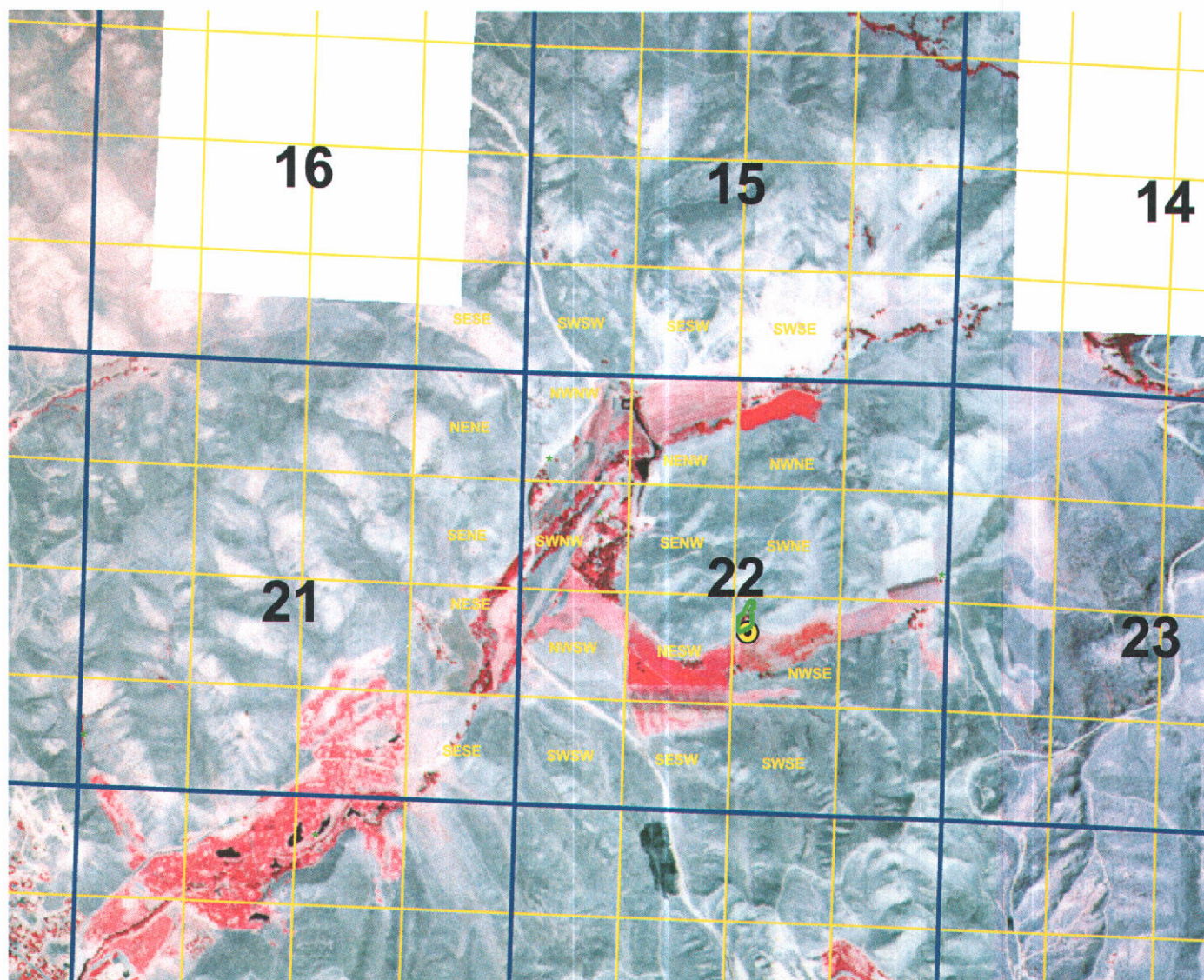




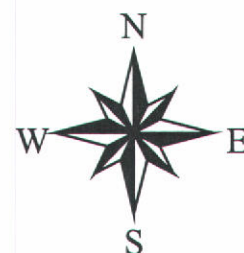
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 22
Water Right (s): 63-31062



