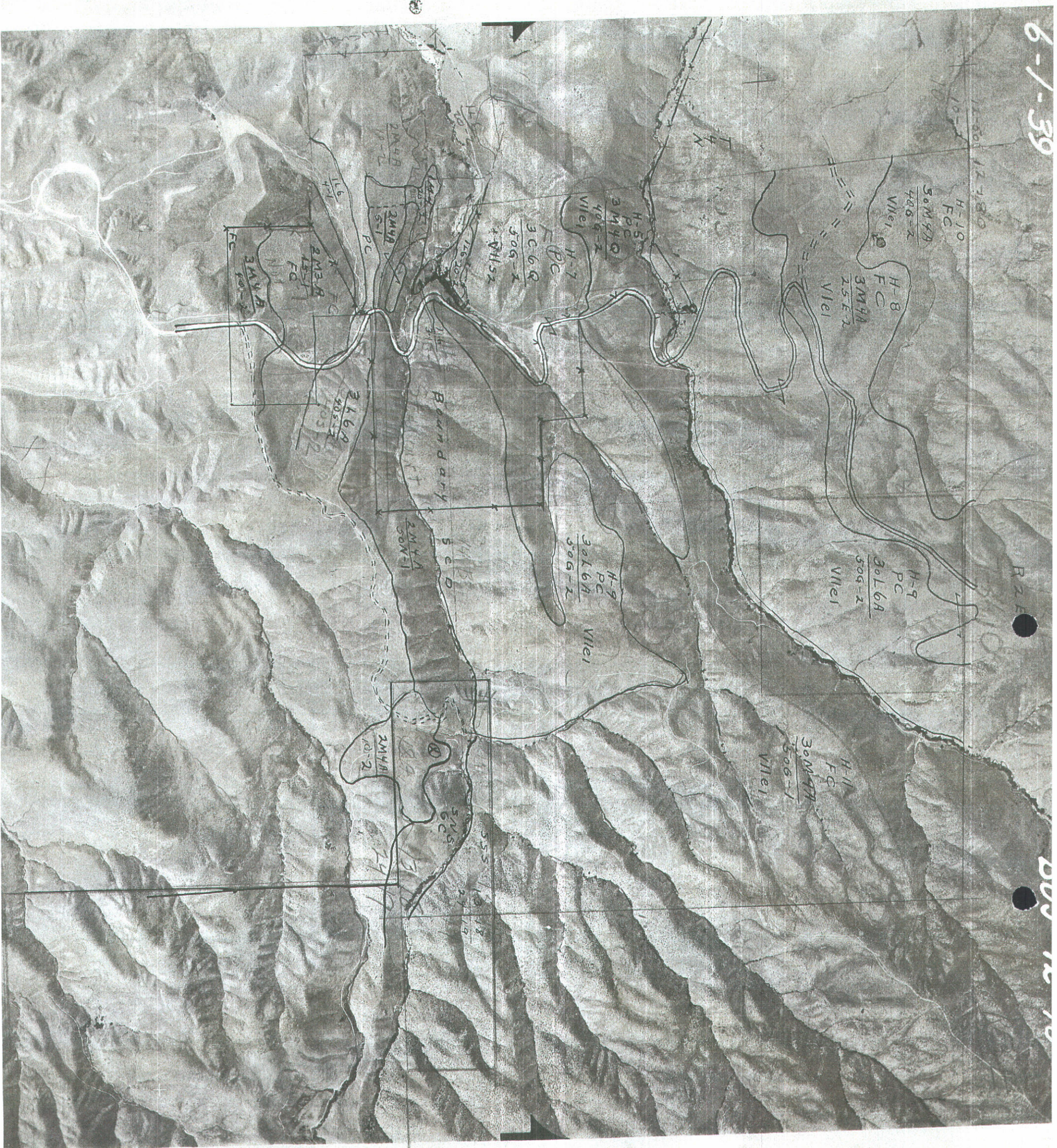




6-1-39

R 2 E

200 10 10



Idaho Department of Water Resources

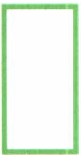
Claim Number: 63-31058

Legal: T04N, R02E, S14

Reviewed By:



Point of Diversion



Place of Use

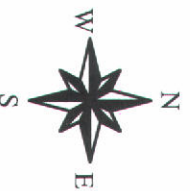
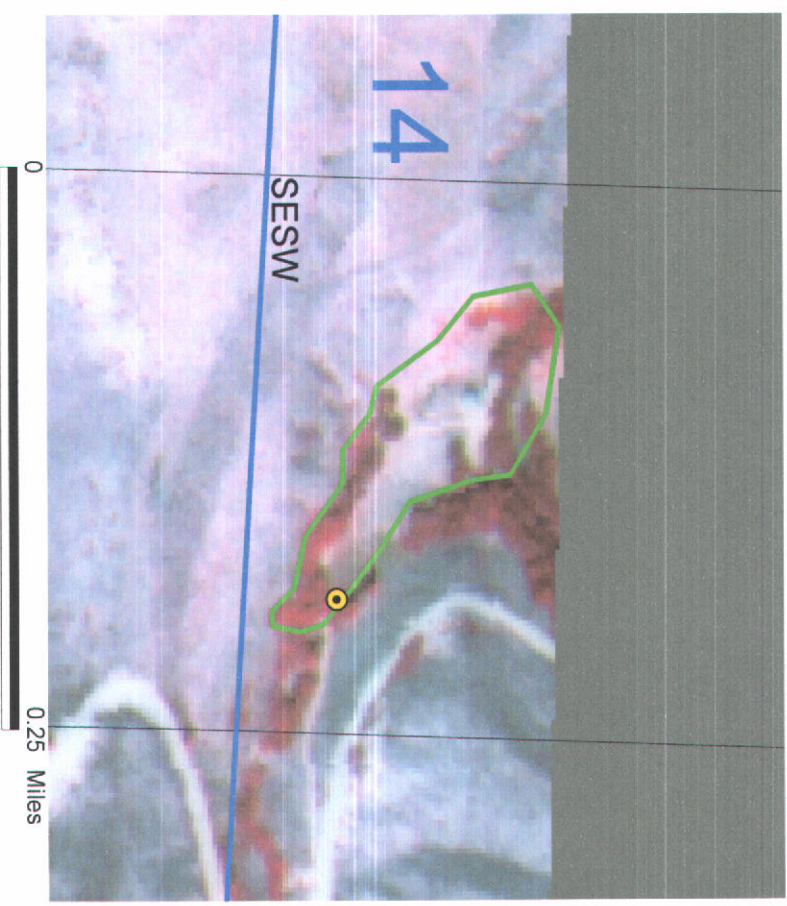


Section Lines



Quarter Quarter Lines

1987 Napp Photo



\$55

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: A63-31058
Date Received: 6/ 9/1999
Receipt No: W025312
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THE TERTELING COMPANY INC 208-338-5200
Address: 3823 N 36TH ST
BOISE ID 83703

2. Date of Priority: JAN 1, 1910

3. Source: SPRING Trib. to: STEWART CREEK
STEWART CREEK BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	14	SE	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.
STOCKWATER	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	14	SE	SW		STOCK	
			SE	SW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 AG-31058
Receipt Number W025312

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
(~~S. Terteling cold ground water~~)
SURFACE

RECEIVED

JUN 09 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant The Terteling Company, Inc. Phone (208) 338-5200
Mailing Address 3823 N. 36th Street, Boise, Idaho Zip 83703

2. Date of Priority (Only one (1) per claim) January 1, 1910

3. Source of water supply (a) Ground water SPRING STEWART CREEK TRIB. BOISE RIVER
which is tributary to (b) STEWART CREEK

4. a. Location of existing point of diversion is: Township 4N Range 2E Section 14
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Ada (7000 Bogus Basin Rd, Boise, ID)

Additional points of diversion if any: Spring, T 4N, R 2E, SE SW 1/4; Stewart Creek T 4N, R 2E, SE SW 1/4.

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

Township _____ Range _____ Section _____, _____ 1/4 of SE 1/4 of SW 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 date of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

6" diameter, 390' deep well, 1 & 1/2 HP submersible pump.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For ~~Domestic~~ purposes from 1/1 to 12/31 amount 0.02 or _____
For Stockwater purposes from 1/1 to 12/31 amount 0.04 or _____
For Irrigation purposes from 3/15 to 11/15 amount 0.04 or 15
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1

residence and outbuildings; 15 head of stock, 5 acres of pasture and landscaping.

Last Name Terteling Ident No. _____

4/99 Revision

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.

