



State of Idaho
Idaho Department of Water Resources
Western Region

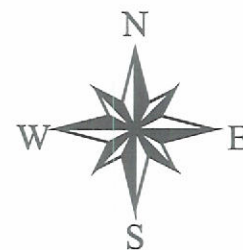
T4N R2E SECTION 29

Water Right (s): 63-14 and 63-5067



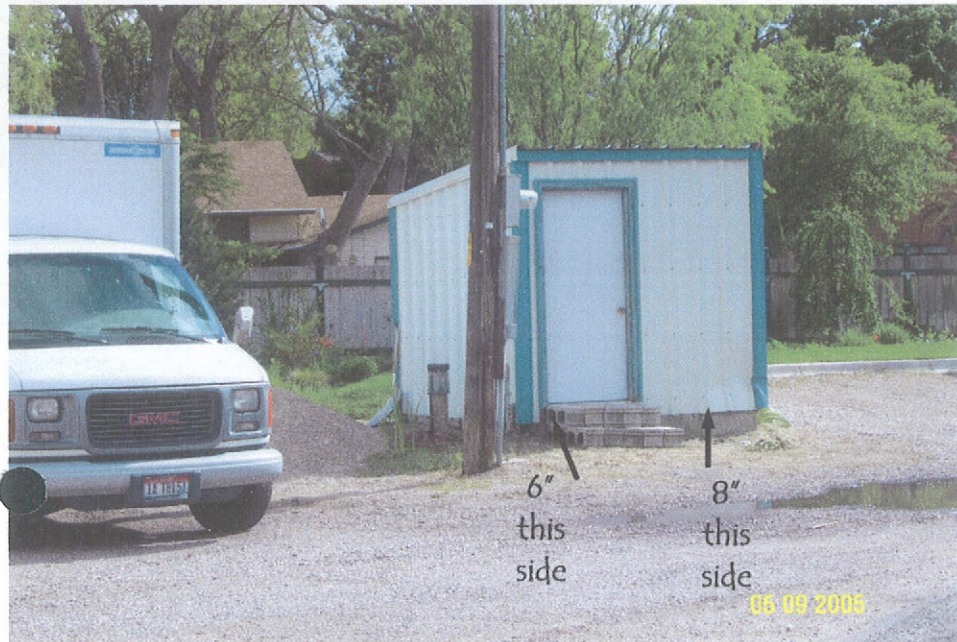
1320 0 1320 Feet

TOTAL IRRIGATED ACRES = 8.3



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

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



Well / Pump House for
both Cold water wells

63-5065; 5067



Inside Cold Water well
pump house

Well / Pump Head in well pit
8" Primary Well - 5 HP



Well / Pump Head
6" well - 1.5 HP





Hot Water Well head
building

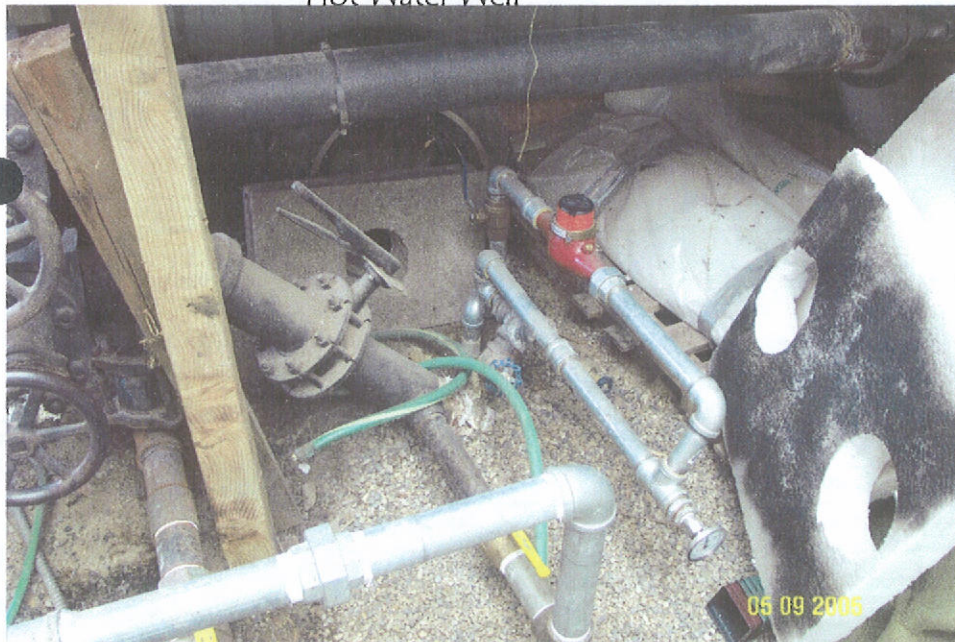
63-14; 5065; 5067



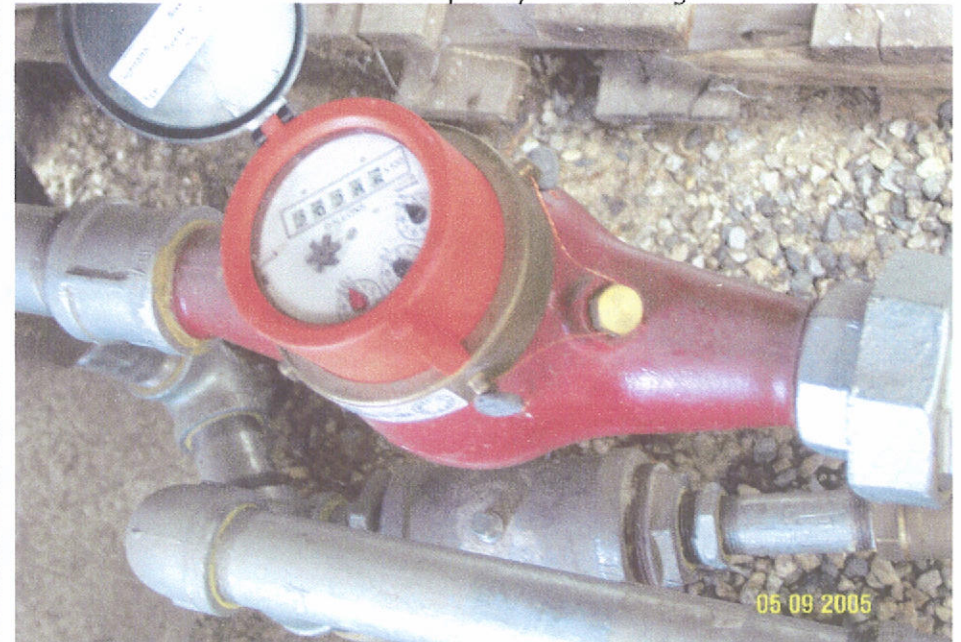
Hot water Artesian
Well head

Discharge Pressure = 16PSI
Water Temperature = 119 ° F.

Associated Plumbing with
Hot Water Well



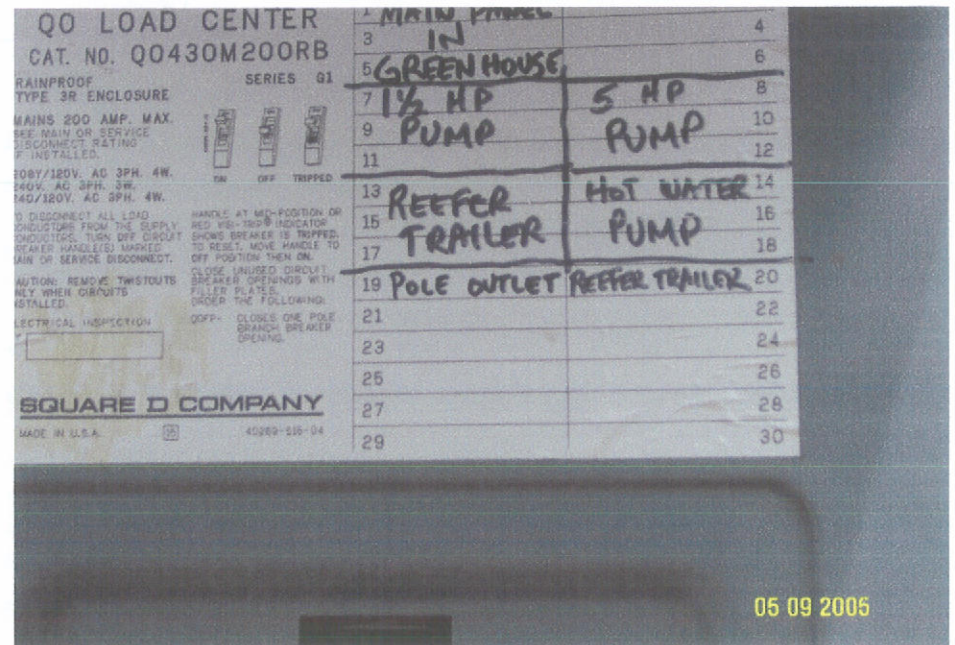
This hot waterline with flow meter goes to
house / shop only for heating





One of Two Flow Meters measuring
Hot Water Well discharge

63-14; 5065; 5067



Pump Information
Main Panel Box

Shop / House



House part of the building





Looking Northwest at front of the retail store. East side of complex

63-14; 5065; 5067

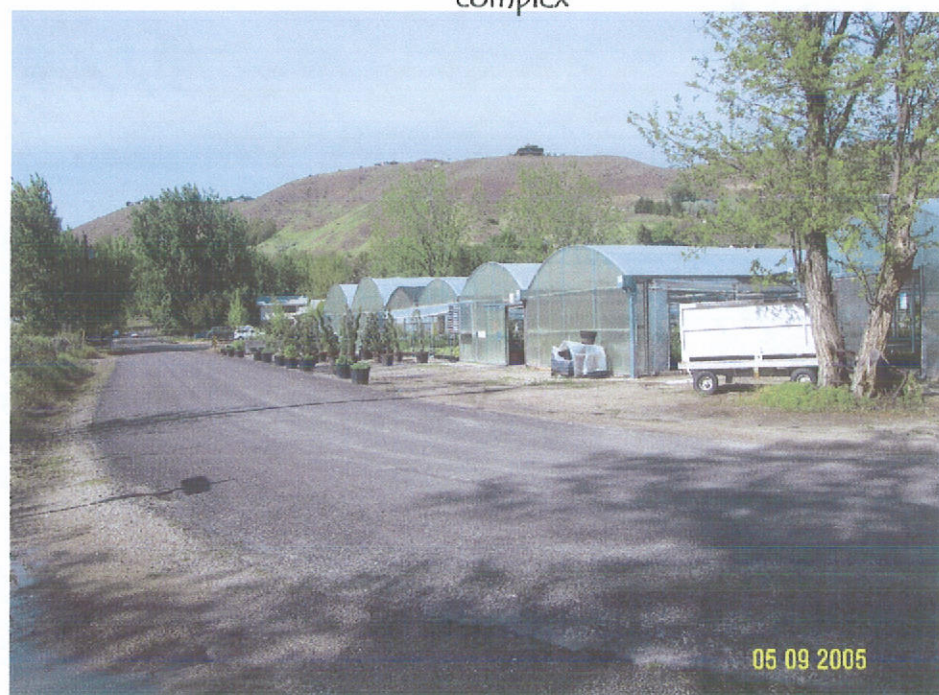


Looking Northwest at East side of complex

Looking East from Southwest corner of complex



Looking North from Southwest Corner of complex





Looking West from Southwest corner of complex
West side parcel

63-14; 5065; 5067



Looking East from Northwest corner of
complex

Hot water recycle—Booster pump for heating



Hot water Heat Exchanger for Green House
heating





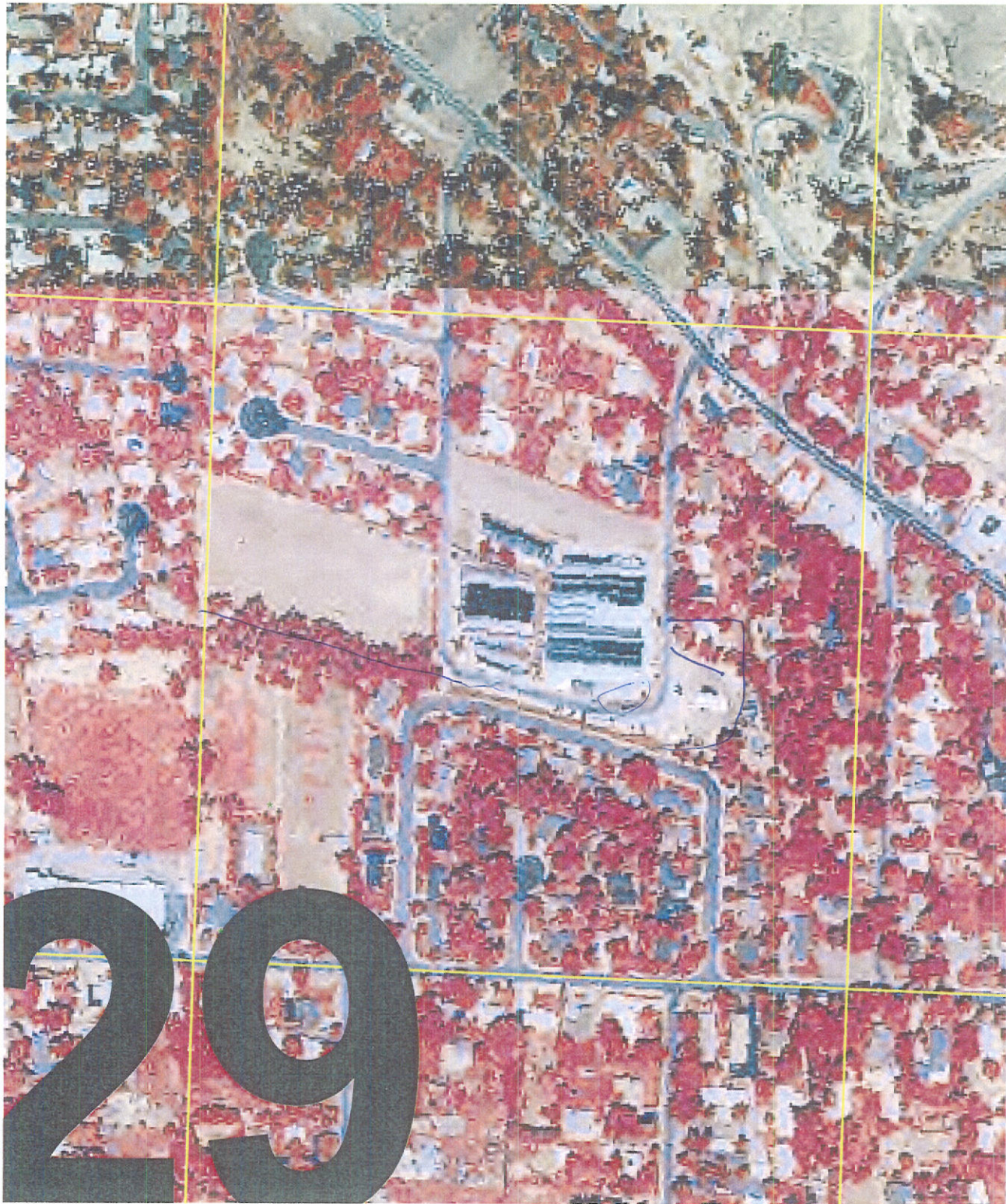
63-14; 5065; 5067

Hot water piping
for heat



Cold water irrigation pipeline



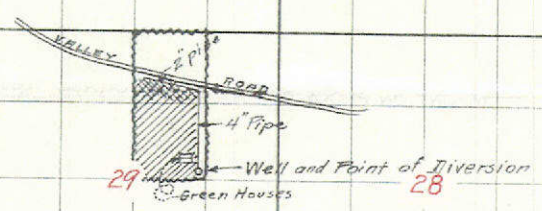


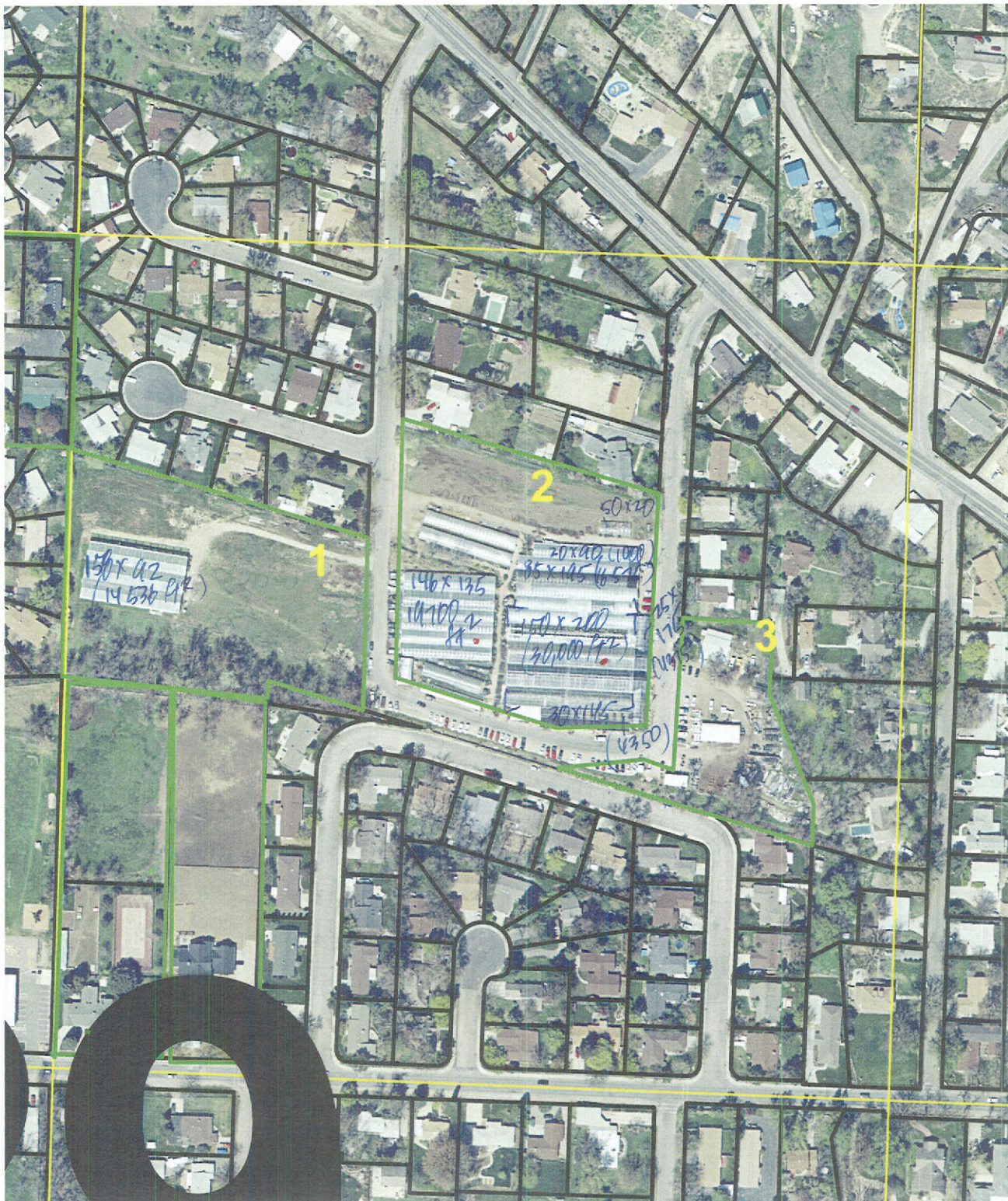
1" = 300'

**63-14, 5065 & 5067 EDWARDS NURSERY/ GREENHOUSES -
2000 AERIAL**

STATE OF CALIFORNIA
DEPARTMENT OF RECLAMATION
REPORT OF ENGINEER

30





EDWARDS - PARCEL # / ACRES

- 1 - R2129500152 3.4 AC
- 2 - R2129500005 3.8 AC
- 3 - S0629131328 1.4 AC

2003 aerial

2003 ~ 89,500 ft² under barnhouses

IS THIS POU OF STAT CLAIM 63-5065? WHICH IS ORIGINAL HOUSE AND WHAT IS ITS USE NOW? WHAT ARE THE OTHER BUILDINGS? ARE THEIR USES COVERED UNDER 63-5067?