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 1



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: November 2005

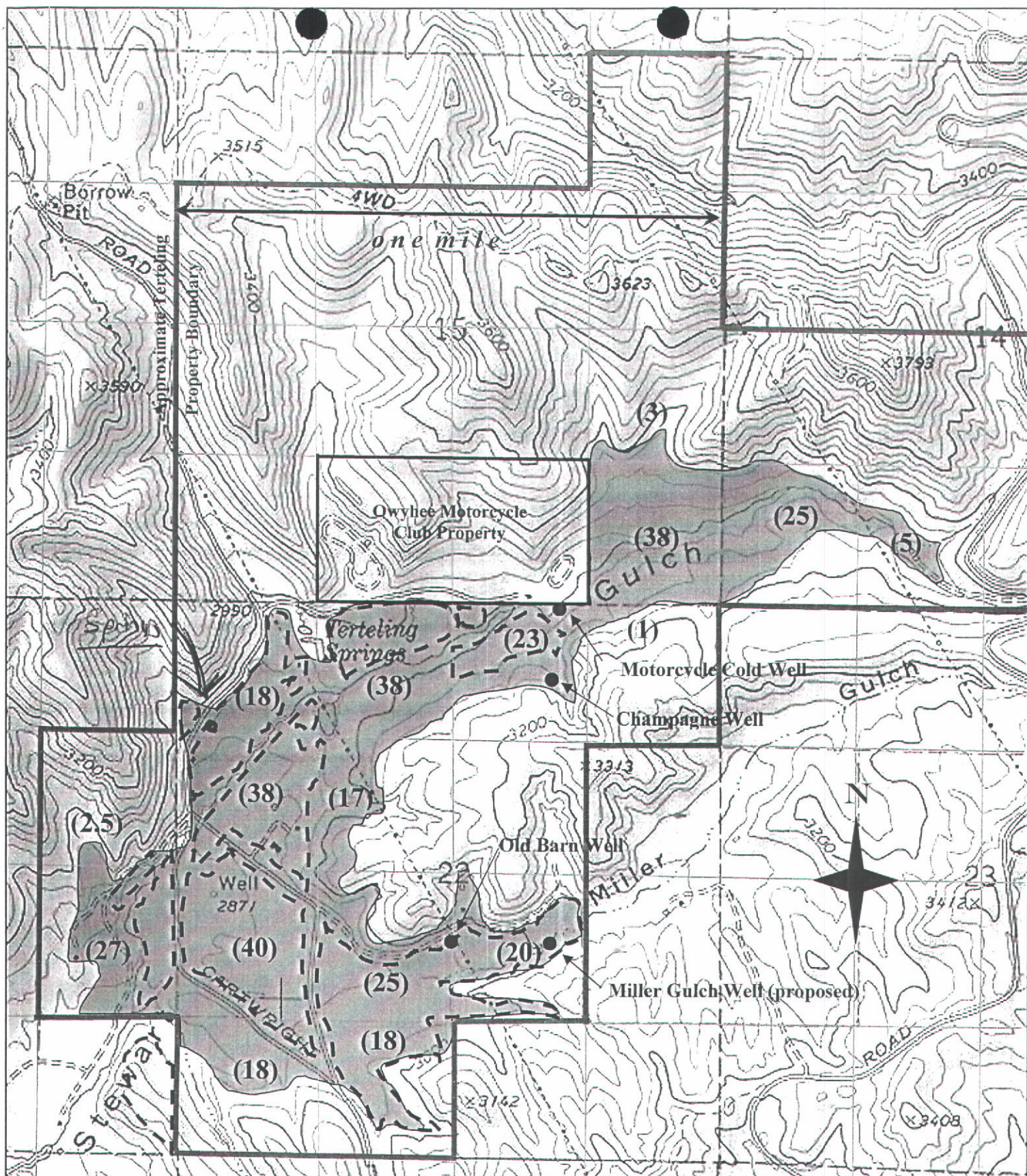


Figure 1. Map of The Terteling Company, Inc.'s proposed "Permissible Place of Use" acreage in Township 4 North, Range 2 East associated with Water Right Nos. 63-07595 and 63-03603. The irrigable acreage is marked in transparent orange. The outlined areas (dashed) is the current place of use for which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





Idaho Department of Water Resources

Claim Number: 63-31062

Legal: T04N, R02E, S22

Reviewed By:



Point of Diversion



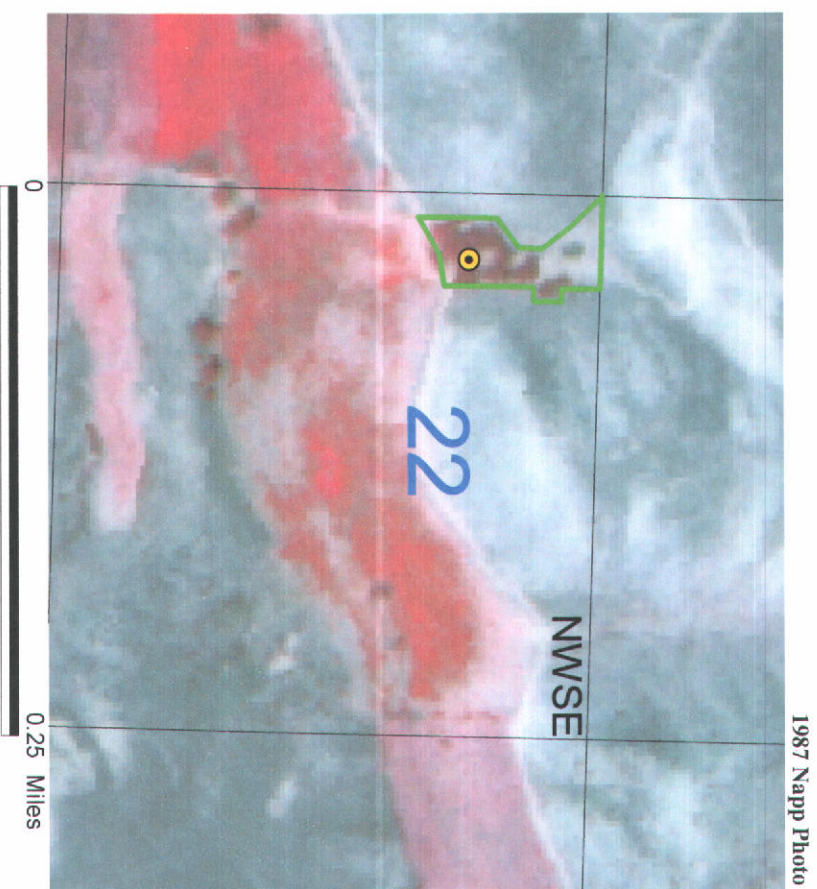
Place of Use



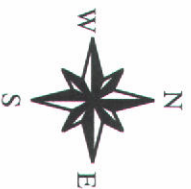
Section Lines



Quarter Quarter Lines



"Old barn" house & barn
well.



Idaho Department of Water Resources

Claim Number: 63-31062

Legal: T04N, R02E, S22

Reviewed By:



Point of Diversion



Place of Use



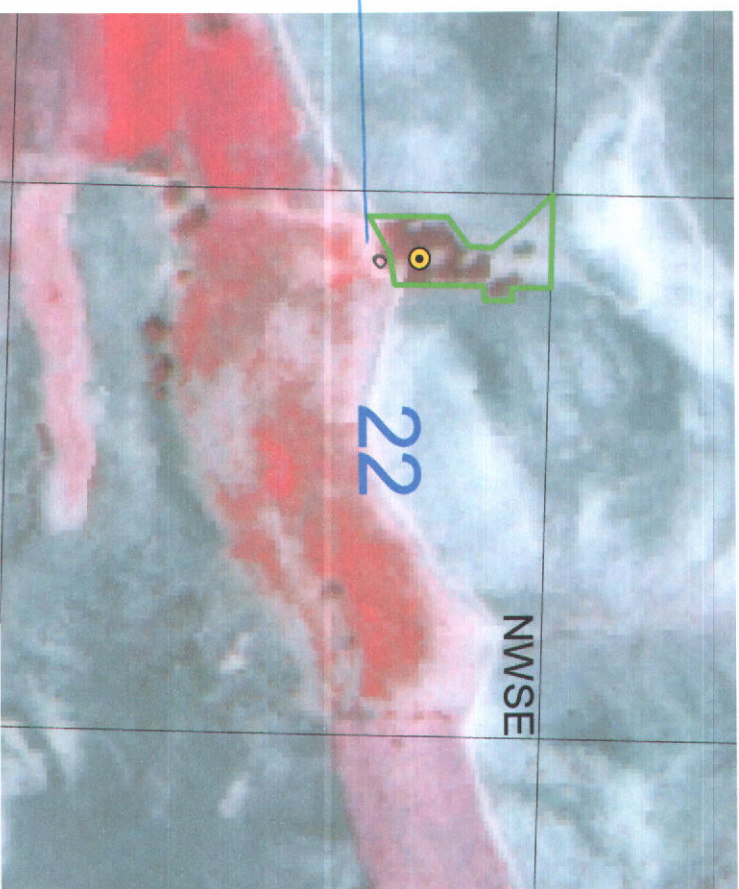
Section Lines



Quarter Quarter Lines

well per

10m



1987 Napp Photo



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 63-31062
Date Received: 9/2/1999
Receipt No: W025672
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: 01/01/1938