T W P	R N G	S E C	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	14												X					
4N	2E	14												S					
4N	2E	14												5					5

Total number of acres irrigated 5

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

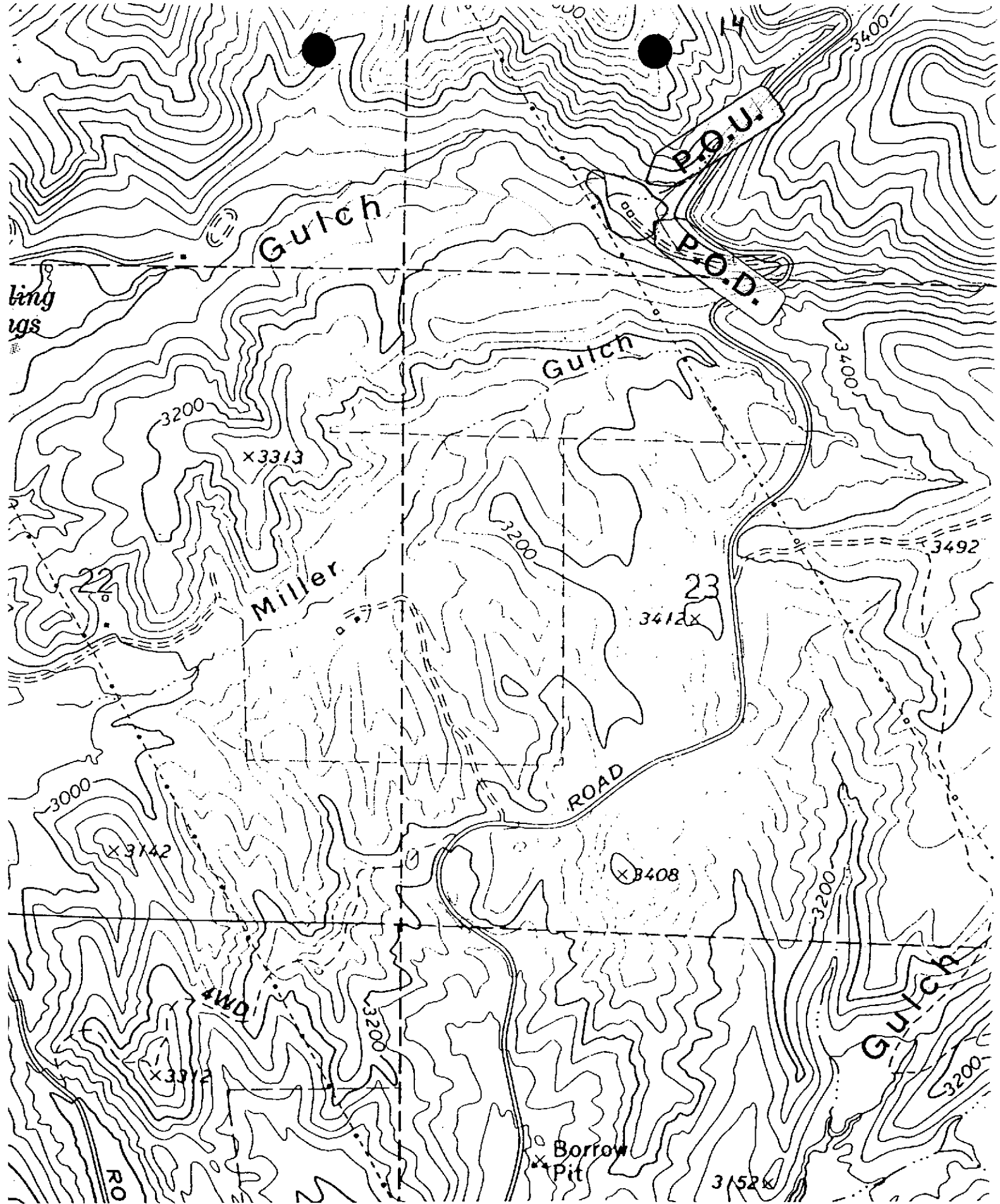
12. Do you own the property listed above as place of use? Yes X No

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.

_____ or None ()

14. Remarks:



Last Name Terteling Ident No. _____

Township 4N Range 2E Section 14

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 _____ 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 J.L. Terteling, President
Title

of The Terteling Company, Inc., that I have signed the foregoing
Organization

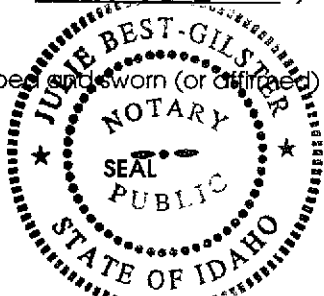
document in the space below as President of The Terteling Company, Inc.
Title Organization

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

Signature of Authorized Agent J.L. Terteling
Title and Organization President of The Terteling Company, Inc. Date 6-7-99

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

Subscribed and sworn (or affirmed) before me this 7th day of June, 1999



Notary Public Julie Best-Gilster
Residing at Nampa, ID
My Commission Expires 4-21-2001

17. Notice of Appearance:

Notice is hereby given that I, Jeffrey C. Fereday 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 Jeffrey C. Fereday

Address 277 North 6th Street, Suite 200, Boise, ID 83701

Date June 4, 1999

Receipt Details for ID W025312

Status	Adjustment Type	Version
	Water Right Receipt	3

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/13/1999 9:49:22 AM	8/13/1999	Western	\$550.00	Check
Payer		GIVENS PURSLEY LLP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
24176			
Card Expiration Date	Credit Card Transaction #		

Comment 11 NOTICE OF CLAIM TO A WATER RIGHT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$550.00	11 NOTICE OF CLAIM TO A WATER RIGHT	41503	337	0 0		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	31050		\$550.00	Claim
63	31050		\$550.00	Claim
63	31050		\$71.00	Claim
63	31051		\$68.00	Claim
63	31052		\$63.00	Claim
63	31053		\$51.00	Claim
63	31054		\$69.00	Claim
63	31055		\$56.00	Claim

63	31056	\$52.00	Claim
63	31057	\$25.00	Claim
63	31058	\$55.00	Claim
63	31059	\$40.00	Claim

[Print Report](#)

**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 63-31058

(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 36th 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)
) ss:
County of Ada)

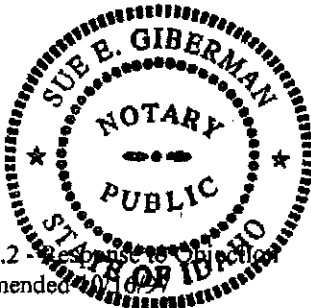
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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 36th Street
Boise, Idaho 83703

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

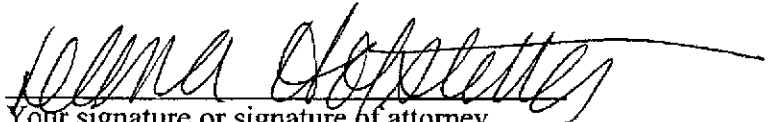
Name: Charles L. Honsinger
Address: Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

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

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 63-31058
(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 36th 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 36th Street
Boise, Idaho 83703

COPY

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: As claimed
2. ☒ **Source**
Should be: Spring, Stewart Creek
Trib. To: Stewart Creek, Boise River
3. ☒ **Quantity**
Should be: 0.040 CFS
4. ☒ **Priority Date**
Should be: January 1, 1910
5. ☒ **Point(s) of Diversion**
Should be: T04N R02E Section 14, SESW, Ada County
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Stockwater 0.040 CFS for 15 range cattle
 Irrigation 0.050 CFS for 5.0 acres
8. ☒ **Period of Year**
Should be: Stockwater from 1/1 to 12/31
 Irrigation from 3/15 to 11/15
9. ☒ **Place of Use**
Should be: T04N R02E Section 14, SESW, Stockwater
 T04N R02E Section 14, SESW, Irrigation of 5.0 Acres
 Total Acres: 5.0
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): Beneficial use can be shown.

F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

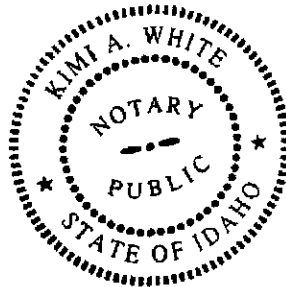
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

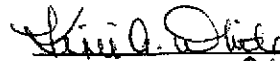
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Charles L. Honsinger

Subscribed and sworn to before me on: April 19, 2006




Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 11/01/10

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.

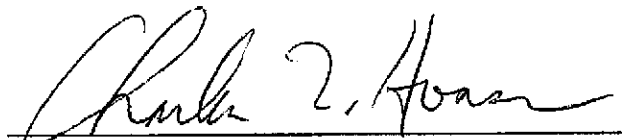
Address: 3823 North 36th Street
Boise, Idaho 83703

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

**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: November 29, 2005

Water Right Number: 63-31058

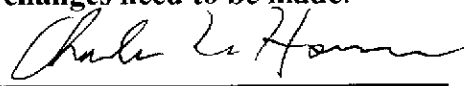
THE TERTELING CO. INC
3823 N. 36TH ST
BOISE, ID 83703
Telephone Number: (208)338-5200

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
Disallowal
2. Describe the changes you wish to make in the proposed recommendation:

Should be recommended as claimed.
3. Give a brief explanation as to why you disagree with these portions:
Water right has been beneficially used as claimed.