Geocortex Internet Mapping Framework - Microsoft Internet Explorer

Ada County Assessor

Legend Find Parcel Key Map Bookmarks Create PDF Help Exit

1:1,200 Map Tool: Zoom In Active Layer: Parcels

Cursor Location: 2495848.21508, 725845.08952

Assessed value for year 2000 \$84,200

Property Characteristics Commercial

Map Center: Map Center: 116° 14' 22.54" W, 43° 39' 22.97" N

Powered by geocortex

Internet

Start I... A... P... M... D... A... G... Links Yahoo! 12:59 PM

The map displays several parcels outlined in red. Key parcels include:

- Parcel 4106 SAND CREEK DR (R2129500005)
- Parcel 4102 N TAMARACK DR (S0629131328)
- Parcel 4134 N TAMARACK DR (S0629131310)
- Parcel 4201 N WHITEHEAD ST (S0629131350)
- Parcel 4105 N WHITEHEAD ST (S0629131360)
- Parcel 4023 N WHITEHEAD ST (S0629131400)
- Parcel 4015 N WHITEHEAD ST (S0629131410)
- Parcel 4008 N TAMARACK AVE (R6206600025)
- Parcel 4098 N HAWTHORNE WAY (R6206600080)
- Parcel 4090 N HAWTHORNE WAY (R6206600075)
- Parcel 4086 N HAWTHORNE WAY (R6206600065)
- Parcel 4074 N HAWTHORNE WAY (R6206600070)
- Parcel 4066 N HAWTHORNE WAY (R6206600060)

IS THIS POU OF STAT CLAIM 63-5065? WHICH IS ORIGINAL HOUSE AND WHAT IS ITS USE NOW? WHAT ARE THE OTHER BUILDINGS? ARE THEIR USES COVERED UNDER 63-5067?

Geocortex Internet Mapping Framework - Microsoft Internet Explorer

Ada County Assessor

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Start I... A... P... M... D... A... G... Links Yahoo! 12:59 PM

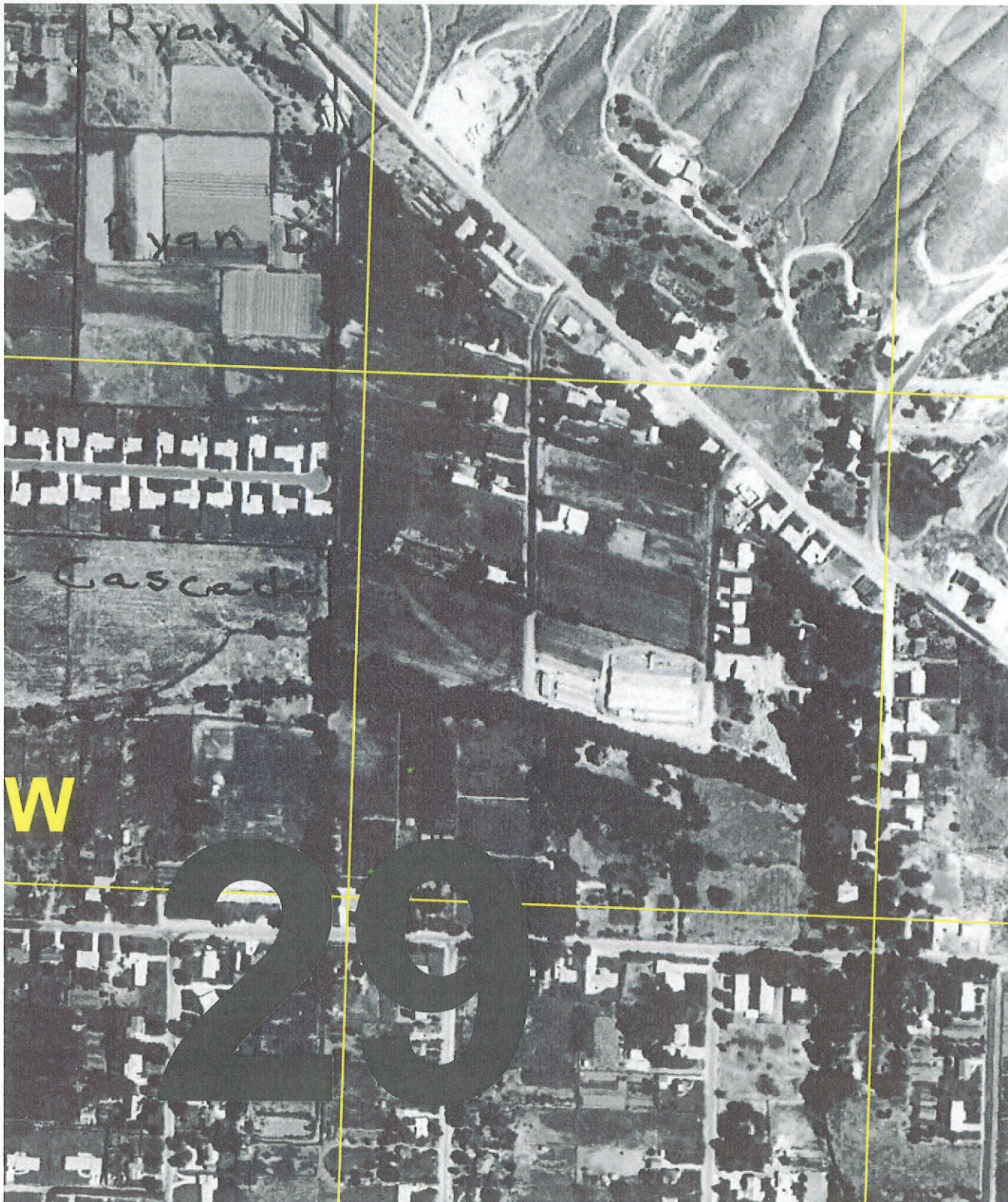
The map displays several parcels outlined in red. Key parcels include:

- Parcel 4106 SAND CREEK DR (R2129500005)
- Parcel 4102 N TAMARACK DR (S0629131328)
- Parcel 4105 N WHITEHEAD ST (S0629131350)
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- Parcel 4105 N WHITEHEAD ST (S0629131400)
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Map Center: 116° 14' 22.54" W, 43° 39' 22.97" N



**63-14, 5065 & 5067 EDWARDS NURSERY/ GREENHOUSES -
2000 AERIAL**



63-5065 & 5067 [B/U CLAIMS] - 1964 AERIAL - NORTHERNMOST
PORTION OF PROPERTY HAS BEEN SOLD AND TOTAL
ACRES APPEAR TO BE THE CURRENT 8.3.
FEW MORE GREENHOUSE.



**63-14 - 1939 AERIAL - ORIGINAL DECREED RT.
ONLY 3 GREENHOUSES ON SITE - PERTINENT TO HEATING USE.
OTHER QUANTITY USED FOR IRRIGATION OF 25 ACRES, D/S**



Land Records

[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)

Property Details for Parcel R2129500152

- [Main Page](#)
- [Property Search](#)
- [Online Map](#)
- [Contact Us](#)
- [Disclaimer](#)
- [Help Index](#)
- [FAQ](#)
- [About Us](#)
- [Image Documents](#)
- [Old interactive map](#)

General Information

Property Acres: 3.000
Zone Code: R-1C
Primary Code Area: 01-3 Tax Districts
Group Type: SUB
Subdivision: EDWARDS THOMAS F SUB
Section: 4N2E29

Property Description

PAR #0152 OF SW4NE4
 SEC 29 4N 2E & OF
 LOTS 20 - 22 INC
 THOMAS F EDWARDS SUB

Property Address

N EDWARDS ST
 BOISE, ID 83703


[Click to View Interactive M](#)

Assessor Links

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	420-COM IMPROVEMENT	0.000	\$15,600	COST
Primary	10-IRRIGATED AG	3.000	\$4,100	INCOME

Total Assessed Value: \$19,700

Parcel Valuation History

Assessed value for year 2004 \$19,700
Assessed value for year 2003 \$19,000
Assessed value for year 2002 \$18,900
Assessed value for year 2001 \$75,000
Assessed value for year 2000 \$75,000

Ada County Links

- [Ada County Home Page](#)
- [Commissioners](#)
- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#) [\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
- [Human Resources](#)

Property Characteristics

Commercial
 Agriculture

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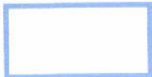
Idaho Department of Water Resources

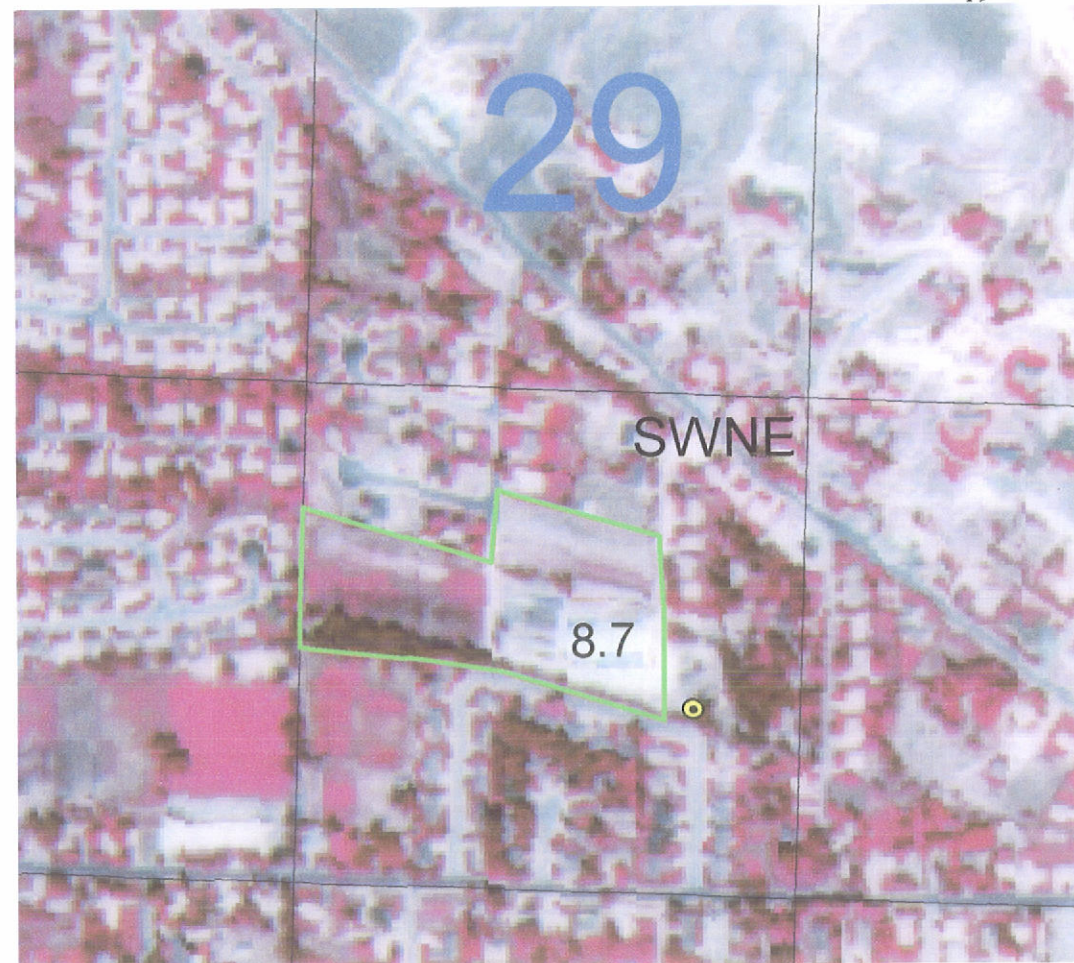
Claim Number: 63-05067

Legal: T4N, R2E, S29

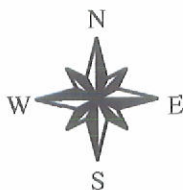
Reviewed By:

1987 Napp Photo

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



0 0.25 Miles



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 63-5067
Date Received: 5/1/1989
Receipt No: C006544
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARDS FAMILY LLC Phone: (208)342-7548
4106 SAND CREEK
BOISE ID USA 83703

2. Date of Priority: 10/01/1930

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	29	SE SW NE	ADA	

5. Description of diverting works:

2 WELLS, BOTH 60' DEEP, 5" CASING HAS 1.5 HP, 6" HAS 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.33	
COMMERCIAL	01/01	12/31	0.33	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: Greenhouses

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
04N	02E	29	SW	NE	DOMESTIC	
			SW	NE	COMMERCIAL	
			SW	NE	IRRIGATION	8.3
					Section Acres	8.3
					Total Acres	8.3

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: 63-14, 63-2402, 63-5065

14. Remarks:

Attorney name added to claim, per Notice of Appearance received. DH 8/27/2002

Name change by DH 9/9/2002

This claim includes a second well in the same legal subdivision that was added in 1956. It is claimed as an accomplished transfer pursuant to Section 42-1425, Idaho Code.

The place of use for irrigation is within the Boise City Canal service area, but because of the need for weed and chemical free water and for full year irrigation within the greenhouses, groundwater is now used and has been used as the primary source since the wells were constructed.

The rate for flow for irrigation is .04 cfs/acre in accordance with the determination of water requirements in the area in the Silkey vs. Tiegs decree.

Irrigation use is for fields and gardens. Irrigation within the greenhouses is included under the "commercial" use. The place of use for each of these uses can cover the entire parcel depending upon the use of temporary greenhouses from time to time.

15. Basis of Claim: Beneficial Use

RECEIVED

JAN 14 2005

Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983

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 A63-05067

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant(s) Edwards Family LLC Phone (208) 342-7548
Mailing Address 4106 Sand Creek, Boise, Idaho Zip 83703
2. Date of Priority (Only one (1) per claim) 10/1/1930
3. Source of water supply (a) Groundwater
Which is tributary to (b) N/A
4. a. Location of point of diversion is: Township 4N Range 2E Section 29, SE ¼ of SW ¼ of NE ¼, Govt. Lot _____, B.M., County of Ada (2 wells)
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼, 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. 2 wells, each are 60' deep, 5" casing has 1.5 Hp pump, 6" casing has 5 Hp pump.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 0.33 or _____

For Domestic purposes from 1/1 to 12/31 amount 0.04 or _____

For Commercial purposes from 1/1 to 12/31 amount 0.33 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.33 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Commercial use includes irrigation in greenhouses. Domestic use is for one home and shop.

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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	2E	29			8.3														8.3
		29			D/C														

Total number of acres irrigated 8.3

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 XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

63-00014, 63-02402, 63-05065

or None ()

14. Remarks:

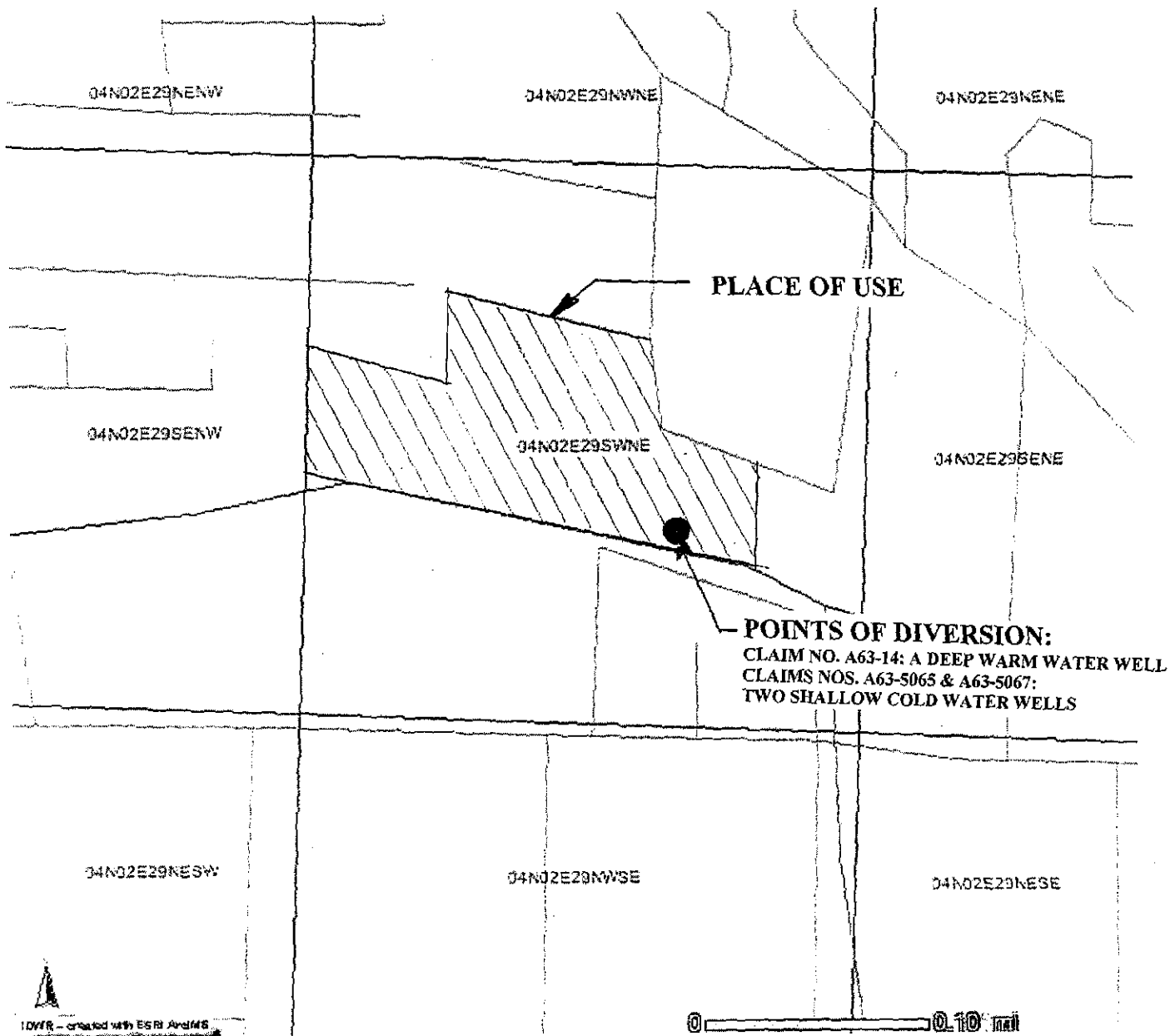
a. The claim includes a second well in the same legal subdivision that was added in 1956. It is claimed as an accomplished transfer pursuant to Section 42-1425, Idaho Code.

b. The place of use for irrigation is within the Boise City Canal service area, but because of the need for weed and chemical free water and for full year irrigation within the greenhouses, groundwater is now used and has been used as the primary source since the wells were constructed.

c. The rate of flow for irrigation is 0.04 cfs/acre in accordance with the determination of water requirements in the area in the Silkey v. Tiegs decree.

d. "Irrigation" use is for fields and gardens. Irrigation within the greenhouses is included under the "commercial" use. The place of use for each of these uses can cover the entire parcel depending upon the use of temporary greenhouses from time to time.