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	22	NW SE	ADA	

5. Description of diverting works:

4" DIAMETER WELL, 1 1/2 HP SUBMERSIBLE PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	
STOCKWATER	1/01	12/31	0.04	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	22	NW	SE	STOCKWATER	
			NW	SE	DOMESTIC	
			NW	SE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

14. Remarks:

Attorney name added per notification from Charlie Honsinger. DB 3/1/2004

15. Basis of Claim: Beneficial Use

RECEIVED

OCT 17 2005

WATER RESOURCES
WESTERN REGION

Form No. 42-1409 (2) a 9/88 (Internet)

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
Indent. Number 63-31062
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) 338-5200
Mailing Address 3823 N. 36th Street, Boise, Idaho Zip 83703

2. Date of Priority only (1) per claim) January 1, 1938

3. Source of water supply (a) groundwater

which is tributary to (b)

4. a. Location of existing point of diversion is: Township 4N Range 2E Section 22,
 $\frac{1}{4}$ of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Govt. Lot, B.M., County of Ada

Additional points of diversion if any:

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

Township Range Section , $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$,

Govt. Lot B.M., County of

ending point is: Township Range Section , $\frac{1}{4}$ of $\frac{1}{4}$ of

 $\frac{1}{4}$, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Ect).
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as constructed and
as enlarged and the depth of each well.

4 inch diameter well, 1 1/2 horsepower submersible pump.

6. Water is claimed for the following purposes:

Form No. 42-1409 (2) a 9/88 (Internet)

For stockwater purposes from 1/1 to 12/31 amount 0.04 (cfs) or (acre feet)

For domestic purposes from 1/1 to 12/31 amount 0.04 or

For irrigation purposes from 3/15 to 11/15 amount 0.06 or

For _____ purposes from _____ to _____ amount _____ or
7. Total quantity claimed (a) 0.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre fee per annum.

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater Type and number of livestock Ect.) Domestic - 1 home; Stockwater - 10 range cattle

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.

Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	4N	2E	22												2, D S	2

Total number of acres irrigated 2

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

13. Describe any other water rights used a the same place and for the same purposes as described above.
None (X) _____ or

14. Remarks:

Last Name The Terteling Company, Inc. Ident. Number 63-31062

15. Basis or Claim (check one) Beneficial Use X 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 documents are true and correct.

Signature or Claimant (s) _____ Date _____

_____ Date _____

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

of The Terteling Company, Inc.
Organization

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

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

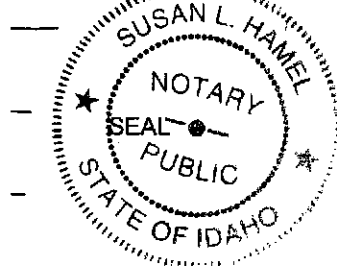
Signed of Authorized Agent [Signature]

Title and Organization Vice President, The Terteling Company Inc. Date 10.11.05

State of Idaho/or Idaho)

County of Ada) ss.)

Subscribed and sworn (or affirmed) before me this 11th day of October 20 05



Notary Public Susan L. Hamel

Residing at Kuna, ID- Ada County

My Commission Expires 03/27/2008

Last Name The Terteling Company, Inc. Ident. Number 63-31062

Form No. 42-1409 (2) a 9/88 (Internet)

16. 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 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. Box 2773, Boise, Idaho 83701

Date

10/14/05

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: A63-31062
Date Received: 9/ 2/1999
Receipt No: W025672
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, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	22	NW	SE			ADA

5. Description of diverting works:
4" DIAMETER WELL, 1 1/2 HP SUBMERSIBLE PUMP.

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		
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 10 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	22	NW	SE		STOCK	
			NW	SE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	22	NW SE		IRR	2.0
Section Acres						2.0
Total Acres						2.0

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

RECEIVED

SEP 02 1999

WATER RESOURCES
WESTERN REGION

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 ALB-31062

Date Received 9-2-99

Receipt Number W025672

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) 338-5200

Mailing Address 3823 N. 36th Street, Boise, Idaho Zip 83703

2. Date of Priority (Only one (1) per claim) 1/1/1942

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 2E Section 22,
_____ 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____, B.M., County of Ada

Additional points of diversion if any: _____

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 inch diameter well, 1 1/2 horsepower submersible pump.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 01-01 to 12-31 amount .04 cfs or _____

For Domestic purposes from 01-01 to 12-31 amount .04 cfs or _____

For Irrigation purposes from 03/15 to 11/15 amount .06 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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; Stockwater - 10 range cattle

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	
4N	2E	22														D, S			
4N	2E	22														2			

Total number of acres irrigated 2

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

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 (X)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use X 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 PRESIDENT

of THE TERTELING CO. INC., that I have signed the foregoing document in the space
Organization
below as DUCH of SAME
Title Organization

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

Signature of Authorized Agent J. D. Tereling PRESIDENT

Title and Organization THE TERTELING CO. INC. Date 8-18-99

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

Subscribed and sworn (or affirmed) before me this 18th day of August, 1999

SEAL

Notary Public Susan L. Hamel
Residing at Kuna, ID
My Commission Expires 3/22/2002

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 PO Box 2720 Boise ID 83701
Date 8-16-99

Receipt Details for ID W025672

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/2/1999 11:05:09 AM	9/2/1999	Western	\$102.00	Check
Payer		GIVENS PURSLEY LLP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
24783			
Card Expiration Date	Credit Card Transaction #		

Comment LATE FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$52.00	ADJUDICATION CLAIM FEE	41503	337	0	0	1155
\$50.00	LATE FEE	41503	337	0	0	1155

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	31062		\$102.00	Claim

Print Report

RECEIVED
JUN 27 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 63-31062

(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)

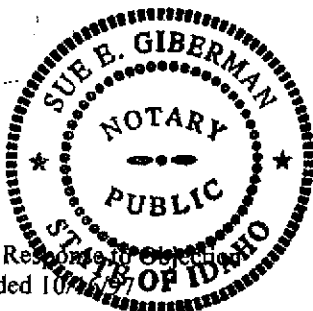
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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)

[Handwritten Signature]
(Attorney signing in representative capacity)

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



Sue E. Gibermon
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:

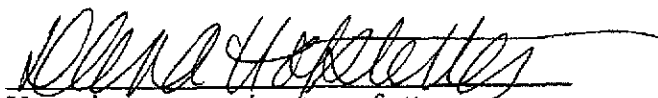
Name: Charles L. Honsinger
Address: Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