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

DATE: 12/02/05

SIGNATURE: 

Please print your name: Charles L. Honsinger

**RINGERT
CLARK
CHARTERED
LAWYERS**

RECEIVED
DEC 02 2005
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
Patrick D. Furey
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaulman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney
Samuel Kaufman (1921-1986)

December 2, 2005

** Delivered by Hand**

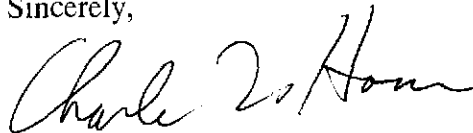
Vicki Music
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Notices of Error - 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054,
63-31055, 63-31056, 63-31058, 63-31062

Dear Ms. Music:

Enclosed please find Notices of Error for the above-referenced rights. Additionally, although we have received the preliminary recommendation for water right no. 63-31057, we have not received the preliminary recommendation for water right no. 63-31059 - a similar, related right. Could you please inform me as to the status of that preliminary recommendation. Also, please contact me with any questions regarding the Notices of Error. Thank you.

Sincerely,



Charles L. Honsinger

enclosures

cc: Tom Terteling
Ed Squires

11/22/2005

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

RIGHT NUMBER: 63-31058

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

SOURCE: SPRING
STEWART CREEK

TRIBUTARY: STEWART CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 01/01/1910

POINT OF DIVERSION:

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S14 SESW 5.0

STOCKWATER Within ADA County

T04N R02E S14 SESW

5 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-31058 V1

WATER RIGHT NUMBER: 63-31058 V1

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

Priority Date: 01/01/1910

Basis: Beneficial Use

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
SPRING STEWART CREEK	STEWART CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.050 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4SW1/4	Sec. 14, Twp 04N, Rge 02E, B.M.
ADA County		
STEWART CREEK	SE1/4SW1/4	Sec. 14, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T04N R02E S14 SESW 5.0

Total Acres: 5

STOCKWATER Within ADA County

T04N R02E S14 SESW

Conditions of Approval:

1. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. P03 No beneficial use found.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V1

Remarks:

Comments:

1. vmusic 11/22/2005 BASIS FOR DISALLOWAL

Comment: DURING MEETING ON 9/15/2005 CLAIMANT SAID TO DELETE STOCKWATER USE BECAUSE THEY WERE GOING TO FILE INSTREAM SW CLAIMS WHICH THEY DID. NO EVIDENCE OF IRRIGATION. SEE MEMO IN FILE.

2. vmusic 11/22/2005 POU

Comment: 6601 N BOGUS BASIN RD. JOE T SON STEVE LIVES HERE.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/22/2005 3:09:51 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	11/22/2005 3:10:17 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/22/2005 3:10:36 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V1

Source	11/22/2005 3:10:56 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	11/22/2005 3:11:14 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
Use	11/22/2005 3:11:37 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/22/2005 3:12:14 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/22/2005 3:12:43 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V1

Summary 11/22/2005 3:20:27 PM vmusic

(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
(No) 4. Is any portion of the claim be recommended?
(Yes) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Music, Vicky

From: Music, Vicky
Sent: Tuesday, November 22, 2005 4:17 PM
To: Charlie Honsinger (E-mail)
Cc: Tom Terteling (E-mail)
Subject: PRELIMINARY DRs/NOE FOR 63-31056, 31057, 31058, 31060

Charlie and Tom -

Attached are the above.

These 2 are for Peaceful Cove wells and Andy's house



63-31056 PRELIM
DR.doc



63-31057 PRELIM
DR.doc



63-31056.pdf

These 2 are for the claims off of Bogus Basin Rd. I disallowed 63-31058 due to no evidence of 5 acres of irrigation in aerals and no information about the point of diversion and delivery system, and deleted the irrigation from 63-31060 for the same reasons.



63-31058 PRELIM
DR.doc



63-31060 PRELIM
DR.doc

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

Music, Vicky

From: Charlie Honsinger [clh@ringertclark.com]
Sent: Tuesday, October 25, 2005 11:57 AM
To: Music, Vicky
Cc: Tom Terteling
Subject: Terteling

Vicky:

Joe Terteling recalls that approximately 5 acres of the area immediately adjacent to and near 7000 Bogus Basin Road was irrigated by both surface and groundwater through a system of ditches. The diversion from Stewart Creek, together with the ditches conveying the water were destroyed in the mid 1990s when Bogus Basin Road was rerouted and reengineered further downstream in Stewart Gulch.

If you need further information, please contact me for the same.

Sincerely,

Charles L. Honsinger

10/25/2005

> Thanks.

>

> Charlie

>

>

> ----- Original Message -----

> From: "Music, Vicky" <Vicky.Music@idwr.idaho.gov>

> To: <tom@tertco.com>; "Charlie Honsinger (E-mail)" <clh@ringertclark.com>

> Cc: "Shurte, Jan" <Jan.Shurte@idwr.idaho.gov>

> Sent: Tuesday, October 18, 2005 10:46 AM

> Subject: Terteling claims

>

>

> > 'Charlie' - 0065103702754576206510211035222

> > I received the amended claims for 63-31053, 63-31055 and 63-31062 as

> well

> > as the two new stockwater claims yesterday. Thank you. However, during

> our

> > meeting on Sept 15, 2005, you and Tom indicated that Tom would gather

> and

> > you would provide additional information about 63-63-31058 and 63-31060

> [

> > Steve's place] regarding the specific acres irrigated and the diversion

> and

> > delivery works. I still need this information by October 31, 2005.

> >

> > Also, on Oct 3, 2005, I emailed you regarding issues with the claims for

> > licenses 63-3603 and 63-7595. I have not yet received a response from

> the

> > email and will need this information by Oct 31, 2005, as well. The email

> is

> > attached here.

> >

> > Thanks -

> >

> > Vicky L. Music

> > Sr. Water Resource Agent

> > Adjudication Bureau

> > IDWR/Western Region

> > 2735 Airport Way

> > Boise, Idaho 83705-5082

> > (208) 334-2190

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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

Tracking:	Recipient	Delivery
	'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 a 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: 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 8, 2005

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

RE: Beneficial Use Claim Nos. 63-22047, 63-27649, 63-27671, 63-30006, 63-30007, 63-31050, 63-31051, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056, 63-31058, 63-31060, 63-31061, 63-31062 and 63-31086

Dear Charlie,

There are several beneficial use claims in Basin 63 filed by The Terteling Co., Inc., Terteling Trust No. 8 and the T-7 LLC, for which I need additional information to recommend. I have enclosed a table that lists the information needed.

For these beneficial use claims to be recommended in the Basin 63, Part 2 Director's Report, I must have the information by Tuesday, September 6, 2005, at the latest.

Please call me if you have questions regarding this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau
IDWR/Western Region

cc: The Terteling Co., Inc., Terteling Trust No. 8, T-7 LLC (w/ enclosure)

Enclosure: Excel table

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-22047	Beneficial Use	6/1/1957	0.04	GROUND WATER	STOCKWATER	TERTELING TRUST NO 8 (Current)	Please provide map with place of use and point of diversion.
63-27649	Beneficial Use	1899-06-01	0.07	SPRINGS	AESTHETIC STORAGE, IRRIGATION, STORAGE, RECREATION STORAGE, WILDLIFE STORAGE	T-7 LLC (Current)	1] - need evidence of priority to support priority date. 2] - if wildlife is claimed as accomplished transfer, how and when did it take place?
63-27671	Beneficial Use	12/31/1925	0.05	GROUND WATER	FISH PROPAGATION, IRRIGATION	T-7 LLC (Current)	1] - need evidence of priority to support priority date 2] - is fish propagation a commercial use?
63-30006	Beneficial Use	12/31/1925	0.04	GROUND WATER	AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE	T-7 LLC (Current)	1] - need evidence of priority to support priority date. 2] - if wildlife is claimed as accomplished transfer, how and when did it take place?
63-30007	Beneficial Use	1899-12-31	0.02	SPRING	IRRIGATION	T-7 LLC (Current)	1] - need evidence of priority to support priority date. 2] - when did change in pou occur? 3] - need better map of spring location

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-31050	Beneficial Use	4/24/1948	0.02	GROUND WATER	AESTHETIC, FISH PROPAGATION, IRRIGATION, STOCKWATER, WILDLIFE	T-7 LLC (Current)	1]- Need evidence of priority to support priority date. 2]- if wildlife is claimed as accomplished transfer, how and when did it take place? 3]- is fish propagation a commercial use? 4]- what is the aesthetic use?
63-31051	Beneficial Use	7/1/1921	0.12	GROUND WATER	AESTHETIC, COMMERCIAL	THE TERTELLING CO INC (Current)	1]- Need evidence of priority to support priority date. 2]- what is the aesthetic use? 3]- is this an accomplished transfer in place of use and if so, when did it take place? 4]- will have to reduce another right for the transferred acres. 5]- what wells in section 29 are claimed? Is this is an accomplished transfer in points of diversion, how and when did it take place?
63-31052	Beneficial Use	4/24/1948	0.12	GROUND WATER	AESTHETIC, AESTHETIC STORAGE, FISH PROPAGATION, HEATING, IRRIGATION, RECREATION, WILDLIFE, WILDLIFE STORAGE	T-7 LLC (Current)	1]- Need evidence of priority to support priority date. 2]- how is this a wildlife use? 3]- is fish propagation a commercial use? 4]- what is the aesthetic use?