PLAT COVERS A PORTION OF SECTION 29, TOWNSHIP 4N RANGE 2E



PLAT TO ACCOMPANY AMENDED CLAIMS NOS. A63-14, A63-5065 AND A63-5067 IN THE NAME OF EDWARDS FAMILY LLC

15. Basis of Claim (Check One) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-5067

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 received notice in the Snake River Basin Adjudication." I/We do _____ do not XX 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 Garnette Monnie, managing member
of the Edwards Family LLC, that I have signed the foregoing
document in the space below as Managing Member of The Edwards Family LLC
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Garnette Monnie
Title and Organization Managing Member, The Edwards Family LLC Date 1/14/05

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

Subscribed and sworn to (affirmed) before me this 14th day of January 2005
Notary Public Sue E. Giberan
Residing at Boise Idaho
My Commission Expires 2-25-09



17. Notice of Appearance:

Notice is hereby given that I, Dana Hofstetter 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 Dana Hofstetter
Address Hofstetter Law Office, LLC 608 West Franklin St., Boise 83702
Date January 14, 2005

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5067
Date Received: 5/1/1989
Receipt No: C006544
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE ID USA 83703

Phone: (208) 342-7548

2. Date of Priority: 10/01/1930

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	29	SE	SW	NE	ADA	

5. Description of diverting works:

2 WELLS, BOTH 60' DEEP, 5" CASING HAS 1.5 HP, 6" HAS 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	0.36	

7. Total Quantity Appropriated is:
0.36 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	29	SW	NE	IRRIGATION	9
					Section Acres	9
					Total Acres	9

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 to claim, per Notice of Appearance received. DH 8/27/2002

Name change by DH 9/9/2002

15. Basis of Claim: Statutory Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

DEC 21 2001

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-00014	A63-00014	___	_____	_____	___
63-05065	A63-05065	___	_____	_____	___
63-05067	A63-05067	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Paul Wilson Edwards
4106 Sand Creek, Boise, Idaho 83703
4. New Owner/Claimant(s) Edwards Family LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
4106 Sand Creek
Boise, Idaho 83703
 New Mailing Address
 City, State and ZIP Code
 New Telephone Number 208 342-7548
5. Date you acquired the property December 29, 2000

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Garnette Mearce
member of the Edwards Family LLC

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 21 2001

WATER RESOURCES
WESTERN REGION

Edwards Family LLC

Dana L. Hofstetter
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
Fax (208) 424-8774
ISB No. 3867

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

In Re SRBA

Case No. 39576

) Subcase Nos. 63-00014, 63-05065,
) and 65-05067

)
)
) This should
) say 63-5067
=

E

_____) Please take notice that Dana L. Hofstetter of I reby appears as
counsel of record for Edwards Family LLC in the above-referenced subcases. You are requested to
serve all future papers and pleadings on Ms. Hofstetter at the address listed above.

DATED this 20th day of December, 2001.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter

RECEIVED

MAY 23 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 21 2001

WATER RESOURCES
WESTERN REGION

Edwards Family LLC

Dana L. Hofstetter
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
Fax (208) 424-8774
ISB No. 3867

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

In Re SRBA	)	Subcase Nos. 63-00014, 63-05065,
	)	and 65-05067
Case No. 39576	)	
	)	NOTICE OF APPEARANCE
_____	)	

Please take notice that Dana L. Hofstetter of Hofstetter Law Office, LLC hereby appears as counsel of record for Edwards Family LLC in the above-referenced subcases. You are requested to serve all future papers and pleadings on Ms. Hofstetter at the address listed above.

DATED this 20th day of December, 2001.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

Carl W. Edwards

FEE 12.00 DEPUTY

WARRANTY DEED

2000 DE 29 PM 2:54

100104472

THIS INDENTURE is made December 29, 2000, by PAUL W. EDWARDS and WILMA JOSEPHINE EDWARDS, husband and wife ("Grantors"), and EDWARDS FAMILY LLC, an Idaho limited liability company ("Grantee").

AS PART OF THE FUNDING of Grantee, Grantors hereby grant, bargain, sell, convey and confirm to Grantee those certain parcels of real property situated in the County of Ada, State of Idaho, and more particularly described on Exhibit "A" attached to this Warranty Deed and incorporated by this reference;

TOGETHER with all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, including, without limitation all water rights, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

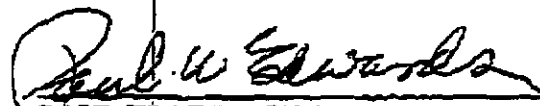
SUBJECT TO all existing encumbrances, rights reserved by federal and state laws or in federal patents or state deeds; building or use restrictions, building and zoning regulations and ordinances of any governmental unit; easements of record; rights-of-way of record; taxes and assessments for the current year; exceptions that would be revealed by a physical inspection of the property; and liens or encumbrances created by or permitted to exist by Grantee;

TO HAVE AND TO HOLD said premises unto Grantee and its successors and assigns forever.

Grantors warrant to Grantee and its successors and assigns that Grantors are the owners of said premises in fee simple and that Grantors have the right and authority to convey the same to Grantee. Grantors covenant with Grantee and its successors and assigns that Grantors will defend said premises to the extent of the warranties herein against the lawful claims of all persons.

The current address of Grantee is 4106 Sand Creek Street, Boise, Idaho 83703.

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by Grantors as of the day and year first above written.


PAUL W. EDWARDS


WILMA JOSEPHINE EDWARDS

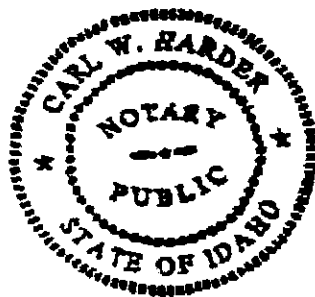
WARRANTY DEED - 1

STATE OF IDAHO)

County of Ada)

On December 29, 2000, before me, Carl W. Harder, a Notary Public in and for said state, personally appeared PAUL W. EDWARDS and WILMA JOSEPHINE EDWARDS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.



Carl W. Harder
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires August 16, 2006

EXHIBIT "A"

Those certain parcels of real property situated in the County of Ada, State of Idaho, more particularly described as follows:

- # 5 (A) Lots One through Four, inclusive, Block 1, of Thomas F. Edwards Subdivision situate in Section 29, Township 4 North Range 2 East of the Boise Meridian, in Ada County, State of Idaho.
- # 4 (B) Lots 20 through 22, inclusive, of Block 1, of the Thomas F. Edwards Subdivision, according to the plat thereof, records of Ada County, State of Idaho.
- (C) Permit to use hot and cold water from Lot 1, Block 1, of Thomas F. Edwards Subdivision, Ada County, State of Idaho.
- # 1 (D) A parcel of land in Southwest Quarter of Northeast Quarter of Section 29, Township 4 N., Range 2 E. B. M., Ada County, State of Idaho, and more particularly described as follows: Commencing at a point 10.86 chains North of the center of Section 29, thence S. 74° 43' E. 15.32 chains to an iron bar located at the Southeast Corner of Thomas F. Edwards' land, the true point of beginning; Thence N. 1° 15' E. 3.40 chs. to a piece of iron pipe; Thence S. 72° 30' E. 2.22 chains to a piece of iron pipe; thence S. 23° 05' E. 3.18 chains to a piece of iron pipe; thence N. 74° 43' West 3.55 chains to iron bar, the place of beginning, containing 0.98 (98/100) acres.
- (E) Beginning at the Northeast Corner of the Southwest Quarter of the Northeast Quarter of Section 29, Township 4 North, Range 2 East, B. M., Ada County, Idaho; thence South 358.38 feet; thence East 58.83 feet; thence South 285.09 feet to an iron rod; thence West 265.83 feet to an iron rod; thence South 24 feet to an iron pipe; thence North 72 degrees 30 minutes West 21.13 feet to the real point of beginning; thence North 72 degrees 30 minutes West 125.39 feet; thence North 1 degree 50 minutes East 49.50 feet; thence North 1 degree 20 minutes East 19.70 feet; thence South 88 degrees East 120 feet; thence South 1 degree 20 minutes West 104.11 feet to the real point of beginning;
- EXCEPTING Any portion which may lie in Tamarack Drive.
- (F) Beginning at the Northeast Corner of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) Section 29, T. 4N., R. 2E., B. M. Thence South 358.38 feet to a point, thence East 58.83 feet, thence South 285.09 feet to an iron rod, thence West 265.83 feet to the real point of beginning, thence South 24.0 feet, to

an iron pipe, thence N. 72 degrees 30 minutes West 21.13 feet to a point, thence North 1 degree 20 minutes East 104.11 feet to a point, thence S. 88 degrees 40 minutes E. 20.64 feet to a point, thence S. 1 degree 20 minutes W. 85.97 feet to the real point of beginning.

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: A63-05067
Date Received: 5/01/1989
Receipt No: 6006544
Received By: SP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL W. EDWARDS 208-342-7548
Address: 4106 SAND CREEK
BOISE, ID 83703

2. Date of Priority: OCT 01, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
2 WELLS, BOTH 60' DEEP, 5" CASING HAS 1.5 HP, 6" HAS 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.360		

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

8. Total consumptive use is 31.5 Acre Feet Per Annum.

9. Non-irrigation uses:
IRRIG. IN GREENHOUSE OF ABOUT 3 ACRES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	29	SW	NE		IRR	9.0
Section Acres							9.0

10. Place of Use: Continued

Total Acres 9.0

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:
63-00014, 63-02402, 63-05065

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 1

For Individuals:

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

Signature of Claimant(s): Paul W Edwards Date: 5/1/89
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 1ST day
of MAY 19 89

Jeff Peppersack
Notary Public

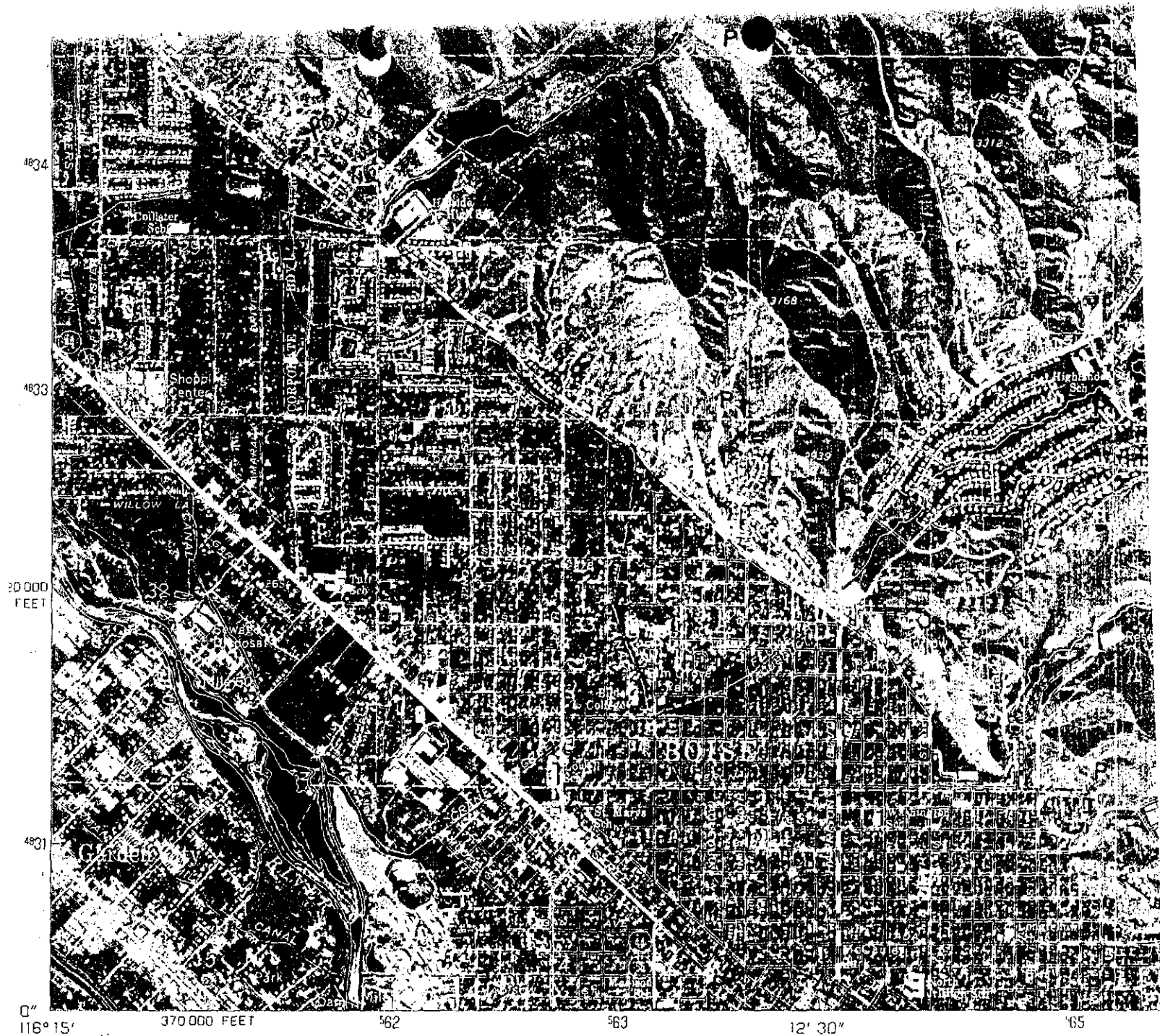
Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 20 1992

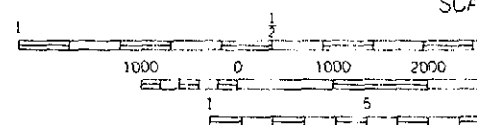
Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994



Produced by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken Sept. 4, 1975

Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid,
zone 11. 1927 North American datum



MICROFILMED
AUG 20 1992

Receipt Details for ID C006544

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/1/1989 12:39:15 PM	5/1/1989	State	\$254.00	Check
Payer		EDWARDS, PAUL W.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1277			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$254.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	14		\$144.00	Claim
63	5065		\$51.00	Claim
63	5067		\$59.00	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 63-5067

(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.

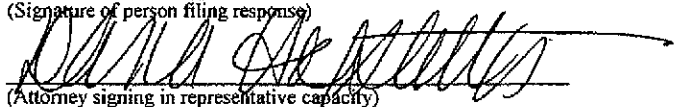
E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss:
County of Ada)

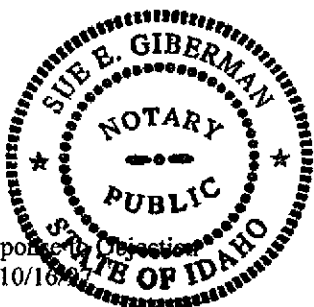
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

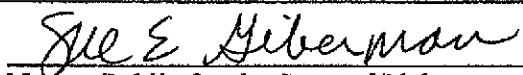
That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)


(Attorney signing in representative capacity)

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




Notary Public for the State of Idaho
Residing at: Bonne 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: Edwards Family LLC
Address: 4106 Sand Creek Street
Boise, Idaho 83703

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

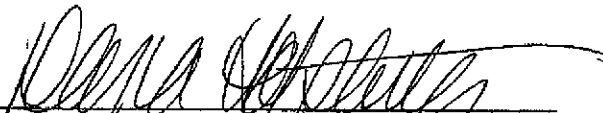
Name: Charles L. Honsinger
Address: Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

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 63-5067

(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: EDWARDS FAMILY LLC

Address: 4106 Sand Creek
Boise, Idaho 83703

D. I object to the following elements as recommended in the Director's Report. (Please check the

COPY

Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: A condition should be added requiring that this water right be used for irrigation purposes instead of water right no. 63-00014 to the extent possible.
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):

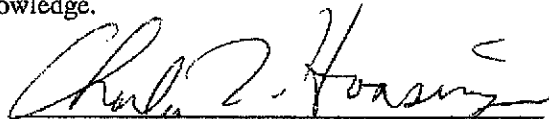
This cold water right should be used for irrigation purposes to the extent possible in place of geothermal water right no. 63-00014 which has been recommended with the same place of use as this water right.

F. VERIFICATION (must be completed)

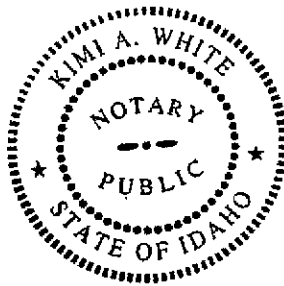
State of Idaho)
) ss.
County of Ada)

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/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: 04/01/10

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 by Federal Express:

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 by U.S. Mail:

Name: EDWARDS FAMILY LLC

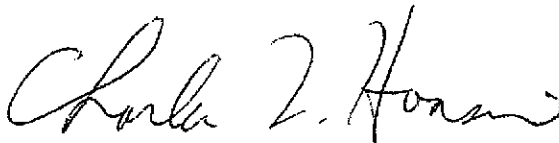
Address: 4106 Sand Creek
Boise, Idaho 83703

3. Copies by U.S. Mail 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

RECEIVED
APR 24 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 63-5067
(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
Boise, Idaho 83703
Daytime Phone: (208) 424-7800 (Hofstetter Law Office, LLC)

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

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

Name: Edwards Family LLC
Address: 4106 Sand Creek
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: _____
3. ☒ **Quantity**
Should be: 0.33 cfs total and 0.33 cfs each for irrigation and commercial.
The volume of 37.35 should be deleted or revised to reflect
greenhouse watering needs.
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: The claimed domestic use should be added. The commercial
use description should be consistent with 63-14.
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: It should be clarified that "irrigation" does not refer to the
watering of plants inside greenhouses. Domestic place of use should
be added.
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):** Claimed quantity is 0.33 cfs for each commercial and irrigation uses based on irrigation duty of water in *Silkey v. Tiegs*. The 37.35 afa quantity appears to be based on the amount that typically would be required for outdoor irrigation in the area. However, this quantity is not appropriate for indoor greenhouse watering. A domestic use should be designated for the home. The commercial use description should be consistent with the description in right no. 63-14 to avoid confusion.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

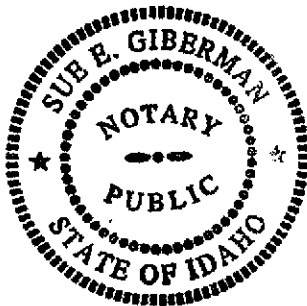
Dana L. Hofstetter _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Edwards Family LLC
4106 Sand Creek
Boise, Idaho 83703

3. Copies to:

IDWR Document Depository
PO 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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
JUL 15 2005

NOTICE OF ERROR
REPLY

WATER RESOURCES
WESTERN REGION

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

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

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

Water right number: 63-5067

EDWARDS FAMILY LLC

4106 Sand Creek

BOISE ID 83703

Telephone Number: (208)342-7548

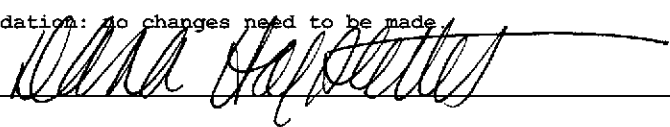
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): QUANTITY, POINT OF DIVERSION, PURPOSE AND PERIOD OF USE, EXPLANATORY MATERIAL

2. Describe the changes you wish to make in the proposed recommendation: THE TOTAL RATE OF DIVERSION RECOMMENDED MATCHES THE CLAIMED 0.33 CFS; HOWEVER, THE RECOMMENDATION FOR THE INDIVIDUAL USES OF COMMERCIAL AND IRRIGATION EACH ARE RECOMMENDED AT ONLY 0.17 CFS. THE COMMERCIAL AND IRRIGATION USES SHOULD BE RECOMMENDED FOR 0.33 CFS EACH WITH A TOTAL OF 0.33 CFS OVERALL. THE VOLUME LIMITATION OF 37.35 AFY SHOULD BE DELETED OR, IN THE ALTERNATIVE, REVISED TO REFLECT LOCAL GREENHOUSE WATER REQUIREMENTS. THE CLAIMED DOMESTIC USE FOR ONE HOME HAS NOT BEEN INCLUDED AND SHOULD BE ADDED AS A "PURPOSE OF USE." THE COMMERCIAL USE DESCRIPTION SHOULD BE CONSISTENT WITH THE DESCRIPTION IN WATER RIGHT NO. 63-00014. SEE NOTICE OF ERROR REPLY FOR 63-00014. TWO WELLS AT THIS SAME LOCATION SHOULD BE IDENTIFIED AS "POINTS OF DIVERSION."