4. Copies to:

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

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

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


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 63-31062
(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. 36th Street
Boise, Idaho 83703

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: See Section E
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
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):** To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tlegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right:" The diversion and use of geothermal water is not authorized under this right. Also, the local name for the cold water well should be described.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

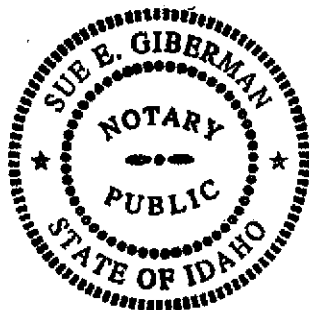
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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. 36th Street
Boise, Idaho 83703

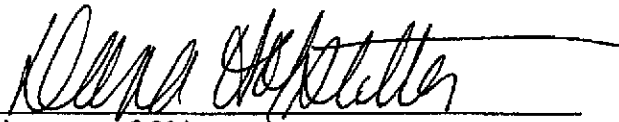
Charles L. Honsinger
Ringert Clark Chartered
P. O. Box 2773
Boise, Idaho 83701-2773

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

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)

A. Subcase 63-31062

(Insert water right no.)

Case No. 39576)

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: _____
2. ☒ **Source**
Should be: General Provision should state that the source of this water right is separate from any other source in Basin 63.
3. ☒ **Quantity**
Should be: Volumetric limit of 4.5 AFY should be clarified to establish that it only applies to irrigation use.
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: _____
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 volumetric limit of 4.50 AFY only applies to irrigation use, as written it appears to apply to all water right uses.

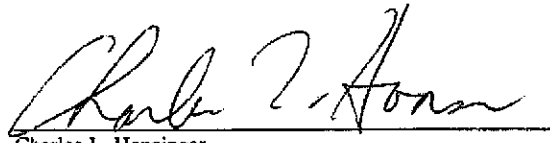
F.

VERIFICATION (must be completed)

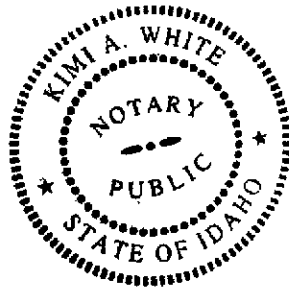
State of Idaho)
) ss.
County of Ada)

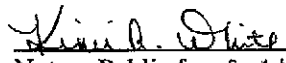
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

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 Adams
Residing at: Boise, Idaho
My Commission Expires: 2/10/10

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 22, 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.

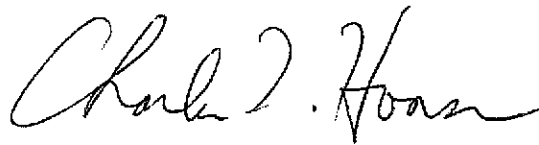
Address: 3823 North 36th Street
Boise, Idaho 83703

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: 63-31062

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):

Volume, Place of Use
2. Describe the changes you wish to make in the proposed recommendation:

Volume of 4.5 AFY should apply only to irrigation use; acreage should be 2 acres
3. Give a brief explanation as to why you disagree with these portions:
Domestic/stockwater volume will exceed 4.5 AF over the period of a year; 2 acres are irrigated.

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

DATE: 12/02/05

SIGNATURE: Charles L. Honsinger

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. Kaufman
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**

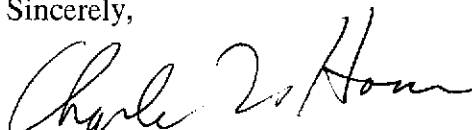
Vicki Music
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

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: 63-31062

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.500 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1938

POINT OF DIVERSION:

T04N R02E S22 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.020 CFS 4.50 AFY

Domestic use is for 1 home and up to one-half acre irrigation.

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S22 NWSE 1.0

STOCKWATER Within ADA County

T04N R02E S22 NWSE

DOMESTIC Within ADA County

T04N R02E S22 NWSE

1 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

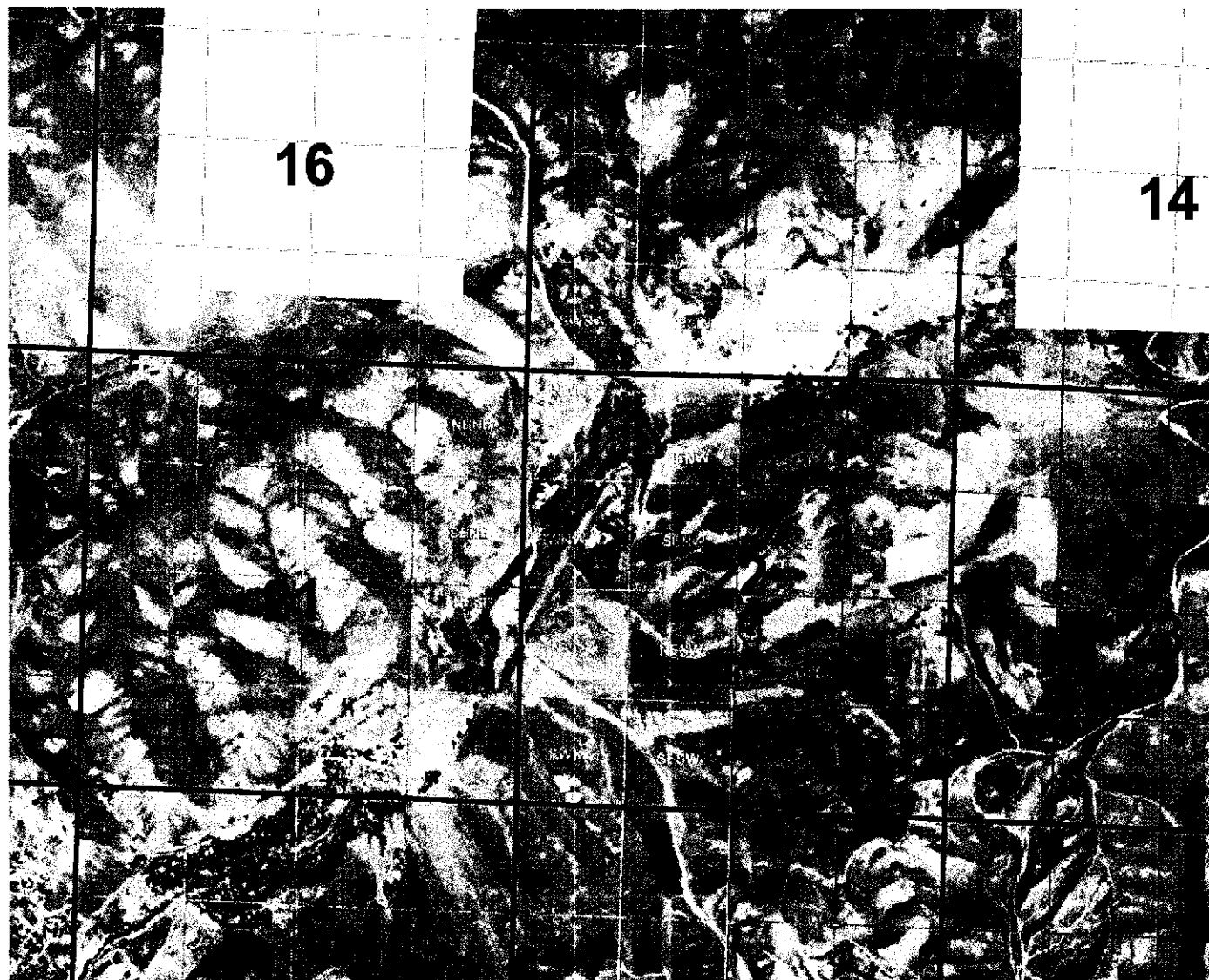
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 10 range cattle.