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-31053	Beneficial Use	1/1/1941	0.06	GROUND WATER	DOMESTIC, IRRIGATION	T-7 LLC (Current)	1]- Need evidence of priority to support priority date.
63-31054	Beneficial Use	11/1/1940	0.06	GROUND WATER	AESTHETIC, FIRE PROTECTION, IRRIGATION, RECREATION, STOCKWATER, WILDLIFE STORAGE	T-7 LLC (Current)	1]- Need evidence of priority to support priority date. 2]- is this an accomplished transfer for wildlife and if so, how and when did it take place? 3]- how many head of stock? What is the point of diversion& diversion works for stock & wildlife? 4]- is recreation use for fish?
63-31055	Beneficial Use	3/1/1948	0.04	STEWART CREEK	AESTHETIC STORAGE, IRRIGATION, IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE	T-7 LLC (Current)	1]- need evidence of priority to support priority date. 2]- is this an accomplished transfer for wildlife and if so, how and when did it take place?
63-31056	Beneficial Use	6/1/1930	0.04	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	T-7 LLC (Current)	1]- need evidence of priority to support priority date. 2]- # & type of head of stock, location/ description of diversion works.
63-31058	Beneficial Use	1/1/1910	0.04	SPRING, STEWART CREEK	IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)	1]- need evidence of priority to support priority date 2]- describe #, type & diversion works for stock.

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> [cfs]	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-31060	Beneficial Use	1/1/1910	0.04	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELLING CO INC (Current)	1] - need evidence of priority to support priority date 2] - describe #, type & diversion works for stock.
63-31061	Beneficial Use	12/31/1920	0.06	SPRING	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELLING CO INC (Current)	1] -need evidence of priority to support priority date. 2] - What is the domestic use?
63-31062	Beneficial Use	1/1/1942	0.06	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELLING CO INC (Current)	1] -need evidence of priority to support priority date for irrigation use. 2] -What home is this?
63-31086	Beneficial Use	12/31/1920	0.06	GROUND WATER	IRRIGATION	THE TERTELLING CO INC (Current)	1] -need evidence of priority to support priority date.

**RINGERT
CLARK**
CHARTERED
LAWYERS

RECEIVED
FEB 23 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. Kaulman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringen, 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

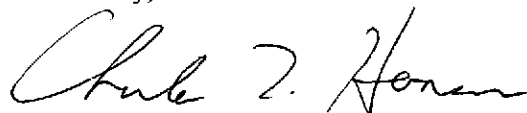
Re: Terteling Company and T-7, LLC water rights

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.

Basin Sequ Suf Basis Status Right ID Owner(s) Source Table

63	12		Decreed	Active	550157	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	13		Decreed	Active	550159	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	15		Decreed	Active	550160	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	308		Decreed	Active	190638	TERTELING TRUST NO 7 (Cu	wrAdjudicationClaim	✓
63	3603		License	Active	280386	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	7595		License	Active	280392	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31051		Beneficial Use	Active	550153	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31058		Beneficial Use	Active	423099	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31059		Beneficial Use	Active	423100	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31060		Beneficial Use	Active	422793	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31061		Beneficial Use	Active	422794	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31062		Beneficial Use	Active	422968	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
65	4040		Beneficial Use	Active	378448	THE TERTELING CO INC (Cu	wrAdjudicationClaim	Disallowed
65	7450		License	Active	279509	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	7451		License	Active	323108	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	7452		License	Active	278690	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22031 A		Beneficial Use	Active	425066	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22291		Beneficial Use	Active	544712	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22293		Beneficial Use	Active	544722	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22295		Beneficial Use	Active	544739	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
63	12		Decreed	Active	560186	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
63	13		Decreed	Active	560187	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
63	15		Decreed	Active	560188	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
63	31051		Beneficial Use	Active	560185	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
65	7450		License	Active	545342	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	7451		License	Active	545344	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	7452		License	Active	545343	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22031 A		Beneficial Use	Active	545350	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22291		Beneficial Use	Active	545351	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22293		Beneficial Use	Active	545353	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22295		Beneficial Use	Active	545352	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued

Basin Sequ Suf Basis Status Right ID Owner(s) Source Table

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

Basin	Sequ	Suf	Basis	Status	Right ID	Owner(s)	Source Table	
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	✓

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-31058, 31060
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: BASIS FOR RECOMMENDATIONS
DATE: 11/22/2005
CC:

These 2 beneficial use claims are for 5 acres at 6601 N Bogus Basin Rd. Joe's son, Steve, lives here. Both claims were filed in 1999.

Claim no. 63-31058 is for 5 acres of irrigation and stockwater from Stewart Creek and a spring. Priority date is claimed as 1910, but during meeting with claimant, Tom T, and his attorney, Charlie H, they understood that I would have to advance the priority date to 1938 based on a lack of evidence of priority other than the 1938 aerial that claimant provided. They also intend to file instream stockwater claims so direct me to delete the stockwater right from this claim.

Claim no. 63-31060 is for irrigation of the same 5 acres irrigation and domestic and stockwater use from a well. Same 1910 priority date is claimed though the Ada Co Assessor tax lot info states the house was built in 1945. The well log of the well states that it was drilled in 1994 and is a new well, not a replacement.

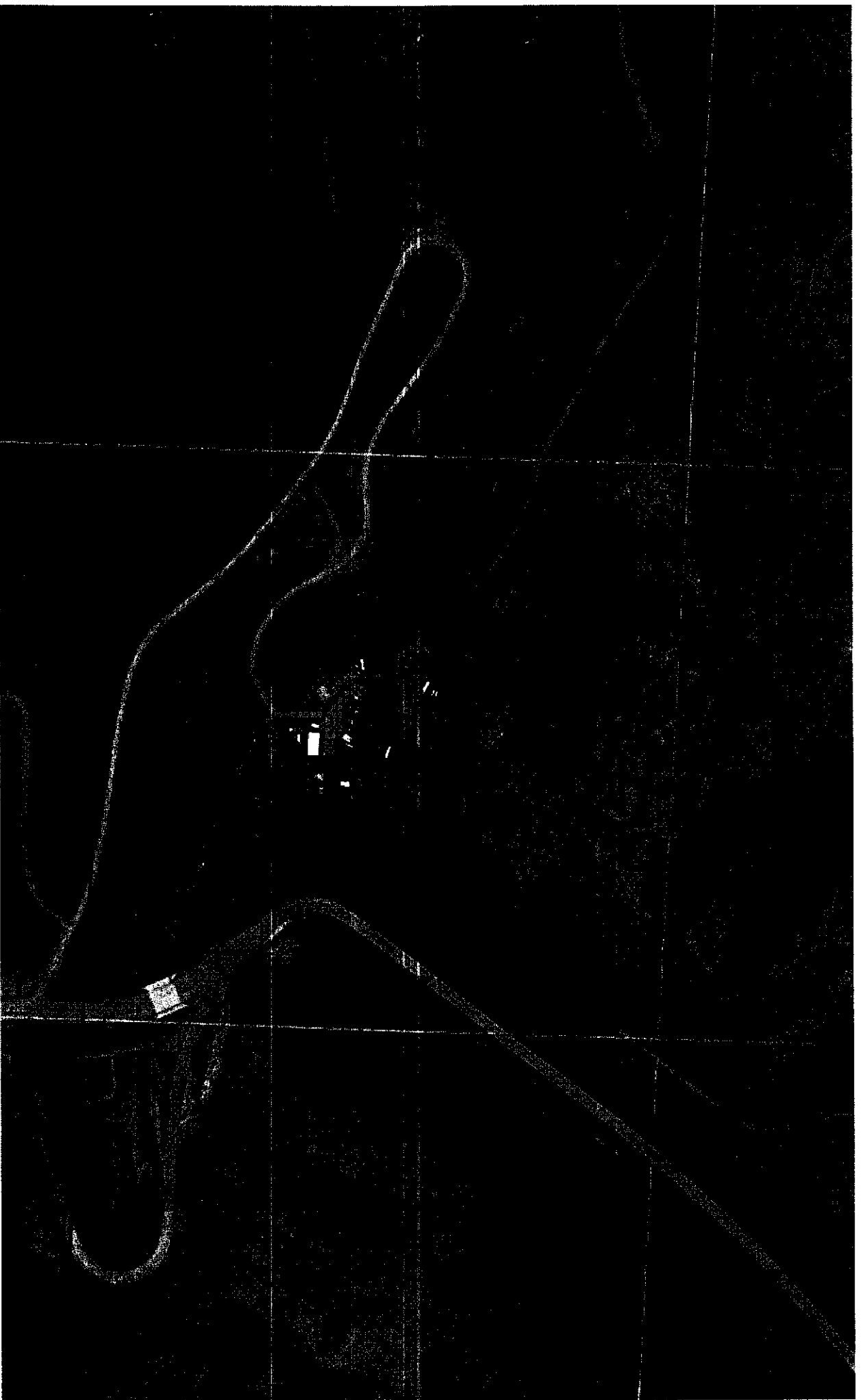
The claims provide no information regarding the delivery system for the irrigation or stockwater. I requested this information 3 times, first in a letter dated August 8, 2005, regarding information needed for the many beneficial use claims, then I requested additional information regarding the system during a meeting with claimant and attorney on 9/15/2005. I requested the information again by e-mail on 10/18/2005. I received a reply from Charlie H on 10/25/05 that indicated that the system had been reengineered "farther down" Stewart Cr, but again, no specific information about the system or new pod was provided.