3. Give a brief explanation as to why you disagree with these portions: THE RATE UNDER "COMMERCIAL USE" MAY BE LIMITED TO ONLY 0.17 CFS UNLESS THE FULL QUANTITY ALLOWED IS DESIGNATED FOR EACH USE. THE VOLUME LIMITATION APPEARS TO BE BASED ON THE TYPICAL QUANTITY REQUIRED FOR OUTDOOR IRRIGATION IN THE AREA, HOWEVER, THIS QUANTITY IS NOT APPROPRIATE FOR INDOOR GREENHOUSE PLANT WATERING. A DOMESTIC USE SHOULD BE DESIGNATED FOR THE HOME. THE COMMERCIAL USE DESCRIPTION SHOULD BE CONSISTENT WITH THE DESCRIPTION IN WATER RIGHT NO. 63-00014 TO AVOID CONFUSION. THE "EXPLANATORY MATERIAL" SECTION STATEMENT INCLUDES RECOGNITION OF AN ACCOMPLISHED TRANSFER RELATIVE TO PURPOSE OF USE, BUT THE CLAIMED ADDITIONAL WELL AT THE POINT OF DIVERSION WAS NOT RECOGNIZED.

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

DATE: JULY 15, 2005

SIGNATURE: 

Please print your name: DANA L. HOFSTETTER, Attorney at Law

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

08/15/2005

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

RIGHT NUMBER: 63-5067

NAME AND ADDRESS: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS
37.350 AFY

Use of this right with Right No. 63-14 is limited to a total combined diversion rate of .84 cfs for irrigation.

PRIORITY DATE: 10/01/1930

POINT OF DIVERSION:

T04N R02E S29 SWNE Within ADA County

T04N R02E S29 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.170 CFS 37.35 AFY
IRRIGATION	01/01 12/31	0.170 CFS 37.35 AFY

Commercial use is for a greenhouse business and includes all associated uses including use for retail offices and shop, heating, and irrigation inside and outside of the greenhouses.

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

COMMERCIAL Within ADA County

T04N R02E S29 SWNE

8.3 ACRES TOTAL

Use of this right with Right No. 63-14 is limited to the irrigation of a combined total of 8.3 acres.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Music, Vicky

From: Music, Vicky
Sent: Thursday, January 26, 2006 4:03 PM
To: 'Norm Young'
Subject: RE: 63-5067 (Edwards Family LLC)

All of my comments are in the database - there is no memo. These are the changes made after the preliminary that are reflected in the director's report and the rationale for those changes:

1 - total quantity changed from .33 cfs to .17 cfs. In the preliminary, I recommended .17 cfs under purposes but failed to notice that I did not reduce it in the total quantity element of the prelim. It was claimed at this rate because Silkey v Tiegs decreed 2"/acre for the geothermal rights subject to the decree. However, this was a beneficial use claim for a cold water well, it was not subject to the Silkey v Tiegs decree and as such, is subject to the statutory .02 cfs/acre duty of water.

2- corrected quantity remark. changed to reflect the combined use with 63-14 as limited to .84 cfs not .33 cfs.

3 - added pod for second cold water well. per NOE from Dana.

4 - added accom change in pod remark. Had to include when added second cold water well [63-5065] that was drilled later and added to combined system.

5 - added afa to irrigation purpose. IDWR standard.

If I omitted any of the changed to which you were referring, or in you want to review the claim file and have copies made, let me know.

Vicky Music

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

From: Norm Young [mailto:nyoung@eroresources.com]
Sent: Thursday, January 26, 2006 3:08 PM
To: Vmusic@idwr.state.id.us
Cc: Dana Hofstetter
Subject: 63-5067 (Edwards Family LLC)

Vicky:

Is the file for this claim/recommendation still at Western? If so, could you fax or email me a copy of the memos or field exam by Burke Scholer and/or staff memos supporting the changes to this right from the preliminary recommendation to the recommendation submitted to the SRBA court.

Thank you.

Norm Young

HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Phone: (208) 424-7800
Fax: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: May 23, 2005

TO: Vicky Music

FAX: 334-2348

FROM: Dana Hofstetter

RE: Edwards – Water Right No. 63-5067

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 2

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.

ORIGINAL BY MAIL: YES _____ NO X

Phone 71-R8

Gen. Delivery

**THOS. F. EDWARDS**

GROWER-OF

SWEET POTATOES

MARKET GARDENER AND PLANT SPECIALIST

Boise, Idaho

1930

Sold to

Value of Work

Well Drilling	1	20.00
11 ft. Well	15	877.50
60 ft. Well	10	66.00
2 ft. Well	4	92.50
4 ft. Well	1	36.00
8 ft. Well	1	18.50
750 ft. Well	1	83.50
245 ft. Well	1	25.00
2 ft. Well	1	6.00
4 ft. Well	1	6.00
7 ft. Well	1	6.00
10 ft. Well	1	6.00
12 ft. Well	1	6.00
14 ft. Well	1	6.00
16 ft. Well	1	6.00
18 ft. Well	1	6.00
20 ft. Well	1	6.00
22 ft. Well	1	6.00
24 ft. Well	1	6.00
26 ft. Well	1	6.00
28 ft. Well	1	6.00
30 ft. Well	1	6.00
32 ft. Well	1	6.00
34 ft. Well	1	6.00
36 ft. Well	1	6.00
38 ft. Well	1	6.00
40 ft. Well	1	6.00
42 ft. Well	1	6.00
44 ft. Well	1	6.00
46 ft. Well	1	6.00
48 ft. Well	1	6.00
50 ft. Well	1	6.00
52 ft. Well	1	6.00
54 ft. Well	1	6.00
56 ft. Well	1	6.00
58 ft. Well	1	6.00
60 ft. Well	1	6.00
62 ft. Well	1	6.00
64 ft. Well	1	6.00
66 ft. Well	1	6.00
68 ft. Well	1	6.00
70 ft. Well	1	6.00
72 ft. Well	1	6.00
74 ft. Well	1	6.00
76 ft. Well	1	6.00
78 ft. Well	1	6.00
80 ft. Well	1	6.00
82 ft. Well	1	6.00
84 ft. Well	1	6.00
86 ft. Well	1	6.00
88 ft. Well	1	6.00
90 ft. Well	1	6.00
92 ft. Well	1	6.00
94 ft. Well	1	6.00
96 ft. Well	1	6.00
98 ft. Well	1	6.00
100 ft. Well	1	6.00

Total

2942.20

Music, Vicky

From: Hofstetter Law Office [Dana@IdahoWaterLaw.com]
Sent: Saturday, May 21, 2005 7:58 PM
To: Music, Vicky
Cc: Garnette Monnie; Norm Young
Subject: Re: Edwards statutory claims 63-5065, 63-5067

Vicky:

I agree that typically statutory claims may not serve as actual evidence

of priority date but I think that under the factual circumstances presented here they should be. Paul Edwards who executed the statutory claims (under oath before a notary) was the son of Thomas Edwards, the original developer of the property and the wells. Thus, Paul Edwards who grew up on the property and later operated the greenhouse business would have witnessed firsthand the drilling of the well in 1930. Paul Edwards passed away a few years ago and it may be difficult now to find someone else who would have witnessed original well construction and use. Thus, while typically a statutory claim signatory may not have knowledge of the commencement of well construction and original use of the wells, in this case the statutory claim signatory did have such actual personal knowledge. We can provide you an affidavit of Garnette Monnie, Paul Edwards's daughter and the current owner of Edwards Greenhouses, regarding Paul Edwards' relationship and knowledge about the property in the 1930 timeframe, if this would be helpful. We also will try to locate some additional information documenting the statutory

claim priority dates and let you know if we find anything.

Regards,
Dana

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Music, Vicky wrote:

>Hi Dana -
>I spoke with Burke Scholer yesterday. He is an IDWR subcontractor who did
>the Edwards field exam. When he spoke with Norm re evidence of priority for
>the 2 statutory claims, Norm mistakenly told Burke the statutory claims
>themselves served as affidavits regarding evidence of priority.
>
>That is incorrect. The statutory claims, like SRBA claims, are the claimants
>assertion of what their right is. IDWR legal staff have previously advised
>us that a statutory claim only provides evidence as of the date the claim
>was filed which, in the Edwards claims, was in 1983.
>
>Hence, I need statements in sufficient detail to establish the beneficial
>use of the 2 statutory claims. Our deadline for recommendations is this
>Friday, May 27th. I must have this evidence by Wednesday or I will have to

>advance the priority date of these 2 claims to 1939, the date of the
>earliest aerals I have.

>

>Thanks -

>

>Vicky L. Music

>Senior Water Resource Agent

>IDWR / Western Region

>(208) 334-2190

>

>

>

>

>

>

Music, Vicky

From: Music, Vicky
Sent: Monday, May 23, 2005 8:16 AM
To: 'Hofstetter Law Office'
Subject: RE: Edwards 63-5065, 63-5067

Dana - Can you fax a copy to me asap ? It is not necessary for me to see the original. Thanks - Vicky

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

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Saturday, May 21, 2005 9:28 PM
To: Music, Vicky
Cc: Garnette Monnie; Norm Young
Subject: Edwards 63-5065, 63-5067

Vicky:

Awhile back Garnette gave me a bunch of historical documents. Your e-mail prompted me to look through the materials on the remote possibility there was something to verify the 1930 priority on the statutory claim. Actually, I did find an itemization entitled "Value of Works" dated June 6, 1930 that apparently lists the value of the wells and associated pipelines, valves, etc. on the property. It appears to have been handwritten by Thomas Edwards as the itemization is on a receipt form with the following heading: "Thos. F. Edwards - Grower of Sweet Potatoes - Market Gardener and Plant Specialist." Included on the itemization is an entry for "60 feet of 6 inch casing" which corresponds with the well information on Paul Edwards' statutory claim for 63-5067. This would confirm that the well associated with 63-5067 was installed by June 6, 1930, a few months earlier than the October 1, 1930 date Paul Edwards put on the statutory claim. I can deliver a copy of the receipt for your files and bring along the original to show you. Please let me know when would be a good time to do so next week.

-Dana

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Music, Vicky

From: Music, Vicky
Sent: Saturday, May 21, 2005 3:25 PM
To: 'Dana@IdahoWaterLaw.com'
Subject: Edwards statutory claims 63-5065, 63-5067

Hi Dana -

I spoke with Burke Scholer yesterday. He is an IDWR subcontractor who did the Edwards field exam. When he spoke with Norm re evidence of priority for the 2 statutory claims, Norm mistakenly told Burke the statutory claims themselves served as affidavits regarding evidence of priority.

That is incorrect. The statutory claims, like SRBA claims, are the claimants assertion of what their right is. IDWR legal staff have previously advised us that a statutory claim only provides evidence as of the date the claim was filed which, in the Edwards claims, was in 1983.

Hence, I need statements in sufficient detail to establish the beneficial use of the 2 statutory claims. Our deadline for recommendations is this Friday, May 27th. I must have this evidence by Wednesday or I will have to advance the priority dates of these 2 claims to 1939, the date of the earliest aerals I have.

Thanks -

Vicky L. Music
Senior Water Resource Agent
IDWR / Western Region
(208) 334-2190

05/24/2005

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

RIGHT NUMBER: 63-5067

NAME AND ADDRESS: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 17 ~~0.170~~ CFS
37.350 AFY

Use of this right with Right No. 63-14 is limited to a total combined diversion rate of 37.35 cfs for irrigation.

PRIORITY DATE: 10/01/1930

POINT OF DIVERSION:

T04N R02E S29 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.170 CFS 37.35 AFY
IRRIGATION	01/01 12/31	0.170 CFS

Commercial use is for a greenhouse business and includes all associated uses including use for retail offices and shop, heating, and irrigation inside and outside of the greenhouses.

PLACE OF USE: COMMERCIAL Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

8.3 ACRES TOTAL

Use of this right with Right No. 63-14 is limited to the irrigation of a combined total of 8.3 acres.

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

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

EXPLANATORY MATERIAL: Beneficial Use

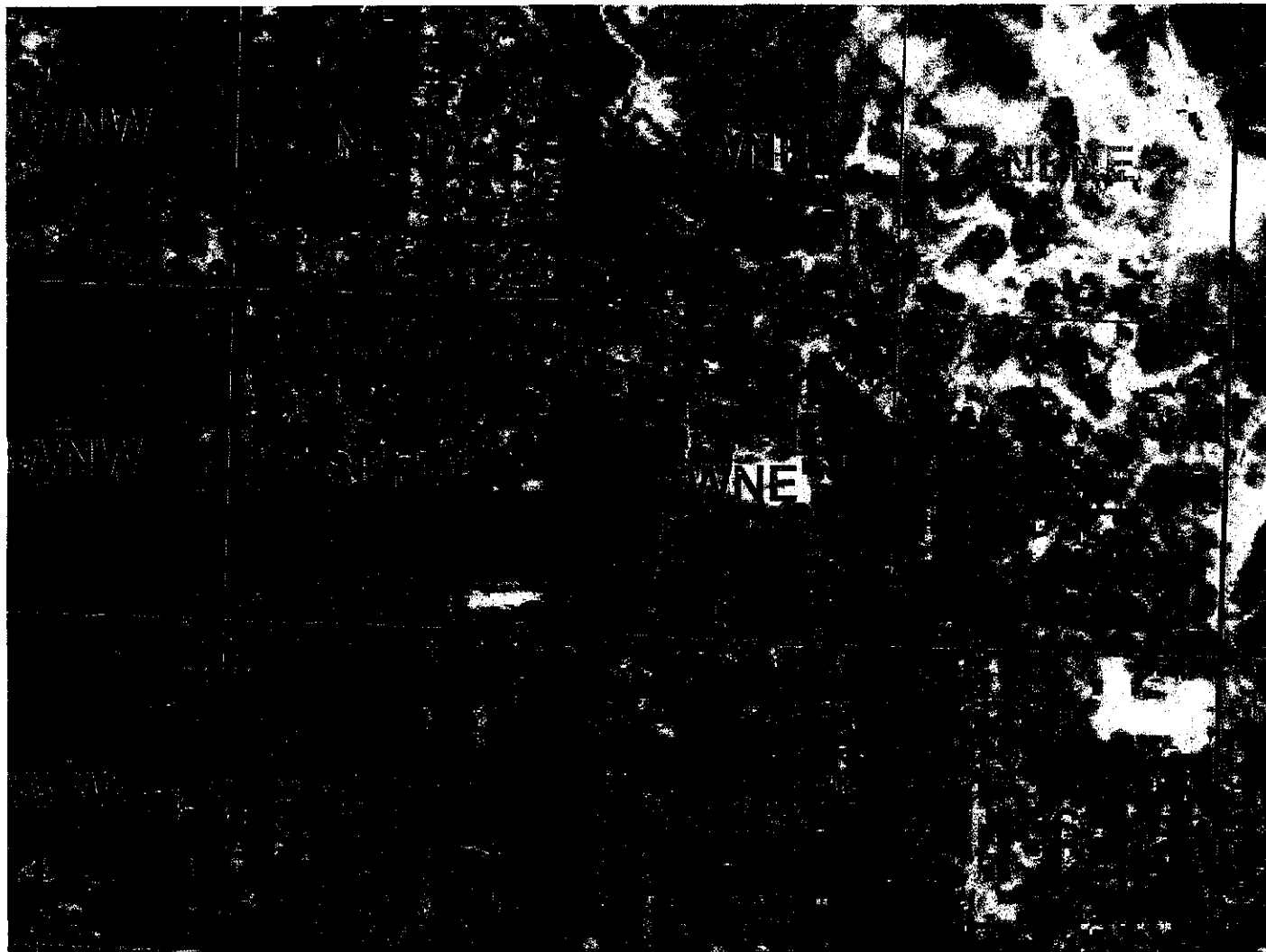
Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

COZ Acc change in POD



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

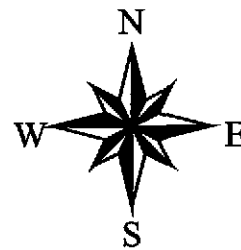
**T4N R2E SECTION 29
Water Right (s): 63-14 and 63-5067**



1320 0 1320 Feet

A horizontal scale bar with three segments. The left segment is labeled '1320', the middle segment is labeled '0', and the right segment is labeled '1320 Feet'.

TOTAL IRRIGATED ACRES = 8.3



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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5067 V1

WATER RIGHT NUMBER: 63-5067 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAUL W EDWARDS 4106 SAND CREEK BOISE, ID 83703 (208)342-7548
Current Owner	EDWARDS FAMILY LLC 4106 SAND CREEK BOISE, ID 83703 (208)342-7548
Attorney	HOFSTETTER LAW OFFICE LLC C/O DANA L HOFSTETTER 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800

Priority Date: 10/01/1930

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>
COMMERCIAL	01/01 to 12/31	0.170 CFS	37.35 AF
IRRIGATION	01/01 to 12/31	0.170 CFS	
	<u>Total Diversion:</u>	0.330 CFS	37.35 AF

Location of Point(s) of Diversion

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

Place of Use

COMMERCIAL Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

Total Acres: 8.3

Conditions of Approval:

1. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5067 V1

3. E51 Use of this right with Right No. 64-14 is limited to a total combined diversion rate of .33 cfs for irrigation.
4. Commercial use is for a greenhouse business and includes all associated uses including use for retail offices and shop, heating, and irrigation inside and outside of the greenhouses.
5. E55 Use of this right with Right No. 63-14 is limited to the irrigation of a combined total of 8.3 acres.

Remarks:

Comments:

1. vmusic 5/24/2005 QUANTITY

Comment: CLAIMED 2 INCHES PER ACRE WHICH IS WHAT SILKEY V TIEG DECREE DECREED FOR THE GEOTHERMAL WELLS. THIS RIGHT WAS NOT DECREED SO REDUCED QUANTITY TO STANDARD DIVERSION RATE OF .02 CFS PER ACRE.

2. vmusic 5/24/2005 USES

Comment: DELETED DOMESTIC BECAUSE THERE IS ONE DOMESTIC USE CLAIMED UNDER 63-5063. COMMERCIAL USE COVERS ALL OTHER USES. COMMERCIAL CLAIMED PER 1979 IDWR MEMO. CHANGE MEMORIALIZES HISTORICAL USES FOR YEAR ROUND IRRIGATION AND HEATING IN GREENHOUSES.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/24/2005 4:34:18 PM	vmusic	Updated shape
POU	5/24/2005 4:36:20 PM	vmusic	Updated shape for Active POU
Contacts	5/24/2005 4:32:51 PM	vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: DESKTOP REVIEW
POU	5/24/2005 4:35:40 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? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS AND FIELD EXAM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5067 V1

Use	5/24/2005 4:37:34 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? (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 - FIELD EXAM
General	5/24/2005 4:33:25 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 claimed 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 - RECEIPT FOR WELL DATED IN 1930
POD	5/24/2005 4:33:45 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? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Summary	5/24/2005 4:53:57 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? (Yes) 4. Is any portion of the claim be recommended? (Yes) 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? (Yes) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5067 V1

Source	5/24/2005 4:35:12 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? (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 - FIELD EXAM
Season	5/24/2005 4:38:27 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	5/24/2005 4:45:10 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? (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 - SEE FIELD EXAM FROM MAY 2005 Description for Question 10 - 8.3 ACRES X 4.5 AFA = 37.35

Water Supply Bank:



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

September 9, 2002

EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE ID 83703

Re: Notice of Claim to a Water Right No. 63-14, 63-5065 & 63-5067

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the necessary name change for the land and appurtenant water rights, covered under the original filing.