State of Idaho
Idaho Department of Water Resources
Western Region

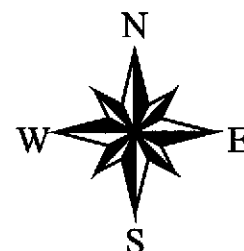
T4N R2E SECTION 22
Water Right (s): 63-31062



1320 0 1320 2640 3960 5280 Feet



TOTAL IRRIGATED ACRES = 1



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: November 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31062 V1

WATER RIGHT NUMBER: 63-31062 V1

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

Priority Date: 01/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/01 to 11/15	0.020 CFS	4.50 AF
	<u>Total Diversion:</u>	0.060 CFS	4.50 AF

Location of Point(s) of Diversion

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

Place of Use

STOCKWATER Within ADA County

T04N R02E S22 NWSE

DOMESTIC Within ADA County

T04N R02E S22 NWSE

IRRIGATION Within ADA County

T04N R02E S22 NWSE 1.0

Total Acres: 1

Conditions of Approval:

1. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31062 V1

2. X02 Stockwater use is for 10 range cattle.
3. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home and up to one-half acre irrigation.
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.

Remarks:

Comments:

1. vmusic 11/22/2005 POD
Comment: OLD BARN WELL IN MILLER GULCH AREA
2. vmusic 11/22/2005 POU
Comment: 2 ACRES ARE UNIQUE IN THAT THEY ARE NOT CLAIMED ELSEWHERE AND NOT A PART OF THE 171 ACRES.
3. vmusic 11/22/2005 EVIDENCE OF PRIORITY
Comment: 1938 AERIAL AND JOE T AFFIDAVIT.
4. vmusic 11/22/2005 QUANTITY - USES
Comment: CLAIM FILED IN 1999. CLAIMED 2 ACRES AROUND THE OLD BARN WELL IN MILLER GULCH AREA. CAN BARELY FIND 1 ACRE IRRIGATED SINCE BEFORE 1964. CLAIM FILED IN 1999. RECOMMENDED .02 FOR 1 ACRE IRRIGATION AND WILL A HALF ACRE UNDER THE DOMESTIC. TOTAL Q DOES NOT CHANGE.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/22/2005 10:25:37 AM	vmusic	Updated shape for Active POU
Contacts	11/22/2005 9:56:53 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31062 V1

General	11/22/2005 9:57:34 AM	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? Description for Question 12/13 - 1938 AERIAL, JOE T AFFIDAVIT
POD	11/22/2005 9:58:16 AM	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? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/22/2005 10:09:45 AM	vmusic	Updated shape
Source	11/22/2005 10:23:21 AM	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? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - JOE T AFFIDAVIT
POU	11/22/2005 10:24:03 AM	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? Description for Question 13 - AERIALS, JOE T AFFIDAVIT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31062 V1

Use	11/22/2005 10:26:39 AM	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? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - 1938 AERIAL
Season	11/22/2005 10:27:03 AM	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 10:27:55 AM	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? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - BELOW QUANTITY AND ACRE THRESHHOLD FOR WHICH MEAS IS REQUIRED. Description for Question 10 - 1 AC X 4.5 = 4.5 AFA
Summary	11/22/2005 10:37:11 AM	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? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (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?

Music, Vicky

From: Music, Vicky
Sent: Tuesday, November 22, 2005 10:52 AM
To: Charlie Honsinger (E-mail)
Cc: Tom Terteling (E-mail)
Subject: prelim DR for 63-31062

Charlie and Tom -

Attached is the preliminary DR for the old barn well in the Miller Gulch area.

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



63-31062.jpg



63-31062 PRELIM
DR.RTF

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

RECEIVED

OCT 17 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. Kaufman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney
Samuel Kaufman (1921-1986)

October 14, 2005

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

Re: SRBA Notices of Claim

Dear Ms. Music:

Per the discussion between Jan Shurte, Tom Terteling, yourself, and myself last month, enclosed please find the Amended Notices of Claim to water right nos. 63-31053, 63-31055, and 63-31062. As you will recall, we agreed to amend the notices of claim to provide for an earlier priority date.

Additionally per our discussion, I am enclosing Notices of Claim to Instream Stockwater Rights that I file on behalf of T-7, LLC and The Terteling Company, Inc.

Please process all claims accordingly, and contact me with any questions or concerns.
Thank you.

Sincerely,

A handwritten signature in black ink that reads "Charles L. Honsinger". The signature is written in a cursive, flowing style.

Charles L. Honsinger

enclosures

cc: Tom Terteling



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, 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 TERTELING 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 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 TERTLING CO INC (Current)	1]- need evidence of priority to support priority date 2]- describe #, type & diversion works for stock.

<u>Claim #</u>	<u>Basls</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 TERTELING 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 TERTELING 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 TERTELING 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 TERTELING 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. 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

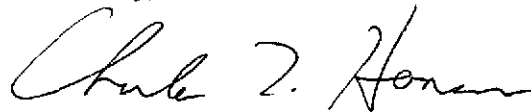
Re: Terteling Company and T-7, LLC water rights

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.