A review of aerials for the years 1987, 1992, 2000 and 2003 shows virtually no irrigation whatsoever on this parcel. If this land was irrigated, it was forfeited for nonuse from sometime prior to 1987 the mid 1990s. The claims were filed in 1999. Forfeiture is evident for at least 10 years before the claim was filed. Aerials from 2000 and 2003 show no evidence of resumption of use.

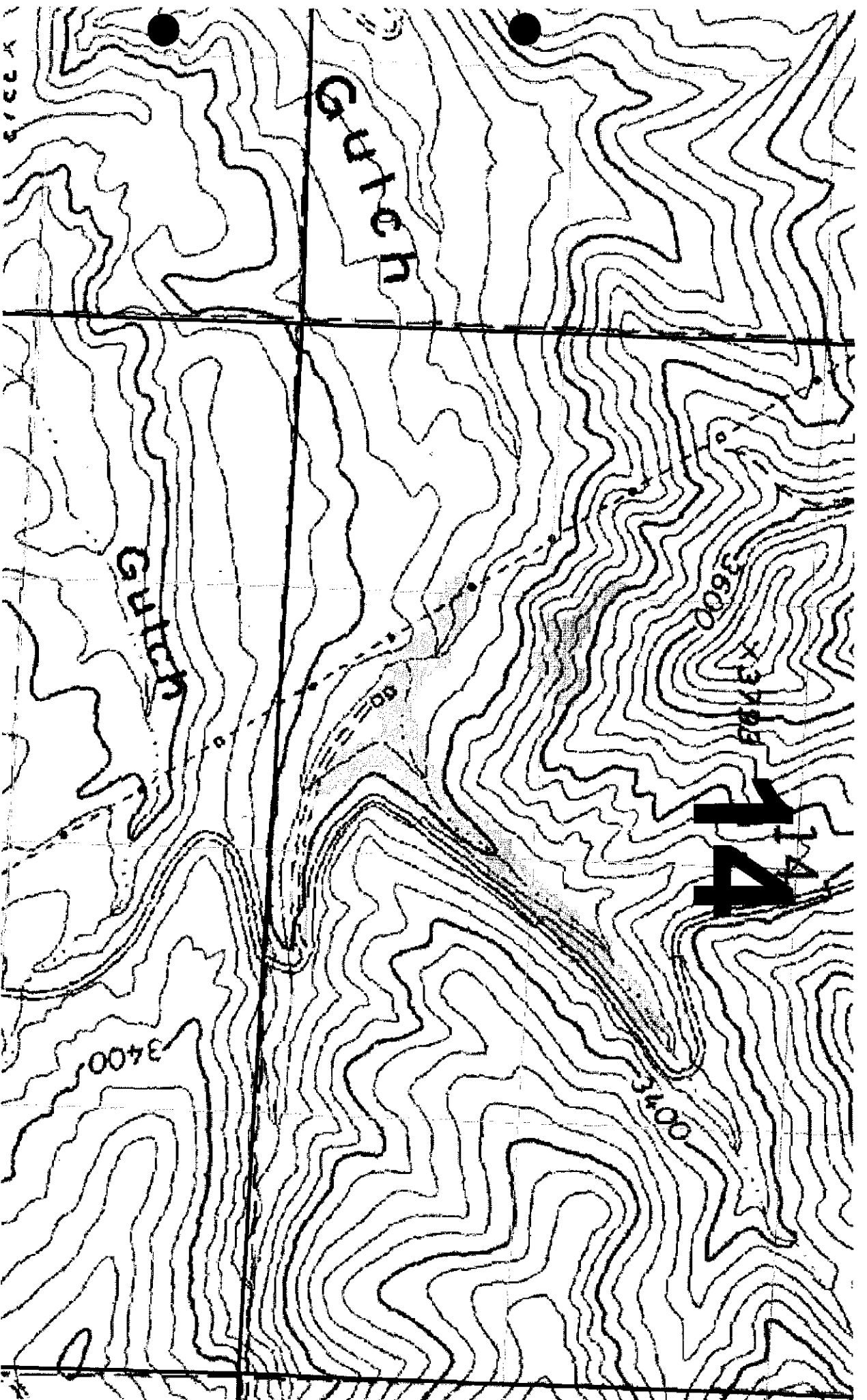
I will recommend 63-31058 as disallowed. Claims for instream stockwater were filed 10/17/2005 [63-32197 and 63-32198]. I will delete the irrigation use and recommend 63-31060 for domestic and stockwater. I will not advance the priority date because IDWR does not require proof of priority for domestic and stockwater. VLM