Source Table

Owner(s)

Right ID

Status

Basis

Suf

Basin Sequ

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	✓
65	7450	License	Active	279509	THE TERTELING CO INC (Cu)	wrAdjudicationClaim	Disallowed
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)	wrAdjudicationClaim	✓
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	✓



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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office

GIVENS PURSLEY LLP

RECEIVED

SEP 02 1999

WATER RESOURCES
WESTERN REGION

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fareday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
David R. Lombardi
Kimberly D. Maloney

John M. Marshall
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel

Conley Ward
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

August 31, 1999

Jan Shurte
Western Region
Idaho Department of Water Resources
7235 Airport Way
Boise, ID 83705-5082

RE: The Terteling Company, Inc.'s Notice of Claim to a Water Right
Our File No. 4465-1

Dear Jan:

I am enclosing the original and one of a Notice of Claim to a Water Right for The Terteling Company, Inc. I have also enclosed a check for \$102 to cover the filing and the late fee. Please file stamp the copy and return it to me in the enclosed self-addressed, stamped envelope. If you need anything further, please call.

Sincerely,



Julie Best-Gilster
Secretary to John M. Marshall

JMM/jbg
Enclosures
cc: Tom Terteling

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31062

11/22/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3603	Claim	04N	02E	22	NW	SE		IRRIGATION	13/78	THE TERTELING CO INC
7595	Claim	04N	02E	22	NW	SE		IRRIGATION	4/103	THE TERTELING CO INC
31062	Claim	04N	02E	22	NW	SE		IRRIGATION	2/2	THE TERTELING CO INC
3603	Water Right	04N	02E	22	NW	SE		IRRIGATION	13/78	TERTELING TRUST NO 7
7595	Water Right	04N	02E	22	NW	SE		IRRIGATION	4/103	TERTELING TRUST NO 7
31062	Claim	04N	02E	22	NW	SE		STOCKWATER		THE TERTELING CO INC
31062	Claim	04N	02E	22	NW	SE		DOMESTIC		THE TERTELING CO INC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31062

WATER RIGHT NUMBER: 63-31062

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

Priority Date: 01/01/1938
 Basis: Beneficial Use
 Status: Active

Source

GROUND WATER

TributaryBeneficial Use

STOCKWATER

DOMESTIC

IRRIGATION

From To

1/01 to 12/31

1/01 to 12/31

3/15 to 11/15

Diversion Rate

0.040 CFS

0.040 CFS

0.060 CFS

Annual Volume

Total Diversion:

0.060 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4

Sec. 22, Twp 04N, Rge 02E, B.M.

ADA County

Place of UseSTOCKWATER Within ADA County

T04N R02E S22 NWSE

DOMESTIC Within ADA County

T04N R02E S22 NWSE

IRRIGATION Within ADA County

T04N R02E S22 NWSE 2.0

Total Acres: 2

Conditions of Approval:

1. Attorney name added per notification from Charlie Honsinger. DB 3/1/2004

Remarks:

old barn well
 Q for DIS not a det of best h/y
 Q " " " to 7 13k apn.
 SW is for 10 hd range cattle

*EEP fine - details
 no shoulder remark*

21

*.02 4.5 ft
 .06*

"unlike" acres - no combined use remark

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

all claim**OVERLAP REVIEW**Other 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 USES☒ No change☐ Different Uses

Use DOM From To Amount .04 CFS AFA 1

Use IRV From 311 To 11115 Amount .02 CFS 4.5 AFA 201

Use GW From To Amount .04 CFS AFA

$(.02)(4.9835)(260) = 25.9 \text{ afa}$ $or (1)(4.5) = 4.5 \text{ afa}$

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount .02 CFS 4.5 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:**Miller Gulch - 2 unique acres☒ 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: none

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

Delivery System Narrative: See claim

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

x01 Dam use 18 for 1 home & up to 1/2 ac irrigation
 no 9" for DIS not a det of his pen
 N14" for DIS not to > 13k bpd.
 x02 SW 15 for 10 head range cattle.

- (1) evid of priority: JOET affidavit, 1938/39 aerials
- (2) acres are unclear - not a part of the 171 acres.
- (3) claim filed in 1944. no evidence of 2ac irrigation even 1939 aerial & 2ac. reduced to 1 acre. Total Q doesn't change. Has 1/2 ac inv w/ the dom use.

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:

11-22-05

FIELD EXAMINER:

Clay Linnell

GGP

STATE OF IDAHO)
) ss
COUNTY OF ADA)

J.L. TERTELING, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. The purpose of this affidavit is to provide information requested by IDWR for claims to water rights located in the Stewart Gulch area near Boise, Idaho made in the Snake River Basin Adjudication by The Terteling Co. Inc. and T-7, LLC.
3. My family has owned the Terteling Ranch in Stewart Gulch (comprised of the lands to which the water rights referenced herein are appurtenant) since June 12, 1944 when my father purchased the property. Consequently, I have lived on the Terteling Ranch for most of my life. I have extensive knowledge regarding the use of all of the water rights referenced

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 hand written 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 193~~8~~⁹ 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

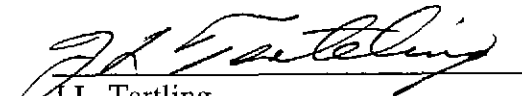
This water right is diverted from the Old Barn well for domestic, irrigation and stockwater uses. It has been diverted for those purposes since I have lived on the ranch. The 1949 aerial photo attached hereto as Exhibit "D" establishes the existence of the home as of at least that time.

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.

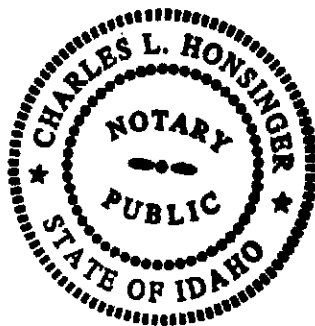
Further your affiant sayeth naught.


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.