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD
2000 AERIAL PHOTO

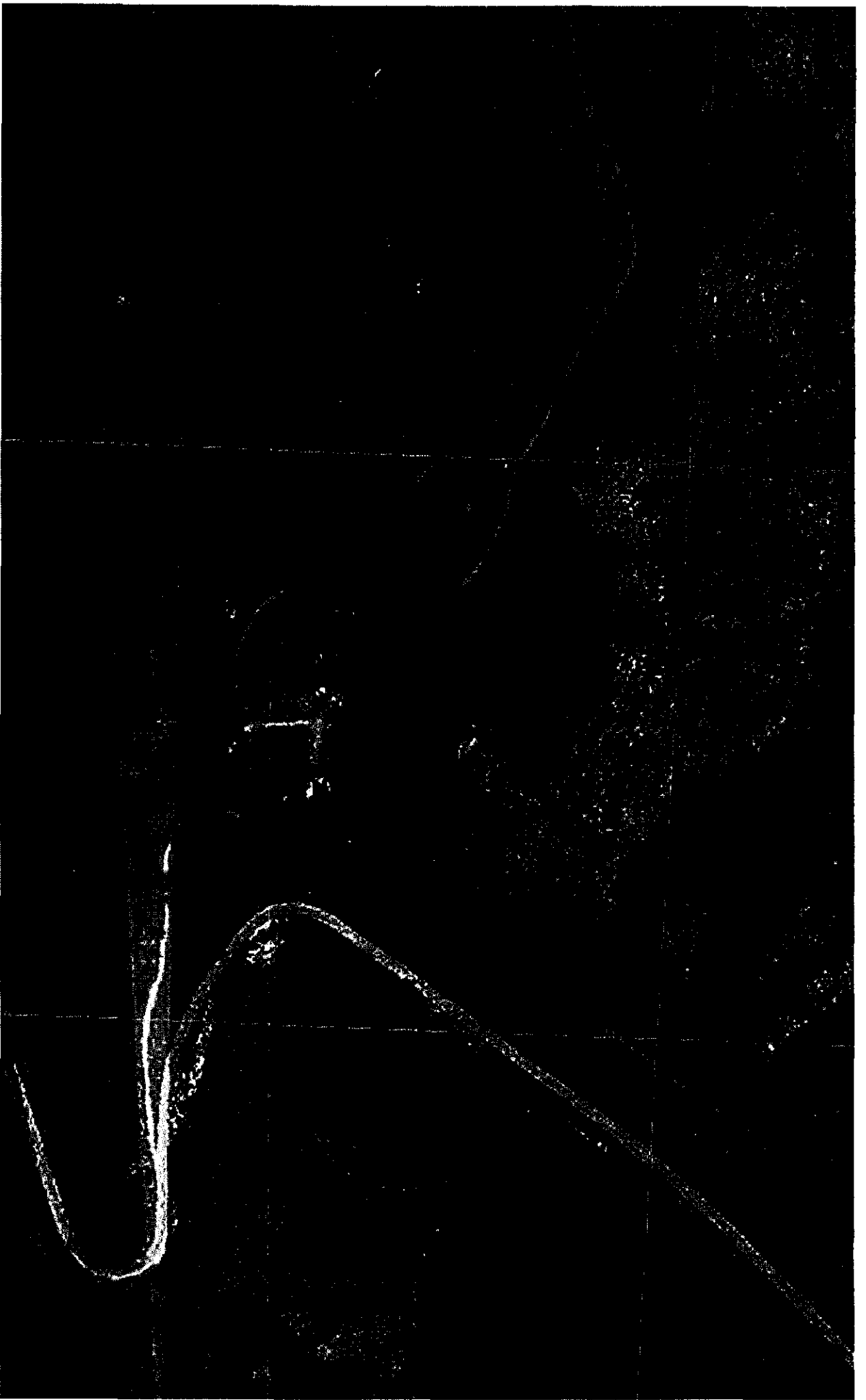


Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD
2003 AERIAL PHOTO



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

X 9 TOPO MAP



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

W45
QX1A1



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD
1992 X9 SE, SW



1987 NAPP
no irrigation

Idaho Department of Water Resources

Claim Number: 63-31058
Legal: T04N, R02E, S14
Reviewed By:

⊙ Point of Diversion

☐

Place of Use

☐

Section Lines

☐

Quarter Quarter Lines

1987 Napp Photo



no 1987 ~~the~~ NAPP coverage for just
entire parcel. No aerial coverage in
1934, 1964. Have aeriels for 1985, 2000,
2003. Can varyingly use all

Desktop review/VLW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Disallowed

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 03-31058

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: Spring/Stewart Cr. Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ? location unknown
- ☐ No change
 - ☐ POD found is different than claimed: _____
 - ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

unknown - no information provided on claim or by claimant

OVERLAP REVIEWOther water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USESwill delete irr.☐ No change☐ Different UsesUse GW From 1-1 To 12-31 Amount .04 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater onlyNA☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-31060

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: unknown - information requested from client - none recd.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

PO3 - no b/c found
P13 -
 SW is for 15 ranch cattle.
 Q for SW not a det of his b/c
 Q for SW not to > 13K gpd.
 aka 6601 N Bonus Basin Rd., Boise
 Parcel # 50614334800.

(1) Ada Co. tax lot info lists address as 6601
N Bonus Basin Rd. #9064334900.

(2) no irrigation or trace of irr seen in aeriels
from 1981-2003.

(3) requested information about POD & delivery system -
response was no help at all. - will delete irr. Claimant

can go thru permitting process

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA (
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

COPY

COUNTY OF ADA

AFFIDAVIT OF J. L. TERTELING - Page 1

herein because I have worked on, irrigated and developed the property throughout my life.

4. Specifically, my knowledge regarding the information requested by IDWR is as follows:

63-22047

This is not a right claimed by an entity with which I am involved. I have no information regarding this claim. Please contact Ann Terteling Sparks for information about this water right at 7962 Fairview, Boise, ID 83704 - (208)322-6300.

63-27649

This water right is diverted from the Terteling Springs that flow into ponds in the north 1/2 of the Northwest 1/4 of section 22. I recall the use of these ponds and water right for irrigation use since I have lived on the property. I have been told by prior owners that the ponds were in place and used for irrigation and for fish farming since the early 1900s. The ponds have been used for wildlife, boating, fishing and recreation since I have lived in Stewart Gulch.

63-27671

This right is diverted from the Terteling Springs flowing artesian well into ponds. I recall the use of water from this well for irrigation use, commercial fish farming, boating and recreation from my early days on the property. I own a commercial fish farmer's license and have, in the past, sold fish harvested from the ponds into which this water right flows.

63-30006

This water right is diverted from the Duck Pond flowing artesian well located in the SWNW of section 22. I recall the use of this flowing artesian well to provide water to the duck

ponds for storage for wildlife, irrigation, fish, recreation and aesthetic purposes at the time my father purchased the property.

63-30007

This water right is diverted from the Peaceful Cove Nursery Spring. I recall this water right being diverted for irrigation purposes at the time of our purchase of the Terteling Ranch. There has been no change in the place of use of the water right. Rather, the currently claimed place of use has always been the place of use of the water right, and the claim merely corrects earlier filings. A map of the spring location is attached hereto as Exhibit "A."

63-31050

This water right is diverted from a flowing artesian well known as the "Pool Well." My father completed the Pool Well on or about March 31, 1947 as indicated by the handwritten notation referencing a check number and date on the second page of the well driller's log for that well attached hereto as Exhibit "B". My father used the Pool well for irrigation purposes immediately after its completion, and developed the ponds fed by the well at about the same time. The aesthetic use claimed are ponds and a flowing water feature. Wildlife has been a use for the water right throughout my residence on the ranch. The fish propagation use claimed is not a commercial use, but is, rather for hobby purposes.

63-31051

I believe that all questions asked by IDWR with respect to this water right can be answered by simply examining approved transfer no. 68559.

63-31052

This water right has been used for the claimed purposes since I have lived on the property. This well is also the "Pool Well" (referenced in the section on water right no. 63-31050 above) which consists of both a hot and cold water well within the same well casing. This water right is used for irrigation, and the wildlife use is a pond that is game and birds drink from and use as habitat. The fish propagation use is not a commercial use but is instead a hobby use - primarily for koi and goldfish. The aesthetic use is for ponds and a flowing water feature.

63-31053

Attached as Exhibit "C" are aerial photos from 193⁹ establishing the existence of a house and the irrigation claimed from the well that is the source for this water right. The well was the sole source of domestic water for the houses and other buildings when I first moved to the Terteling Ranch, and has sometimes been used for wildlife and livestock watering.

63-31054

This water right is diverted from a flowing artesian well located in the NWNW of Section 22 into a pond. This well was in existence at the time of the conveyance of the property to my father. This well and water right serves the same ponds as does water right no. 63-27649. As explained above, the ponds have been used for irrigation, stockwatering and wildlife since I have lived in Stewart Gulch. The recreation use is for fishing, wading, boating and other recreational uses. 300 cattle have historically used this water right for stockwater.

63-31055

This water right is diverted from Stewart Creek. The 1938/1939 aerial photos attached hereto as Exhibit "C" establish that the water right was used for irrigation as of that time. My family built the pond claimed as storage pursuant to this water right between 1948 and 1950 after we purchased the property. The wildlife use claimed under the water right began at that time - the pond was also used for aesthetic and boating purposes. As a sidenote, there is a typographical error in the computerized claim form for this water right: the point of diversion that is listed as Section 22 SWNE should be in Section 22 NWNE.

63-31056

This water right is from a well that is used at 5120 Cartwright Road as a domestic well. The stockwatering use is for approximately 300 head. This stockwater is diverted from the well and conveyed by pipe to stockwatering troughs. This water right has been used since I have lived upon the Terteling Ranch for domestic use in the house at 5120 Cartwright Road. It has been used for stockwater and for irrigation purposes around that house for the same period of time.

63-31058

This water right is diverted from Stewart Creek. The irrigation use has been in place since I have lived on the Terteling Ranch. The stockwater use for this water right was claimed in error.

63-31060

This water right is from a well that is used as the domestic well at 7000 Bogus Basin

Road. The stockwatering use is for approximately 300 head. This stockwater is diverted from the well and conveyed by pipe to stockwatering troughs. This water right has been used since I have lived upon the Terteling Ranch for domestic use in the house at 7000 Bogus Basin Road. It has been used for stockwater and for irrigation purposes around that house for the same period of time.

63-31061

This water right is diverted from springs that serve as a domestic water right for the house located at 5115 Cartwright Road. This water right has been used since I have lived upon the Terteling Ranch for domestic use at 5115 Cartwright Road. I specifically recall being fascinated as a young boy that the kitchen in that house had a constantly running faucet in the sink (due to the fact that the springs were diverted directly to the house) when my family was considering purchasing the property in 1943. It has been used for livestock and irrigation purposes around that house for the same period of time, and has probably been used for the same purposes since the turn of the century in 1900.

63-31062

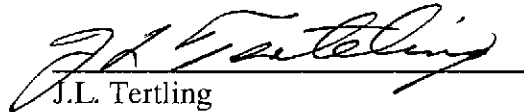
This water right is diverted from the Old Barn well for domestic, irrigation and stockwater uses. It has been diverted for those purposes since I have lived on the ranch. The 1949 aerial photo attached hereto as Exhibit "D" establishes the existence of the home as of at least that time.