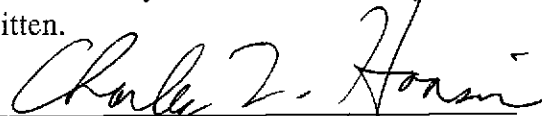

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

Exhibit A

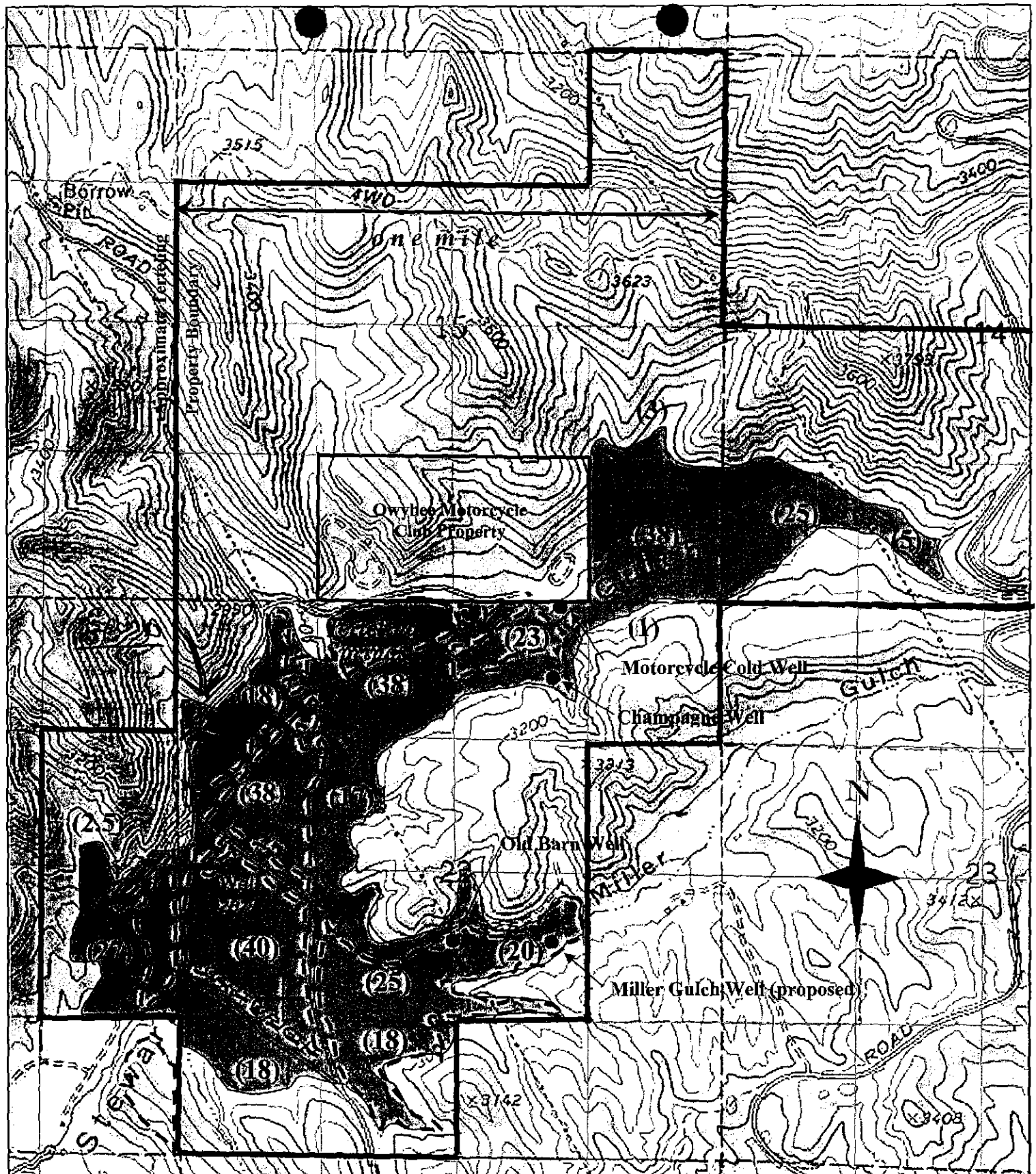


Figure 1. Map of The Terteling Company, Inc.'s proposed "Permissible Place of Use" acreage in Township 4 North, Range 2 East associated with Water Right Nos. 63-07595 and 63-03603. The irrigable acreage is marked in transparent orange. The outlined areas (dashed) is the current place of use for which the water rights are licensed. The black numbers in parentheses shown for each tract ($\frac{1}{4}$ - $\frac{1}{4}$ section) represent the total number of irrigable acres within that $\frac{1}{4}$ $\frac{1}{4}$ 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	298 "
18 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 granite	500 "
1 ft.	hard soap stone	
	with small layers	521 ft.
	of sand 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"

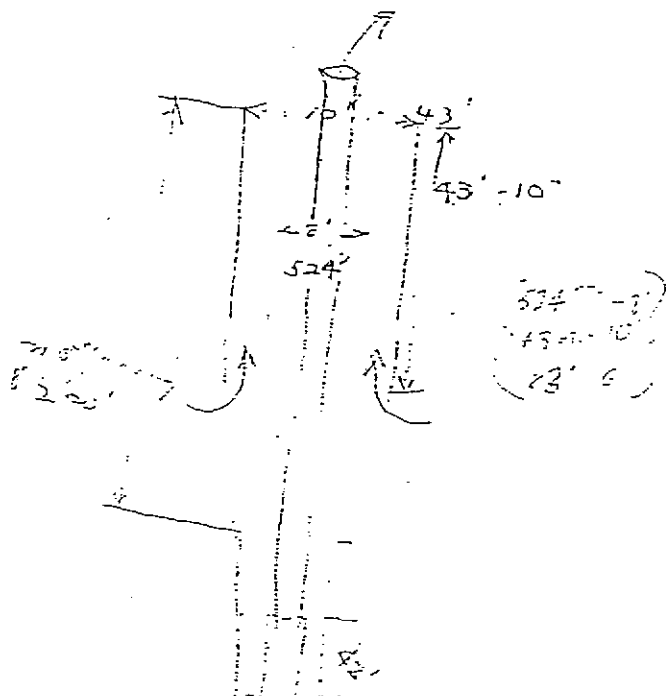
15 ft. porous lava rock
hot water 582"

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
M 31/47

Remarks: ① This well consists of casing of 6", 8" and 10". Hot water flows through the 6" casing from 150' and to the surface. 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" casing is extended 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. Tetzlaff
Applicant
By J. R. Walt Agent