63-31086

This is a water right from a well that is near 5115 Cartwright Road that is used for irrigation purposes. It has been used for those purposes since I have lived in Stewart

Gulch. The 1938/1939 photos attached hereto as Exhibit "D" establish the irrigation use claimed under this water right as of that date.

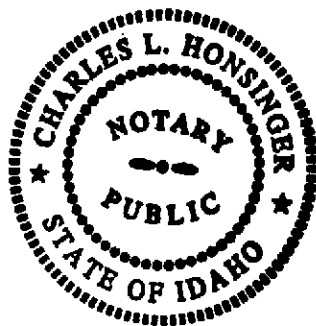
Further your affiant sayeth naught.


J.L. Tertling

STATE OF IDAHO)
)ss.
County of Ada)

On this 12th day of September, 2005, before me, the undersigned, a notary public in and for said state, personally appeared J.L. TERTLING, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

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



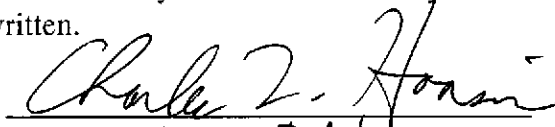

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

Exhibit A

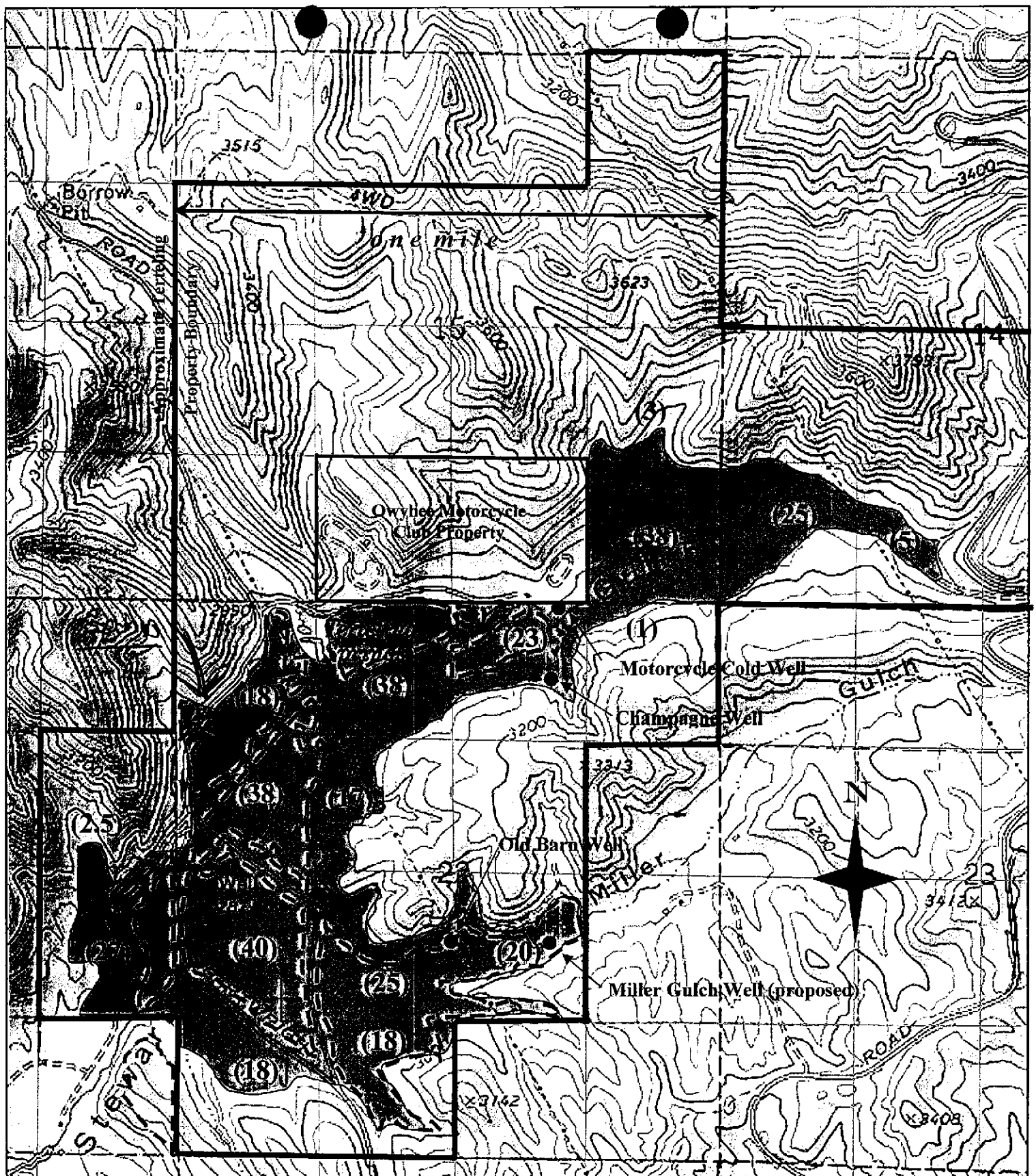


Figure 1. Map of The Terteling Company, Inc.'s proposed "Permissible Place of Use" acreage in Township 4 North, Range 2 East associated with Water Right Nos. 63-07595 and 63-03603. The irrigable acreage is marked in transparent orange. The outlined areas (dashed) is the current place of use for which the water rights are licensed. The black numbers in parentheses shown for each tract (1/4 - 1/4 section) represent the total number of irrigable acres within that 1/4 1/4 section. The points of diversion (wells) for the water rights proposed as points of diversion for the permissible place of use are denoted by solid black circles.

Exhibit B

Perkeling PEACEFUL COVE
SWIMMING POOL
BOISE, IDAHO

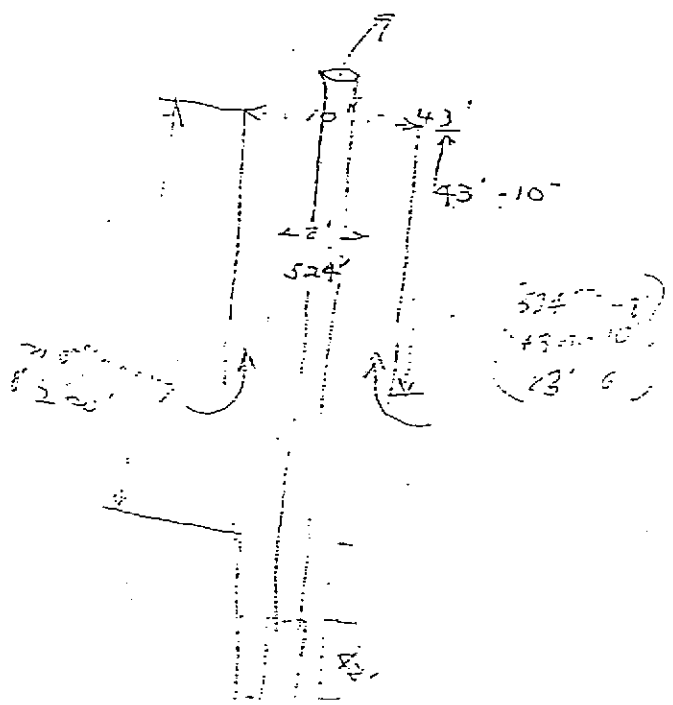
Log of well.

42 ft.	top soil sand	42 ft.
2 ft.	hard soap stone	44 "
16 ft.	blue shale	60 "
2 ft.	sand, little flow	62 "
23 ft.	blue shale	85 "
2 ft.	sand, more water	87 "
53 ft.	blue shale	140 "
5 ft.	sand, more water	145 "
19 ft.	sand stone	164 "
2 ft.	sand, little more water	66 ft.
9 ft.	blue shale	205 "
5 ft.	sand, <u>little</u> water	210 "
7 ft.	soap stone	287 "
3 ft.	sand	295 "
8 ft.	soap stone	398 "
1 ft.	hard rock	399 "
1 ft.	sticky soap stone	435 "
1 ft.	hard rock	436 "
1 ft.	sticky soap stone	454 "
1 ft.	hard soap stone	458 "
1 ft.	sticky soap stone	473 "
1 ft.	hard soap stone	478 "
1 ft.	sticky soap stone	498 "
1 ft.	hard rock, gravel	500 "
1 ft.	hard soap stone	
	with small layers	521 ft.
	and stone	

521 ft.