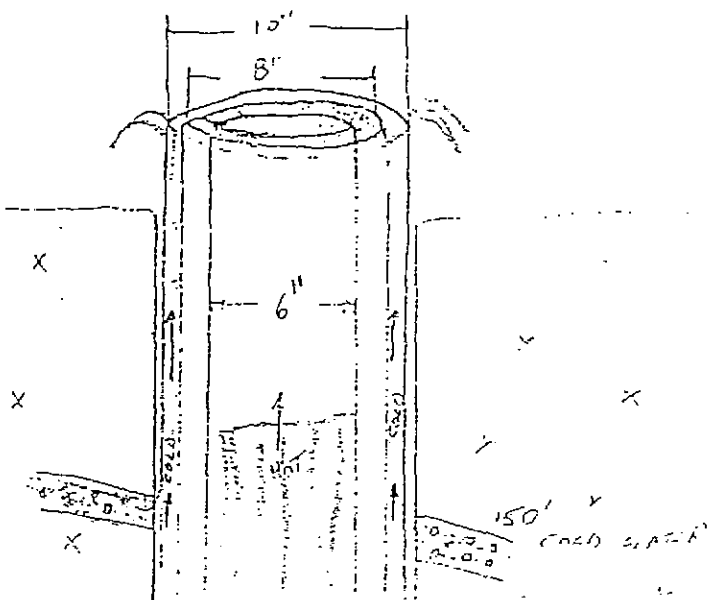


Exhibit C

BUJ-10-2



3M4Q
506-2
Village

11-3
PC
30L6A
506-2
Village

11-4
PC
30L6A
506-2
Village

H-7
PC
306Q
506-2
Village

PC
306Q
506-2
Village

3M4A
506-2
PC
11-4
506-2
Village

306Q
506-2
11-6
506-2

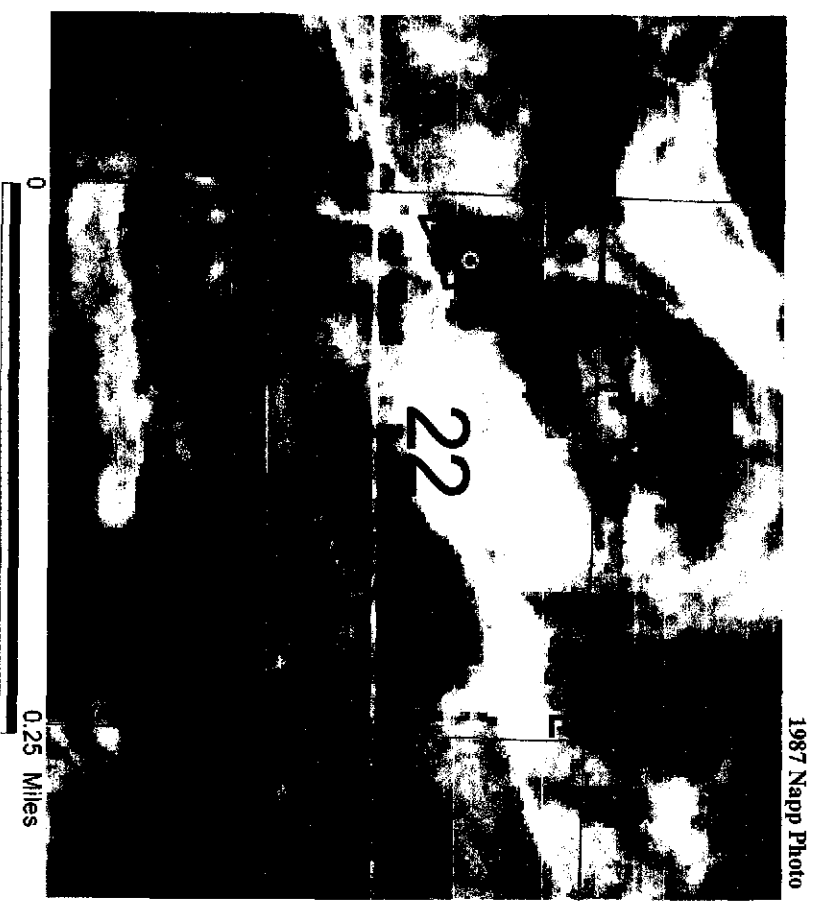
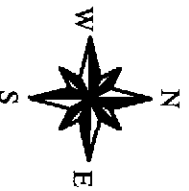
Exhibit D



Idaho Department of Water Resources

Claim Number: 63-31062
Legal: T04N, R02E, S22
Reviewed By:

☒ Point of Diversion
☐ Place of Use
☐ Section Lines
☐ Quarter Quarter Lines

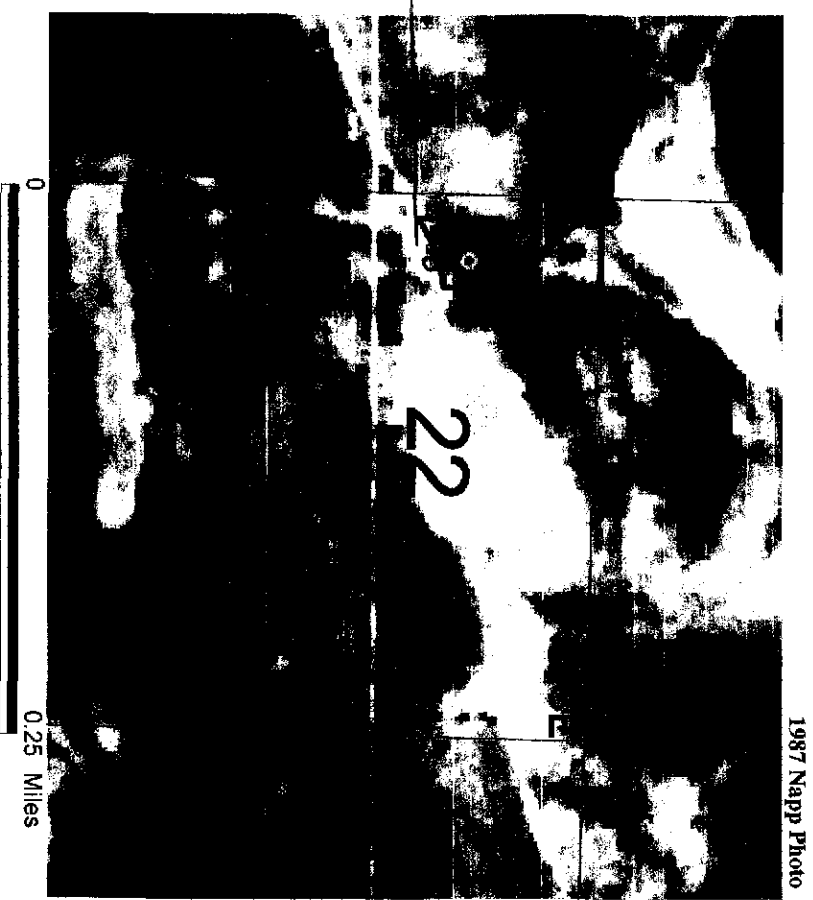
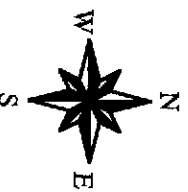


"Old barn" house & barn
well.

Idaho Department of Water Resources

Claim Number: 63-31062
Legal: T04N, R02E, S22
Reviewed By:

☒ Point of Diversion *Well PLR*
☐ Place of Use
☐ Section Lines
☐ Quarter Quarter Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-31062

Date: 9-29-01

	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	22														2			2
GIS																	1.4			1.4
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 2

Total GIS Acres: 1.4

Overlapping POU Claim #'s:

COMMENTS:

couldn't find other ^{ingrad} acres associated with the domestic use in this area unless the fields from 63-07595 are part of it.