- 4 ft. hard solid stone 525"
- 10 ft. hard soapstone with lava streaks 535"
- 32 ft. lava rock occasional soft streaks 567"
- 15 ft. porous lava rock hot water 582"
- 13 ft. hard rock 595"

well drilled - 595 ft. deep.
43 ft. 10 in. pipe in well
524 " " " " " " " " " " " "
82 ft. 10 in. of 6 inch pipe in well



CL 21105
7/31/47

Remarks:

① This well consists of casing of 6", 8" and 10". Hot water flows through the 6" casing from 400' and at least 150'. From 150' the hot water is pumped @ 56.9 gpm to the surface. Between the 6" and 8" casings is air space. The 10" and 8" casings extend through the permeable zone allowing the cold water to flow to the surface through the space between the 10" and 8" casings @ 39.6 gpm from a depth of 150 ft.

② 6" artesian well @ 150'.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

^W
J. R. Tretling
Applicant
By J. R. Hult Agent

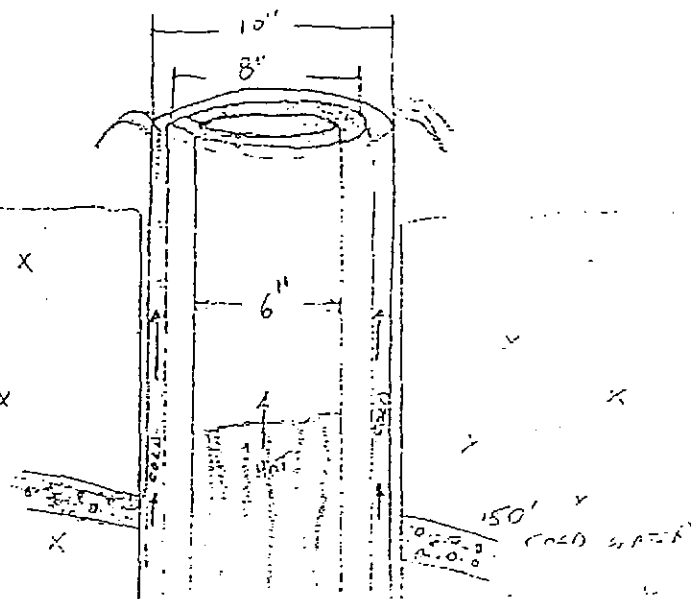


Exhibit C

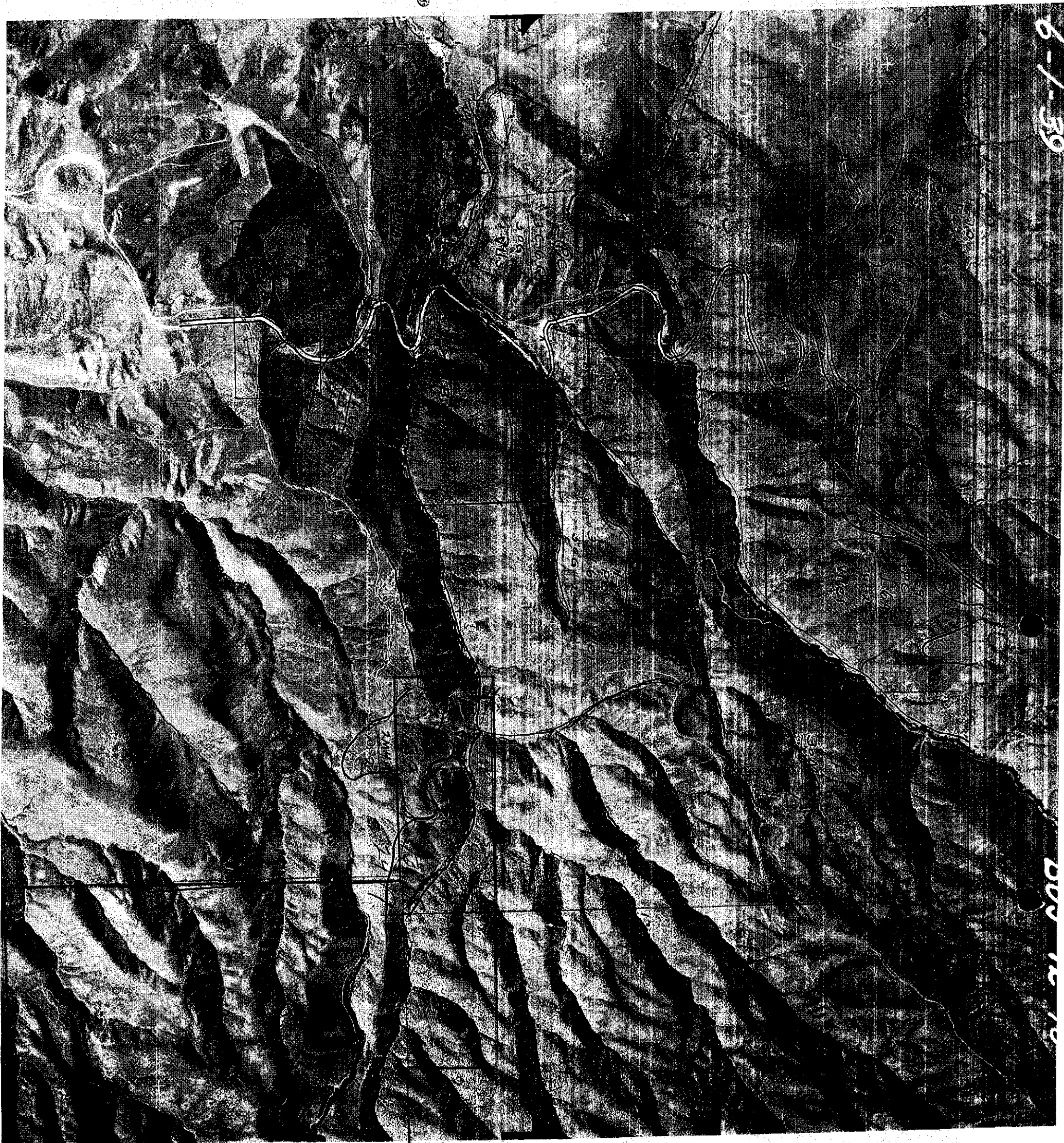
Exhibit D





6-1-39

DOV 10 10



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-31058

Date: 9-15-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	2E	14												5					5
GIS															5					5
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 5

Overlapping POU Claim #'s:

Total GIS Acres: 5

COMMENTS:

*I think this is close but the map I have is cut off in this
QQ and there just aren't any defined boundaries*

Idaho Department of Water Resources

Claim Number: 63-31058

Legal: T04N, R02E, S14

Reviewed By:



Point of Diversion



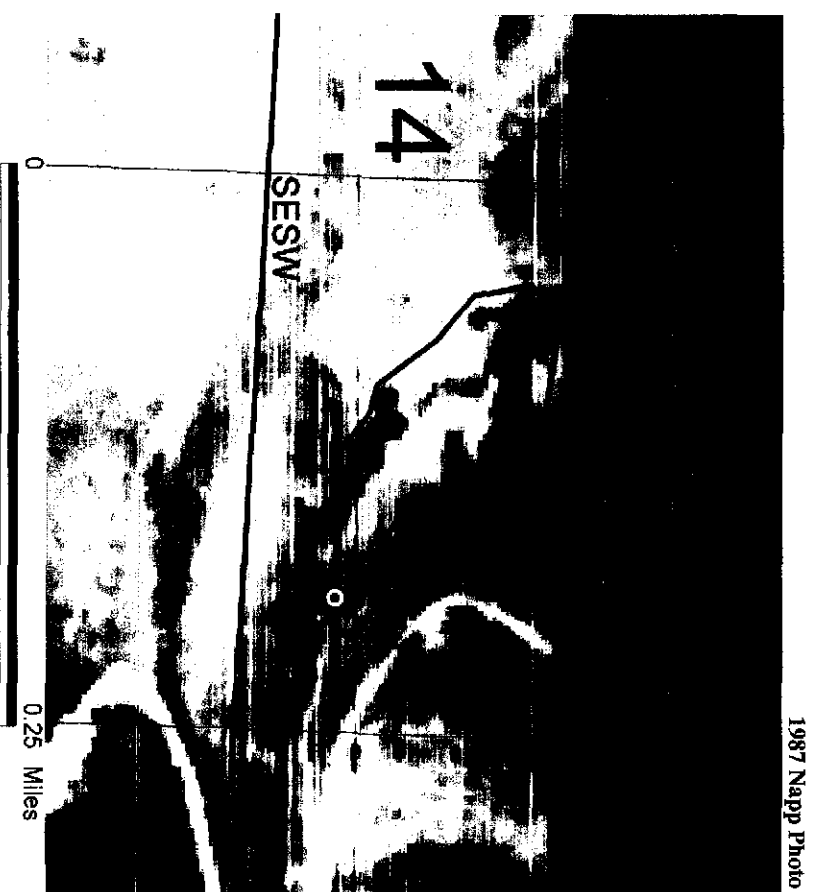
Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo