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

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

cc: Dana L Hofstetter @ Hofstetter Law Office

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

December 20, 2001

Via U.S. Mail

Sue Taylor
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

DEC 21 2001

WATER RESOURCES
WESTERN REGION

Re: Water Right Nos. 63-00014, 63-05065, and 63-05067

Dear Ms. Taylor:

I enclose for filing with the Idaho Department of Water Resources an original Notice of Change of Water Right Ownership form and an original Notice of Appearance for the above-referenced water rights. I also enclose a copy of each document. Upon filing both originals, please conform the copies and return them to me in the enclosed self-addressed and stamped envelope. I understand that no filing fee is required since all 3 water rights covered by these filings have pending claims in the Snake River Basin Adjudication. Please let me know if I am incorrect in this regard and a filing fee is required. *AT*

Thank you for your assistance. If you have any questions or suggestions, please let me know.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

Dana Hofstetter
Dana L. Hofstetter

CC: Garnette Monnie w/ enclosures

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

MEMORANDUM

TO: Regional Offices
THRU: Bob Fleenor BDF
FROM: Dave Tuthill DET
DATE: May 29, 1979
SUBJ: Irrigation of Greenhouses

RECEIVED
JUN 1 1979

Department of Water Resources
Western Regional Office

One beneficial use that has been described many different ways is the irrigation of a greenhouse. The use has been described on applications for permit as "greenhouse", "irrigation" or "commercial".

As a standard procedure, "commercial" should be used, with the remark "Commercial use for greenhouse". In this way the year-long season can be justified, and the difference in consumptive use between normal irrigation and the greenhouse can be recognized.

Note that if heating is a purpose of the water used in the greenhouse, it should be identified as a separate use.

FILE IN 63-14

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5067

WATER RIGHT NUMBER: 63-5067

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAUL W EDWARDS 4106 SAND CREEK BOISE, ID 83703 (208)342-7548
Current Owner	EDWARDS FAMILY LLC 4106 SAND CREEK BOISE, ID 83703 (208)342-7548
Attorney	HOFSTETTER LAW OFFICE LLC C/O DANA L HOFSTETTER 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800

Priority Date: 10/01/1930 ✓

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>
DOMESTIC	01/01	to 12/31	0.040 CFS	
COMMERCIAL	01/01	to 12/31	0.330 CFS	
IRRIGATION	01/01	to 12/31	0.330 CFS	
<u>Total Diversion:</u>			0.330 CFS	

63-5067

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4NE1/4

Sec. 29, Twp 04N, Rge 02E, B.M.

ADA County

Place of UseDOMESTIC Within ADA County

T04N R02E S29 SWNE

COMMERCIAL Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

Total Acres: 8.3

Conditions of Approval:

When combined w/ 63-14,
limited to 8.3 ac 100% .33 cfs.

$x .02 = .166 = .17 \text{ cfs}$

com acc for in purpose in 1930.

com use for greenhouses & all associated uses

lim to 8.3 ac w/ 63-14

" " .33 cfs " "

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-5067

Remarks:

1. General Attorney name added to claim, per Notice of Appearance received. DH 8/27/2002
2. General Name change by DH 9/9/2002
3. General

This claim includes a second well in the same legal subdivision that was added in 1956. It is claimed as an accomplished transfer pursuant to Section 42-1425, Idaho Code.

The place of use for irrigation is within the Boise City Canal service area, but because of the need for weed and chemical free water and for full year irrigation within the greenhouses, groundwater is now used and has been used as the primary source since the wells were constructed.

The rate for flow for irrigation is .04 cfs/acre in accordance with the determination of water requirements in the area in the Silkey vs. Tiegs decree.

Irrigation use is for fields and gardens. Irrigation within the greenhouses is included under the "commercial" use. The place of use for each of these uses can cover the entire parcel depending upon the use of temporary greenhouses from time to time.
4. General Claim amended per claimant request. 1/14/05

Comments:

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

SHAWETT MONNIE
GREENHOUSE
5/9/05 1:30

March 15, 2005

TO: IDWR FIELD EXAMINER
FROM: VICKY MUSIC, WATER RESOURCE AGENT

**FIELD EXAM/OTHER INFORMATION NEEDED FOR EDWARDS
GREENHOUSE CLAIMS 63-14, 63-5065, 63-5067:**

CONTACT FOR FIELD EXAM: Norm Young, PHONE # 373-7983 DAVID SHAW

Hot Water
63-14 DEAR
63-2402 LICENSE

CEL 484-4345

- GREENHOUSE
- 1 - Commercial use worksheet, commercial heating worksheet
 - 2 - year of accomplished transfer from irrigation to heating - HAS ALWAYS BEEN FOR HEATING SEE DE
 - 3 - Breakdown of acres irrigation inside [comm. Use] and outside [irr use - appears to be 4.5]
 - 4 - GPS deep well

COLD
WATER

63-5065

APARTMENT
SHOP

- ONE HOUSE YES 4120
- 1 - locate original house. Is this the same as the house in 63-5067? If located on the 4120 Tamarack property - mark it on the assessor map.
 - What is its current use of the house? residential or commercial SHOP ATTACHED. If commercial, need commercial worksheet - # of employees, facilities, hours worked/ day, days of the week.]
 - 2 - GPS well used here, do flow measurement
 - 3 - identify 1 ac place of use. WHAT APARTMENT?
 - 4 - is the home the same as the apartment? What are the other buildings at this address used for? Please label buildings on map. SHOP/HOME (1 BLDG)

COLD
WATER

63-5067 OLDER RIGHT

- THIS RIGHT NOT USED FOR HEATING
- 1 - Commercial worksheet, Commercial heating for all of the greenhouses & office buildings
 - 2 - year of accomplished transfer 2.55 AC
 - 3 - Breakdown of acres irr inside [comm. Use] and outside [irr use - 4.5] $2.9 + 2.05 + .5 = 5.45$
 - 4 - evidence of priority for 1930 priority date
 - 5 - where is the home or apartment & shop? - SHOWN ON MAP
 - 6 - the 2 shallow wells serve this claim? Identify which well operates from 4/1 - 10/15 - BOTH WELLS CAN OPERATE YEAR ROUND and the well that pumps from 10/15 - 4/1.
 - 7 - GPS wells
 - 7 - the statutory claim states that this is for irrigation of 5 acres and a home. Is this the first or only home on the site? - YES

Prattke Scholten
Field notes

Field Exam Date 5/9/05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

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) 63-5067

Owner: EDWARDS FAMILY LLC Phone No. 342-7548

Current Address: 4106 SANDCREEK BOISE ID 83703

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

Accompanied by: NORM YOUNG & DAVID STCLAIRE

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: 10/1/1930

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

Source: GROUNDWATER Tributary to _____

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

POINT OF DIVERSION

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

1386428

Points of Diversion:

GPS + NAPP PHOTO

1956 RIGHT 6" DIA WELL W/ SUBMERGIBLE PUMP - 1.5 HP. PWL = 25'

1930 Right 8" " " " " " 5.0 HP PWL=25

Other water rights with the same point of diversion: 63-5065

NO

- ☐ No change
- ☐ Different Uses

Use DOMESTIC From 1/1 To 12/31 Amount 0.04 CFS AFA

Use COMMERCIAL From 1/1 To 12/31 Amount 0.33 CFS AFA

☒ Incomplete on claim, the total is, Amount 0.33 CFS AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____

☒ More than 1" per Acre? Yes ✓ (claimant must complete excess flow sheet)

0.4 CFS/ACRE AS PER DECREE

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ **Additional comments:** _____

☒ No Change

☐ Changes shown below:

ITEMS ON MEMO:

1. THIS RIGHT IS NOT USED FOR HEATING. THE COMMERCIAL PORTION IS USED FOR IRRIGATION OF PLANTS INSIDE THE GREENHOUSE
2. ACCOMPLISHED TRANSFER: SEE ITEM 14a. FOR EXPLANATION
3. IRRIGATED ACRES INSIDE OF GREENHOUSE IS 2.35. SEE MAP
4. EVIDENCE OF PRIORITY/DATE: STATUTORY CLAIM AS AFFIDAVIT
5. SHOP & HOME: SHOWN ON MAP
6. SEE NARRATIVE
7. THIS HOME (IN SHOP & HOME) IS THE ONLY HOME.

NOTE: THE STATUTORY CLAIM DOES NOT REFLECT THE TRUE OPERATION OF THE RIGHT ACCORDING TO THE INFORMATION I OBTAINED.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ 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: 5/9/05 5/20/05

FIELD EXAMINER: Bruce H. Scholz

YEAR AROUND
DOMESTIC
COMMERCIAL
IRRIGATION

BIG WELL
COLD

RECEIVED

JAN 14 2005

Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983

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

A63-05067

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant(s) Edwards Family LLC Phone (208) 342-7548
Mailing Address 4106 Sand Creek, Boise, Idaho Zip 83703
2. Date of Priority (Only one (1) per claim) 10/1/1930 ✓
3. Source of water supply (a) Groundwater ✓
Which is tributary to (b) N/A
4. a. Location of point of diversion is: Township 4N Range 2E Section 29, SE ¼ of SW ¼ of NE ¼, Govt. Lot _____, B.M., County of Ada (2 wells)
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼, 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. 2 wells, each are 60' deep, 5" casing has 1.5 Hp pump, 6" casing has 5 Hp pump.
CORRECT

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 0.33 or COMMERCIAL

For Domestic purposes from 1/1 to 12/31 amount 0.04 or _____

For Commercial purposes from 1/1 to 12/31 amount 0.33 or (INCLUDING INSIDE IRRIGATION)

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.33 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Commercial use includes irrigation in greenhouses. Domestic use is for one home and shop.

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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
4N	2E	29			8.3														8.3
		29			D/C														

Total number of acres irrigated 8.3

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 XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

63-00014, 63-02402, 63-05065

or None ()

14. Remarks:

a. The claim includes a second well in the same legal subdivision that was added in 1956. It is claimed as an accomplished transfer pursuant to Section 42-1425, Idaho Code.

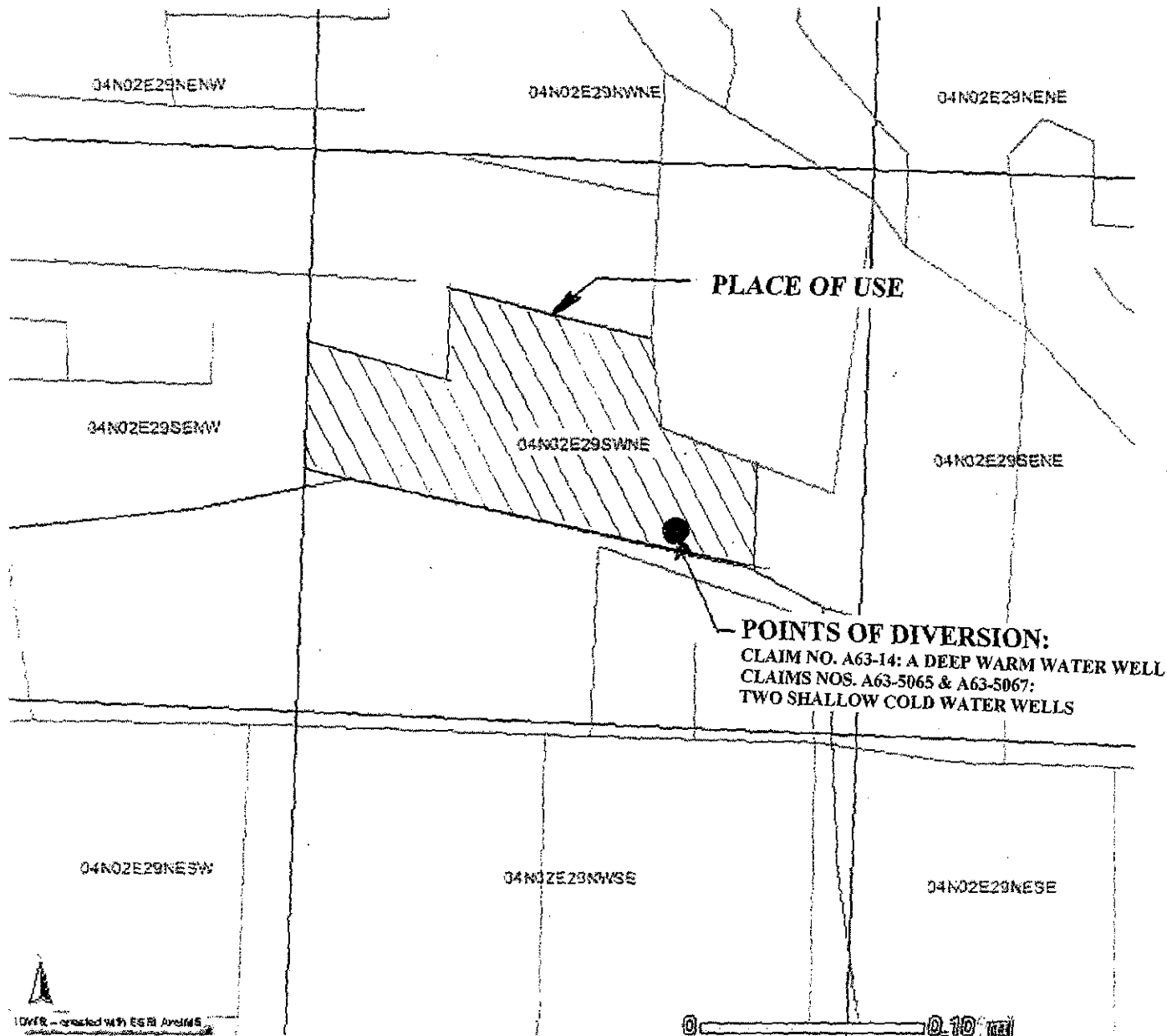
b. The place of use for irrigation is within the Boise City Canal service area, but because of the need for weed and chemical free water and for full year irrigation within the greenhouses, groundwater is now used and has been used as the primary source since the wells were constructed.

Last Name Edwards Family LLC Ident. Number A63-05067

c. The rate of flow for irrigation is 0.04 cfs/acre in accordance with the determination of water requirements in the area in the Silkey v. Tiegs decree.

d. "Irrigation" use is for fields and gardens. Irrigation within the greenhouses is included under the "commercial" use. The place of use for each of these uses can cover the entire parcel depending upon the use of temporary greenhouses from time to time.

PLAT COVERS A PORTION OF SECTION 29, TOWNSHIP 4N RANGE 2E



PLAT TO ACCOMPANY AMENDED CLAIMS NOS. A63-14, A63-5065 AND A63-5067 IN THE NAME OF EDWARDS FAMILY LLC

15. Basis of Claim (Check One) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-5067

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 received notice in the Snake River Basin Adjudication." I/We do _____ do not XX 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 Garnette Moonie, managing member
of the Edwards Family LLC, that I have signed the foregoing
document in the space below as Managing Member of The Edwards Family LLC
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Garnette Moonie
Title and Organization Managing Member, The Edwards Family LLC Date 1/14/05

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

Subscribed and sworn to (or affirmed) before me this 14th day of January 2005



Notary Public Sue E. Giberman
Residing at Boise Idaho
My Commission Expires 2-25-09

17. Notice of Appearance:

Notice is hereby given that I, Dana Hofstetter 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 Dana Hofstetter
Address Hofstetter Law Office, LLC 608 West Franklin St., Boise 83702
Date January 14, 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Paul Wilson Edwards
(Name of Claimant)

{Name of Claimant

4203 Catalpa Dr. Bellingham, WA 98203
(Mailing Address) (Name of Claimant) (Zip Code)

Telephone No. 342 7548

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Oct 1 1950

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GROUNDWATER tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.02 CFS</u>	Use <u>DOMESTIC</u>	Period of Use From <u>4-1</u>	To <u>10-15</u>
Quantity	<u>.36 CFS</u>	Use <u>IRRIGATION</u>	Period of Use From <u>4-1</u>	To <u>10-15</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

- (4) .36 cfs TOTAL QUANTITY USED.
(cfs. at)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ NE ¼, Sec. 29 Twp. 4N Rge. 2E B.M., County of ADA

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 6 IN WELL - 60 FEET DEEP. 5 HP MOTOR. 2 IN PIPELINES TO FIELDS

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

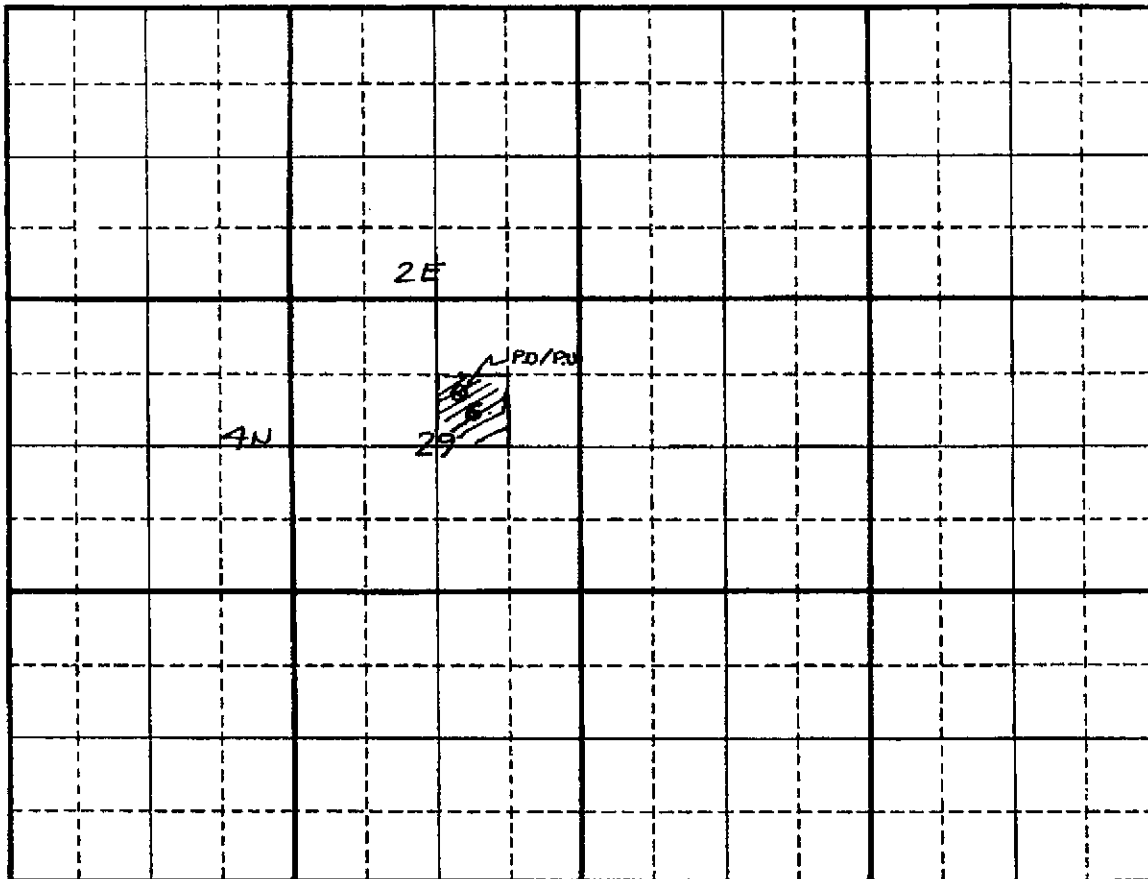
No. of acres 6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: DOMESTIC
HOME

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks 2 WELLS ARE USED IN CONTINUATION. ONE WELL IS USED FROM 4-1 TO 10-15 AND THE OTHER FROM 10-15 TO 4-1. WELLS AND RUMPI ARE NEVER USED TOGETHER. USED FOR IRRIGATION OF 5 ACRES AND 50,000 SQ FT GREENHOUSE. LOT NO. 1 OF EDWARD SURVIVISION



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Paul Wilson Edwards
(Claimant)

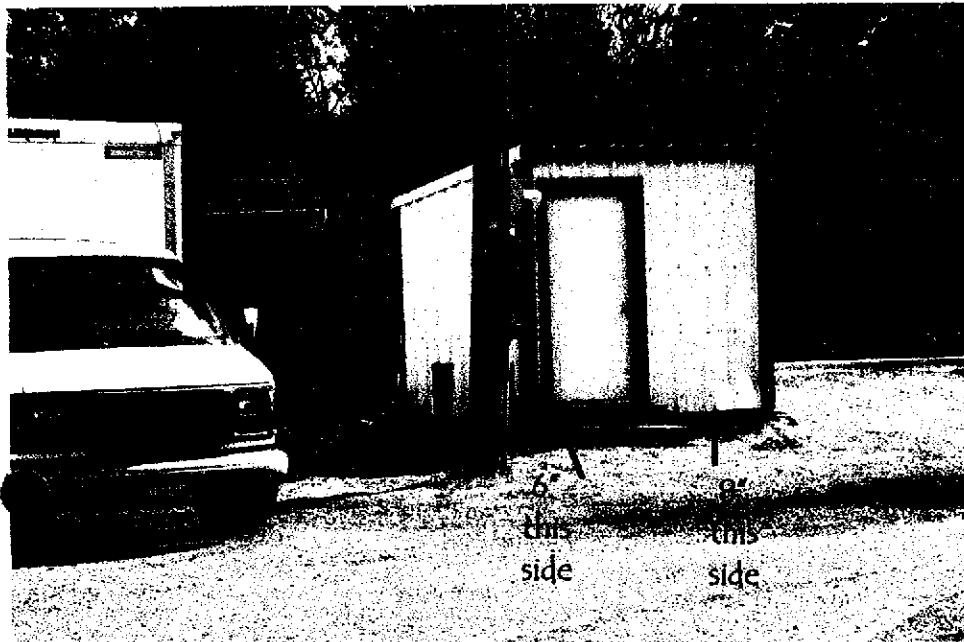
Sworn to before me this 20 day of May, 1983.

Donald Ruff
Notary Public
Residing at Boise, ID

My commission expires LIFE

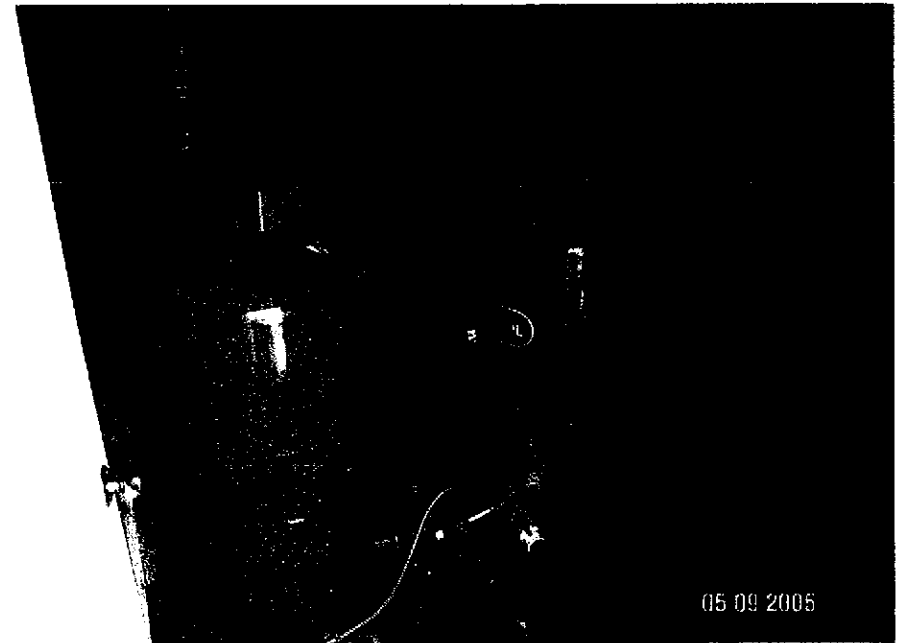
FOR DEPARTMENT USE ONLY

Received by MS Date 5/20/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by G Date 6/9/83 claimant by: _____
\$30.00 fee received by JR Date 5/20/83 *28870
Published in Idaho Statesman _____
Dates 6/30 & 7/1/83 _____



Well / Pump House for
both Cold water wells

63-5065; 5067

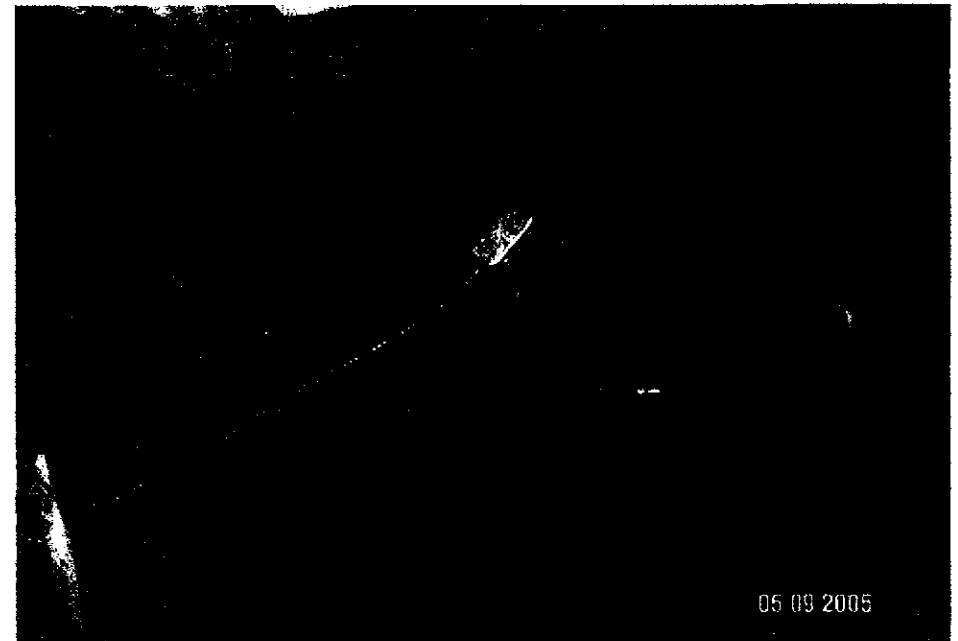


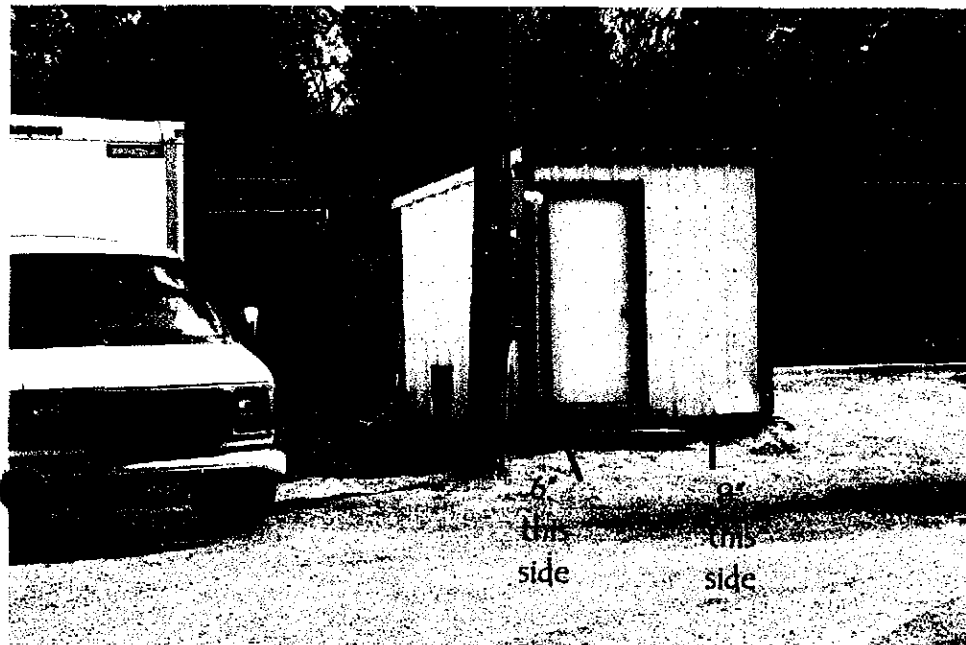
Inside Cold Water well
pump house

Well / Pump Head in well pit
8" Primary Well - 5 HP



Well / Pump Head
6" well - 1.5 HP





Well / Pump House for
both Cold water wells

63-5065; 5067



Inside Cold Water well
pump house

Well / Pump Head in well pit
8" Primary Well - 5 HP



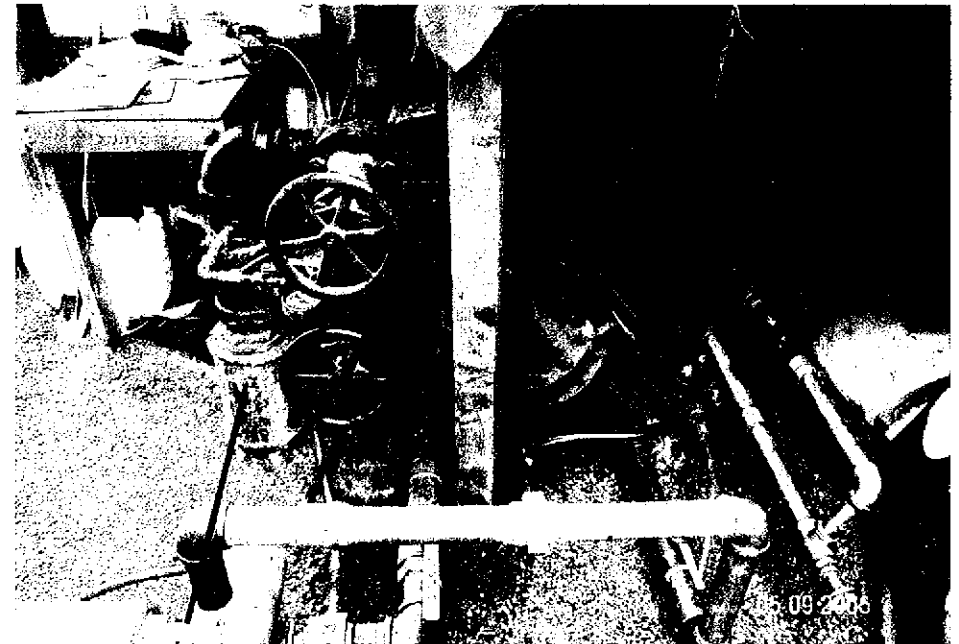
Well / Pump Head
6" well - 1.5 HP





Hot Water Well head
building

63-14; 5065; 5067



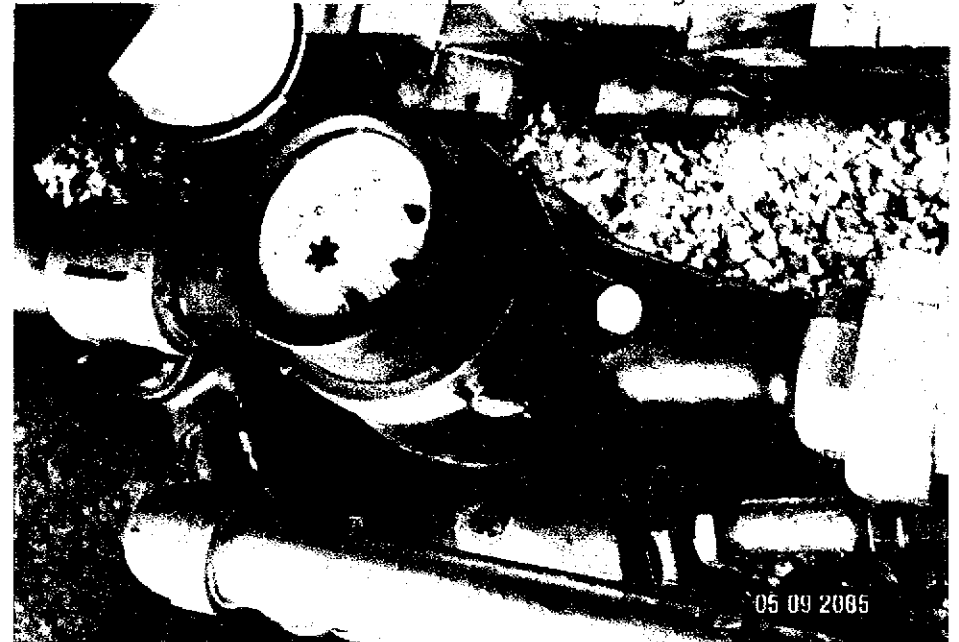
Hot water Artesian
Well head

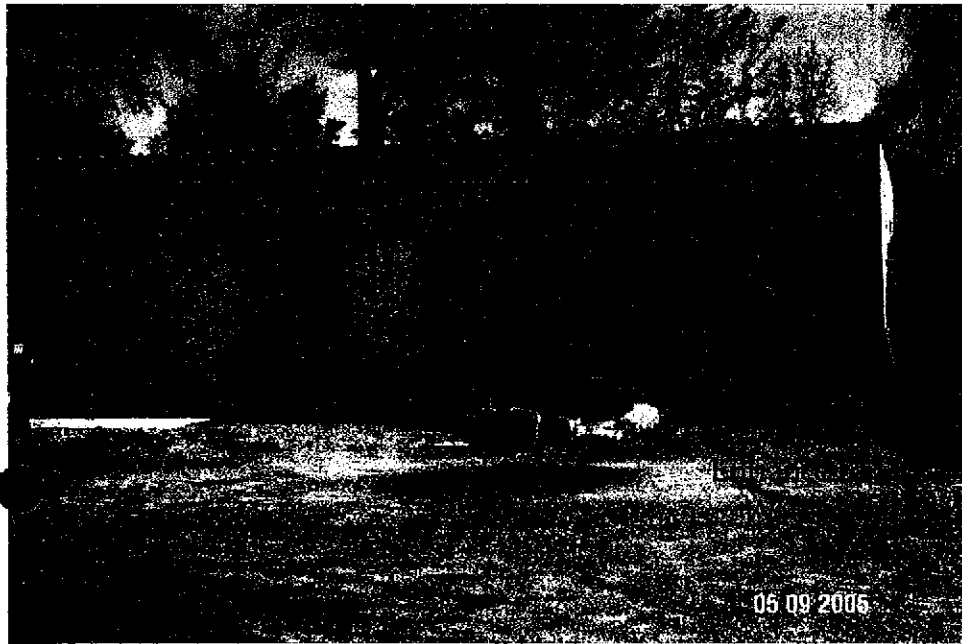
Discharge Pressure = 16PSI
Water Temperature = 119 ° F.

Associated Plumbing with
Hot Water Well



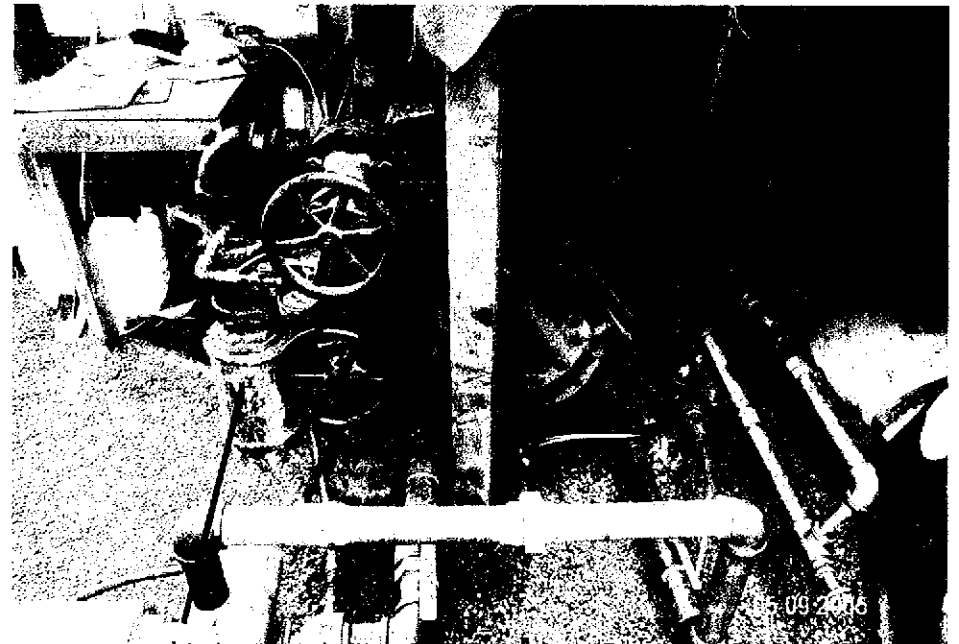
This hot waterline with flow meter goes to
house / shop only for heating





Hot Water Well head
building

63-14; 5065; 5067



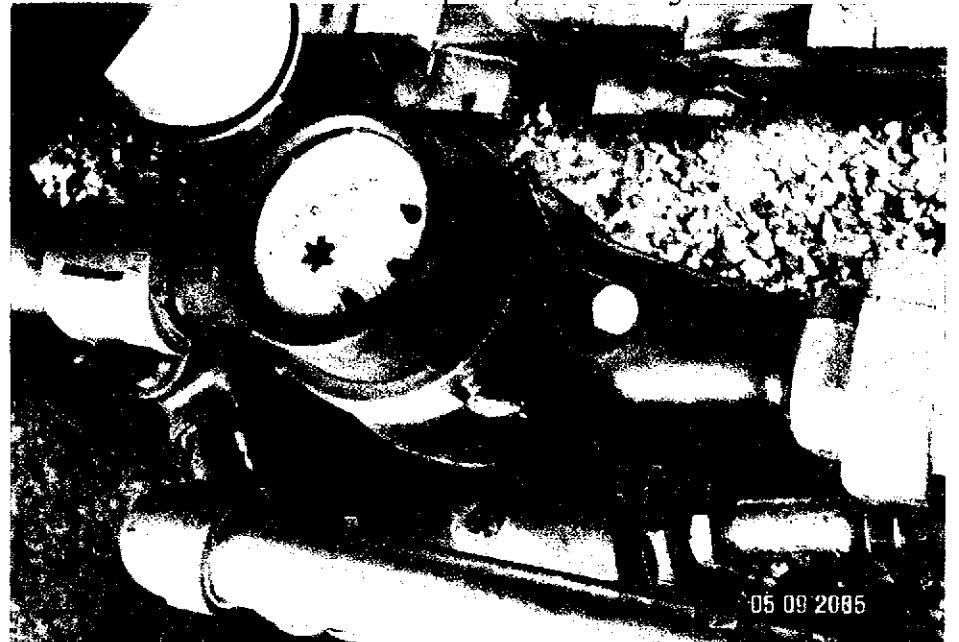
Hot water Artesian
Well head

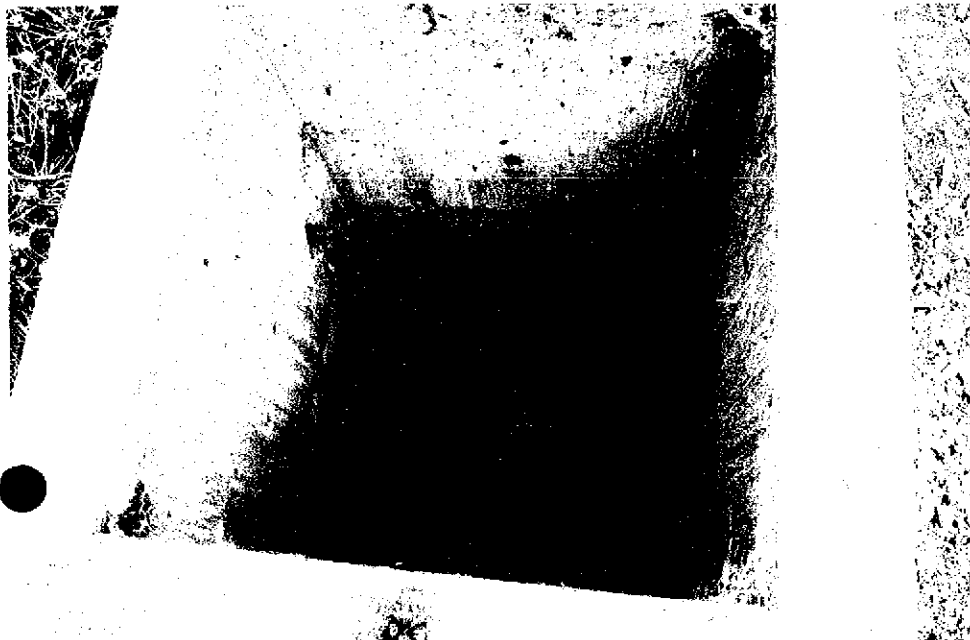
Discharge Pressure = 16PSI
Water Temperature = 119 ° F.

Associated Plumbing with
Hot Water Well



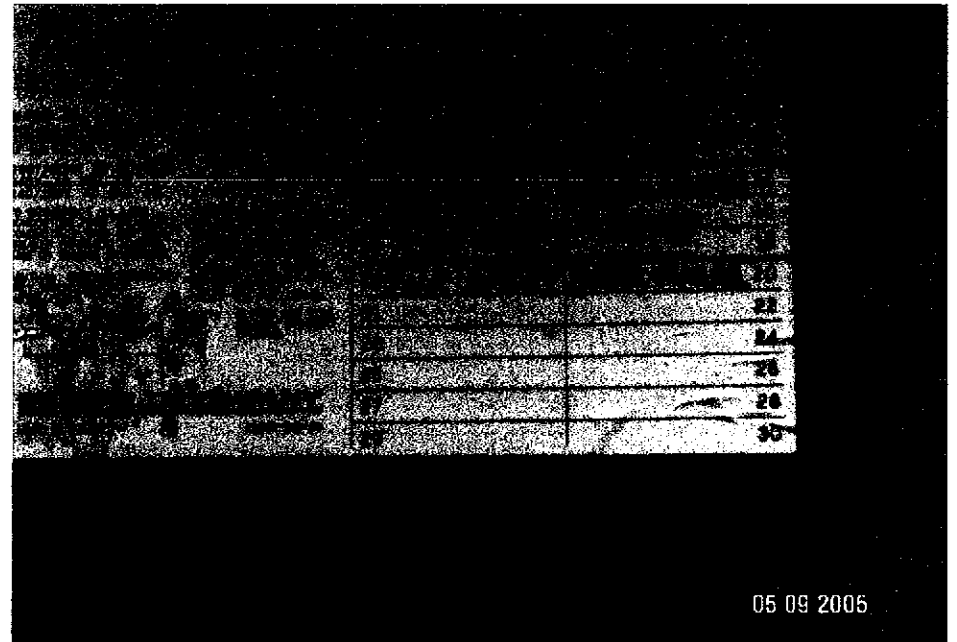
This hot waterline with flow meter goes to
house / shop only for heating





One of Two Flow Meters measuring
Hot Water Well discharge

63-14; 5065; 5067



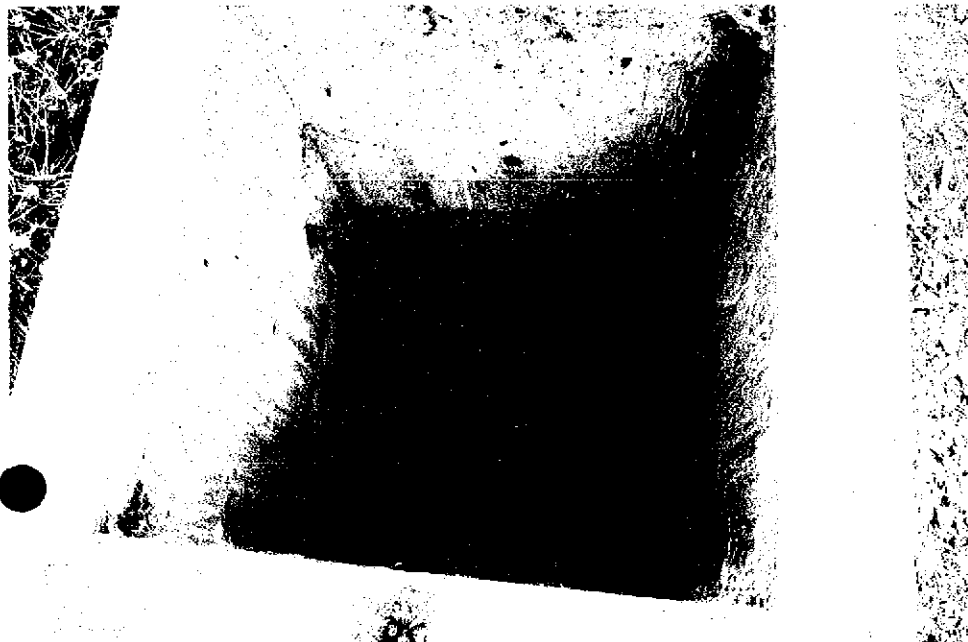
Pump Information
Main Panel Box



Shop / House

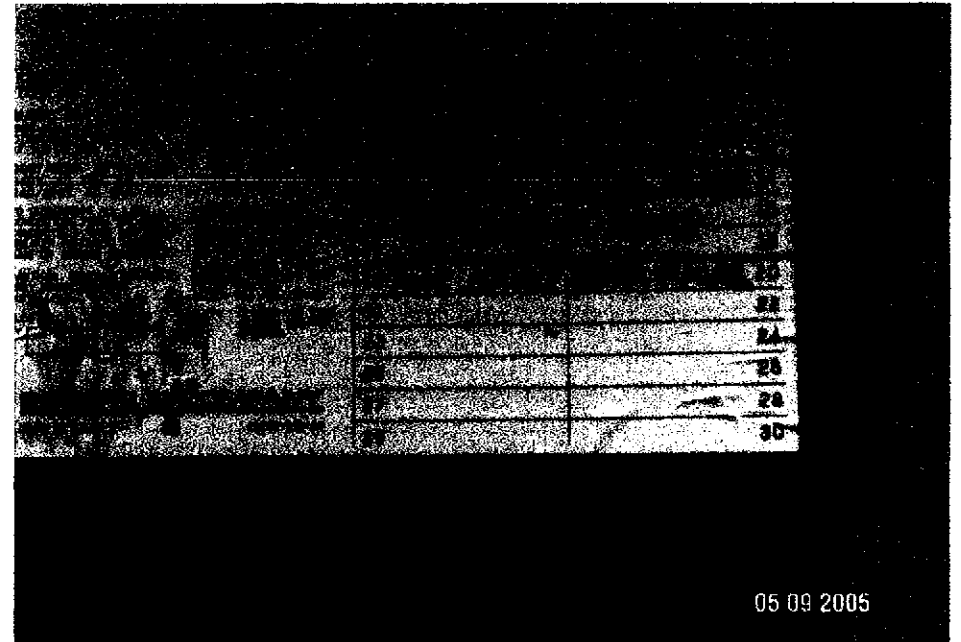


House part of the building



One of Two Flow Meters measuring
Hot Water Well discharge

63-14; 5065; 5067



Pump Information
Main Panel Box

Shop / House



House part of the building





Looking Northwest at front of the retail store. East side of complex

63-14; 5065; 5067



Looking Northwest at East side of complex

Looking North from Southwest Corner of complex



Looking East from Southwest corner of complex



05 09 2005



Looking Northwest at front of the retail store. East side of complex

63-14; 5065; 5067



Looking Northwest at East side of complex

Looking East from Southwest corner of complex



Looking North from Southwest Corner of complex





Looking West from Southwest corner of complex
West side parcel

63-14; 5065; 5067



Looking East from Northwest corner of
complex

Hot water recycle—Booster pump for heating



Hot water Heat Exchanger for Green House
heating





Looking West from Southwest corner of complex
West side parcel

63-14; 5065; 5067



Looking East from Northwest corner of
complex

Hot water recycle—Booster pump for heating



Hot water Heat Exchanger for Green House
heating

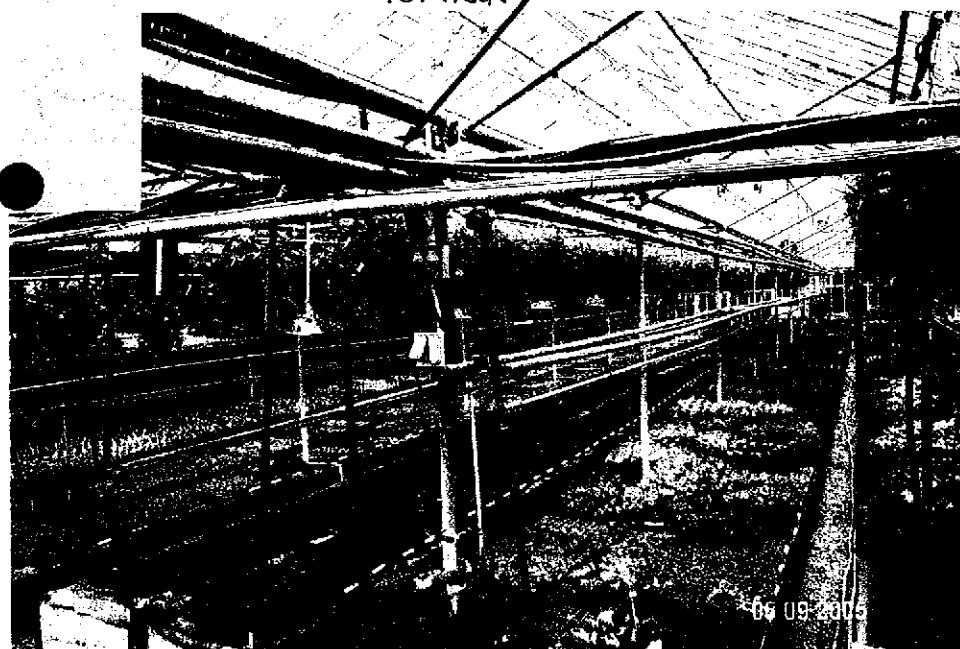




63-14; 5065; 5067

P6

Hot water piping
for heat



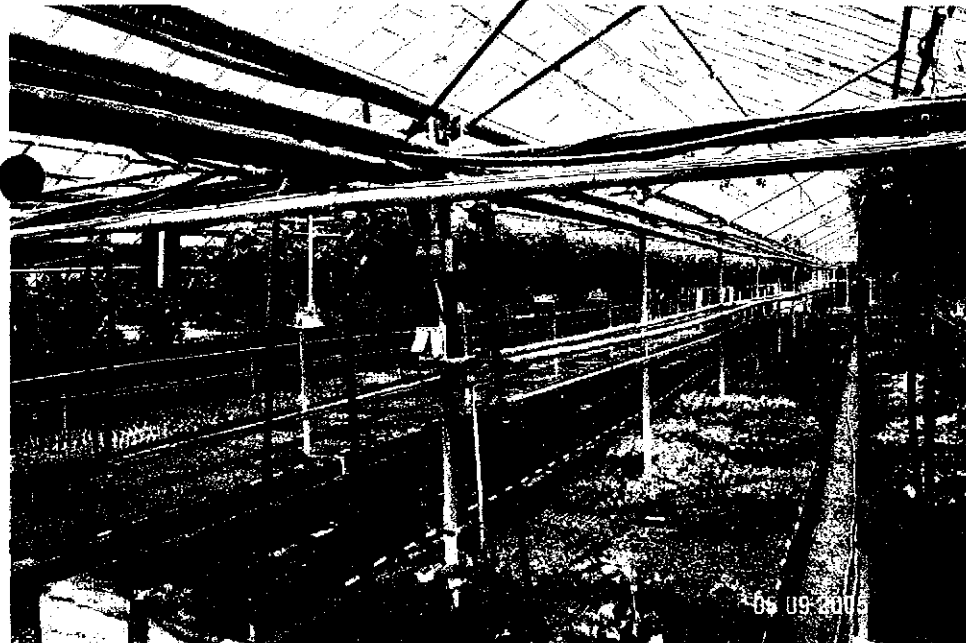
Cold water irrigation pipeline





63-14; 5065; 5067

Hot water piping
for heat



Cold water irrigation pipeline



Edwards : What does commercial use include?

63-14

What is source for restrooms, kitchen facilities, general cleaning

63-5067

63-5065

COMMERCIAL USE VOLUME

TOTAL VOLUME

RECORDS KEPT FOR
SEVERAL YEARS

KEN NEALY
WATER MASTERS

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report**.

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

Number of Fixtures: (example: number of flush toilets, number of bathtubs, number of bathroom/kitchen sinks, number of showers, etc.)

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon? *80 max*

How many hours per day is the facility open for this specific use?

How many days per week is the facility open for this use?

Is this facility open year round? ☒ Yes ☐ No

If not, please indicate the length of time the facility is open during the year.

** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

WATER METERED - KEN NEALY W.M. HAS RECORDS

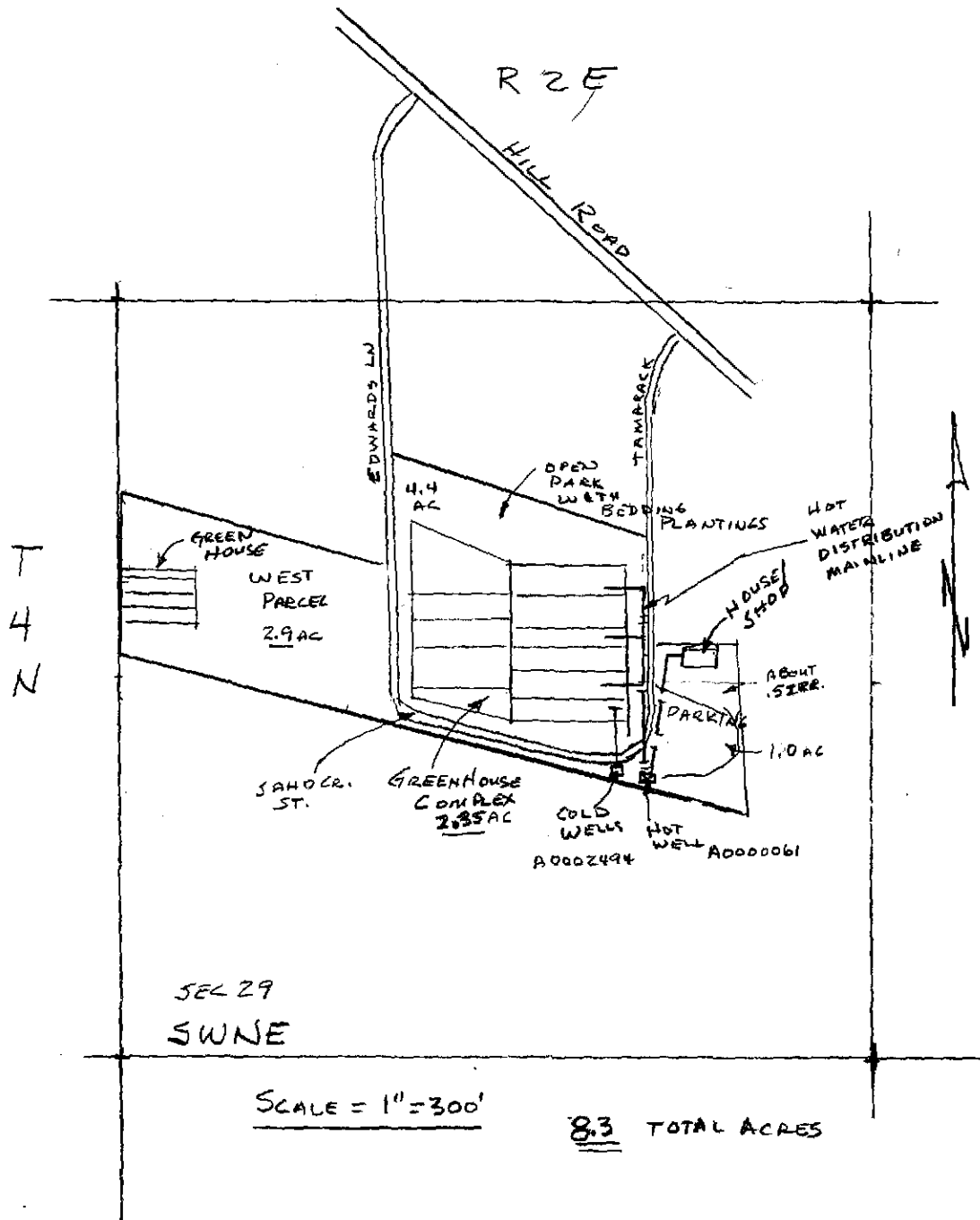
Additional information you feel may be pertinent:

Your name

Business telephone number

Please return to:

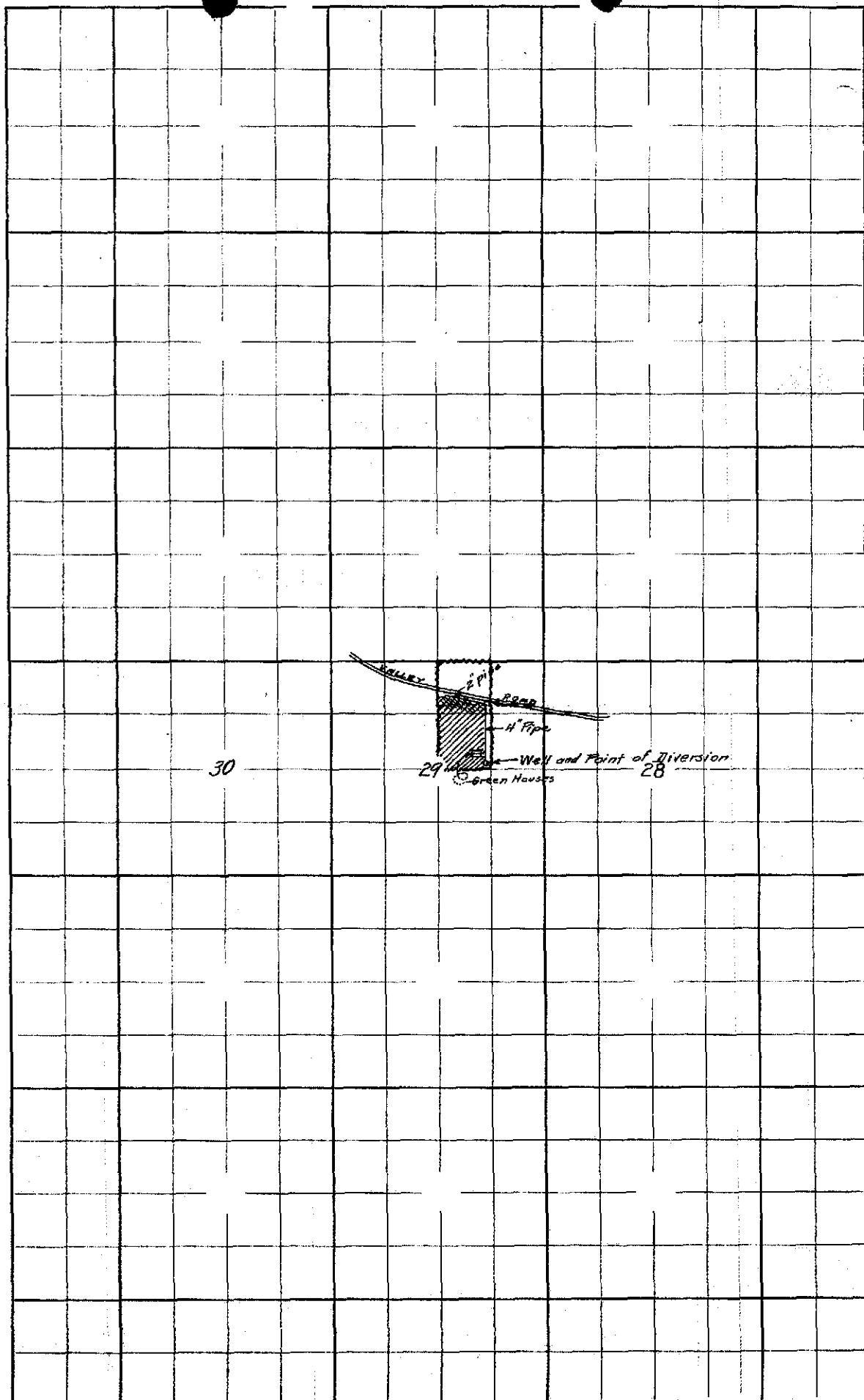
**ATTN: Vicky L. Music
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082**





1" = 300'

**63-14, 5065 & 5067 EDWARDS NURSERY/ GREENHOUSES -
2000 AERIAL**



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16609



EDWARDS - PARCEL # / ACRES

- | | |
|-----------------|--------|
| 1 - R2129500152 | 3.4 AC |
| 2 - R2129500005 | 3.8 AC |
| 3 - S0629131328 | 1.4 AC |

2003 aerial

2003 - 89,500 ft² under barnhouse

IS THIS POU OF STAT CLAIM 63-5065? WHICH IS ORIGINAL HOUSE AND WHAT IS ITS USE NOW? WHAT ARE THE OTHER BUILDINGS? ARE THEIR USES COVERED UNDER 63-5067?

Geocortex Internet Mapping Framework - Microsoft Internet Explorer

Ada County Assessor

Map Tool: Zoom In Active Layer: Parcels

Powered by Geocortex

Assessed value for year 2000 \$84,200

- Clerk/Auditor/Recorder
- Development Services
- Human Resources

Commercial

IS THIS POU OF STAT CLAIM 63-5065? WHICH IS ORIGINAL HOUSE AND WHAT IS ITS USE NOW? WHAT ARE THE OTHER BUILDINGS? ARE THEIR USES COVERED UNDER 63-5067?

Geocortex Internet Mapping Framework - Microsoft Internet Explorer

Ada County Assessor

Map Tool: Zoom In Active Layer: Parcels

Powered by Geocortex

Assessed value for year 2000 \$84,200

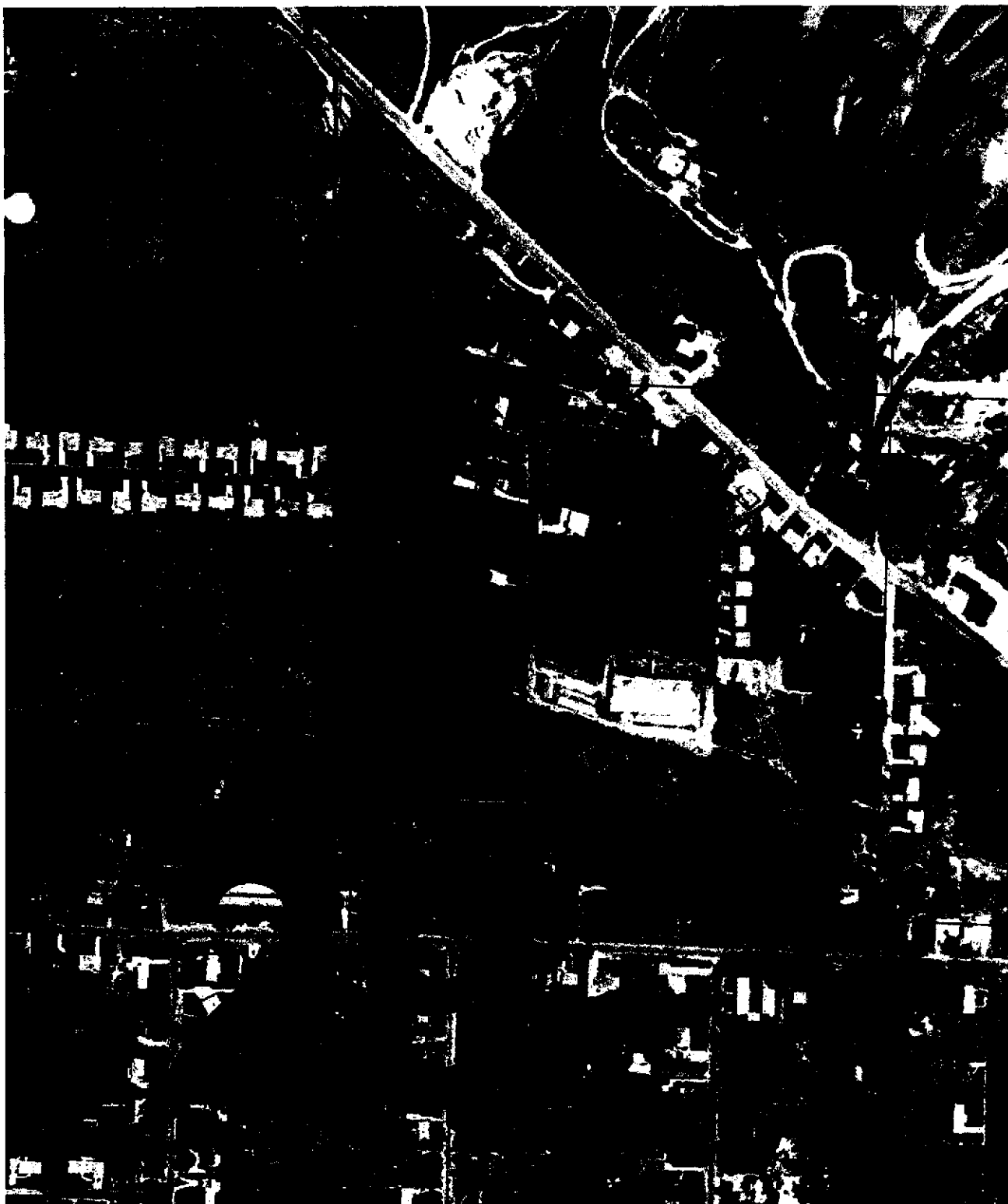
- Clerk/Auditor/Recorder
- Development Services
- Human Resources

Commercial

12:59 PM



**63-14, 5065 & 5067 EDWARDS NURSERY/ GREENHOUSES -
2000 AERIAL**



**63-5065 & 5067 [B/U CLAIMS] - 1964 AERIAL - NORTHERNMOST
PORTION OF PROPERTY HAS BEEN SOLD AND TOTAL
ACRES APPEAR TO BE THE CURRENT 8.3.
FEW MORE GREENHOUSE.**



**63-14 - 1939 AERIAL - ORIGINAL DECREED RT.
ONLY 3 GREENHOUSES ON SITE - PERTINENT TO HEATING USE.
OTHER QUANTITY USED FOR IRRIGATION OF 25 ACRES, D/S**

	63-14	63-5065	63-5067
Priority date	11-22-1926	10-1-1956	10-1-1930
Uses	Domestic, Irrigation, heating	1 house 1 acre irrigation	Dom, irrigation, commercial
Acres	25+ [now 8.3]	1	8.3
Quantity	.84 cfs for irr & com	.04 cfs	.33 cfs
comments	Only 3 greenhouses on site – see 1939 aerial. Accom trx in use	Need pou of home and acre of irrigation	
Info needed	1 - Commercial worksheet, commercial htg worksheet 2 - Date of accom trx 3 - Breakdown of acres irr inside [comm. Use] and outside [irr use – appears to be 4.5]	1 – location of original house and the well that served house 2 – if the house is still there, what was the use in 87 [residential or com]? 3 - identify 1 ac. pou 4 – is the home the same as the apartment?	1 - Commercial worksheet, Commercial heating for all of the greenhouses & office buildings 2 - Date of accom trx 3 - Breakdown of acres irr inside [comm. Use] and outside [irr use – 4.5] 4 – evidence of priority 5 – where is the home or apartment & shop?

Ask Jan:

Separate internal irrigation from external?

Degree language

Agreement language for 63-14

Combined use language

VLM
tables,
maps,
etc

February 10, 2005

TO: BURKE SCHOLER, FIELD EXAMINER
FROM: VICKY MUSIC, WATER RESOURCE AGENT

**FIELD EXAM/OTHER INFORMATION NEEDED FOR EDWARDS
GREENHOUSE CLAIMS 63-14, 63-5065, 63-5067:**

CONTACT FOR FIELD EXAM: Norm Young, PHONE #

63-14

- 1 - Commercial worksheet, commercial heating worksheet
- 2 - year of accomplished transfer
- 3 - Breakdown of acres irr inside [comm. Use] and outside [irr use – appears to be 4.5]
- 4 – GPS deep well

63-5065

- 1 – locate original house. Is this the same as the house in 63-5067? If located on the 4102 Tamarack property – mark it on the assessor map.
What is its current use of the house? [residential or commercial. If commercial, need commercial worksheet - # of employees, facilities, hours worked/ day, days of the week.]
- 2 – GPS well used here, do flow measurement
- 3 - identify 1 ac. pou
- 4 – is the home the same as the apartment? What are the other buildings at this address used for?

63-5067

- 1 - Commercial worksheet, Commercial heating for all of the greenhouses & office buildings
- 2 - year of accomplished transfer
- 3 - Breakdown of acres irr inside [comm. Use] and outside [irr use – 4.5]
- 4 – evidence of priority for 1930 priority date
- 5 – where is the home or apartment & shop?
- 6 – the 2 shallow wells serve this claim? Identify which well operates from 4/1 – 10/15 and the well that pumps from 10/15 – 4/1.
- 7 – the statutory claim states that this is for irrigation of 5 acres and a home. Is this the first or only home on the site?

**Land Records**
[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
Property Details for Parcel R2129500152

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General Information

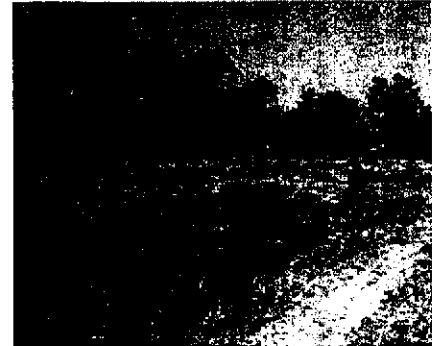
Property Acres: 3.000
Zone Code: R-1C
Primary Code Area: 01-3 Tax Districts
Group Type: SUB
Subdivision: EDWARDS THOMAS F SUB
Section: 4N2E29

Property Description

PAR #0152 OF SW4NE4
 SEC 29 4N 2E & OF
 LOTS 20 - 22 INC
 THOMAS F EDWARDS SUB

Property Address

N EDWARDS ST
 BOISE, ID 83703


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- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	420-COM IMPROVEMENT	0.000	\$15,600	COST
Primary	10-IRRIGATED AG	3.000	\$4,100	INCOME

Total Assessed Value: \$19,700

Parcel Valuation History

Assessed value for year 2004 \$19,700
Assessed value for year 2003 \$19,000
Assessed value for year 2002 \$18,900
Assessed value for year 2001 \$75,000
Assessed value for year 2000 \$75,000

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Property Characteristics

Commercial
 Agriculture

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Land Records

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Property Details for Parcel S0629131328

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General Information

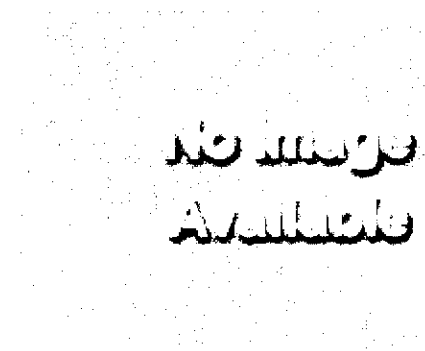
Property Acres: 1.330
Zone Code: R-1C
Primary Code Area: 01-3 Tax Districts
Group Type: SECT
Subdivision: 4N 2E 29
Section: 4N2E29

Property Description

PAR #1328 OF LOT 1
 THOMAS F EDWARDS SUB &
 OF SW4NE4
 SEC 29 4N 2E

Property Address

4102 N TAMARACK DR
 BOISE, ID 83703


[Click to View Interactive M](#)

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	420-COM IMPROVEMENT	0.000	\$17,300	INCOME
Primary	420-COM IMPROVEMENT	0.000	\$2,100	COST
Primary	210-COM LOT OR TRACT	1.330	\$91,200	MARKET

Total Assessed Value: \$110,600

Parcel Valuation History

Assessed value for year 2004 \$110,600
Assessed value for year 2003 \$109,900
Assessed value for year 2002 \$106,400
Assessed value for year 2001 \$84,200
Assessed value for year 2000 \$84,200

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Property Characteristics

Commercial
 Land

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Land Records

Characteristics Detail[Go Back to Property](#)

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Commercial**Land****Commercial Characteristics 1 for Parcel "S0629131328"**

Commercial Group Type: VALUES - RESIDENTIAL MANUAL
Year Built: 1962
Remodel Year: 0
Occupancy Date: No Date Available
Business Name: Edward's SFD Rental
Number of Floors: 1
Number of Units: 0
Leasable Sq Ft: 680
Ground Floor Sq Ft: 680
Excess Land Sq Ft: 47045
Used Land Acres: 0.25
Used Land Sq Ft: 10890
Excess Land Acres: 1.08
Total Land Sq Ft: 680
Total Land Acres: 1.33
Method: INCOME

Commercial Characteristics 2 for Parcel "S0629131328"

Commercial Group Type: HORTICULTURAL
Year Built: 1900
Remodel Year: 0
Occupancy Date: No Date Available
Business Name: Edward's Greenhouses
Number of Floors: 1
Number of Units: 1
Leasable Sq Ft: 1
Ground Floor Sq Ft: 1
Excess Land Sq Ft: 0
Used Land Acres: 0.0
Used Land Sq Ft: 0
Excess Land Acres: 0.0
Total Land Sq Ft: 1
Total Land Acres: 0.0
Method: COST

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Stat.
claim

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Paul Wilson Edwards
 4203 Catalpa Dr. Bala. 83703 Telephone No. 342 7548
 (Mailing Address) (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) Oct 1 1950

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

{cts, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
[Mo., Day] [Mo., Day]

Quantity .02 CES Use DOMESTIC Period of Use From 4-1 To 10-15

Quantity 36 CFS Use IRRIGATION Period of Use From 4-1 To 10-15

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ NE ¼, Sec. 29 Twp. 4N Rge. 2E B.M., County of AOA

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 6 IN WELL - 60 FEET DEEP. 5 HP MOTOR. 2 IN PIPELINES TO FIELDS

AND GREENHOUSE

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 6

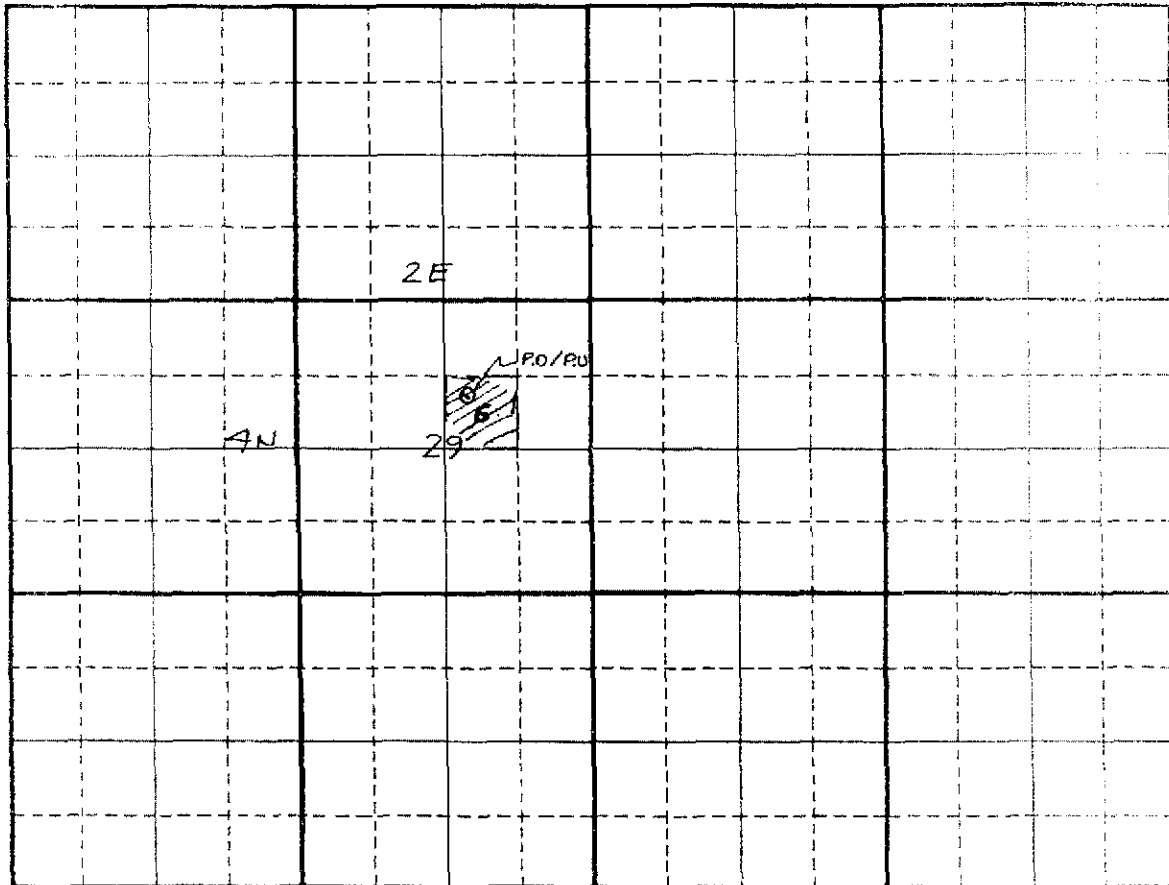
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: 1 DOMESTIC

HOME

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

8: Remarks 2 WELLS ARE USED IN CONJUNCTION. ONE WELL IS USED FROM 4-1 TO 10-15 AND THE OTHER FROM 10-15 TO 4-1. WELLS AND PUMPS ARE NEVER USED TOGETHER. USED FOR IRRIGATION OF 5 ACRES AND 50,000 SQ FT GREENHOUSE LOT NO. 1 OF EDWARD SUBDIVISION



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss,

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Paul Wilson Edwards
(Claimant)

Sworn to before me this 20 day of May

1983
Ronald R. Ruff
Notary Public
Residing at Boise, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by 006 Date 5/10/83 Exception filed by: _____ Date _____
Prelim. check by 6 Date 5/19/83 Forwarded to claimant by: _____
\$30.00 fee received by 6 Date 5/20/83 *08870
Published in Idaho Statesman
Dates 5/20 8 7/1 83

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-05067 Date: 4-25-01

	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	29			9														9
GIS						9														9
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 9

Total GIS Acres: 9

Overlapping POU Claim #'s:

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-05067

Legal: T4N, R2E, S29

Reviewed By:

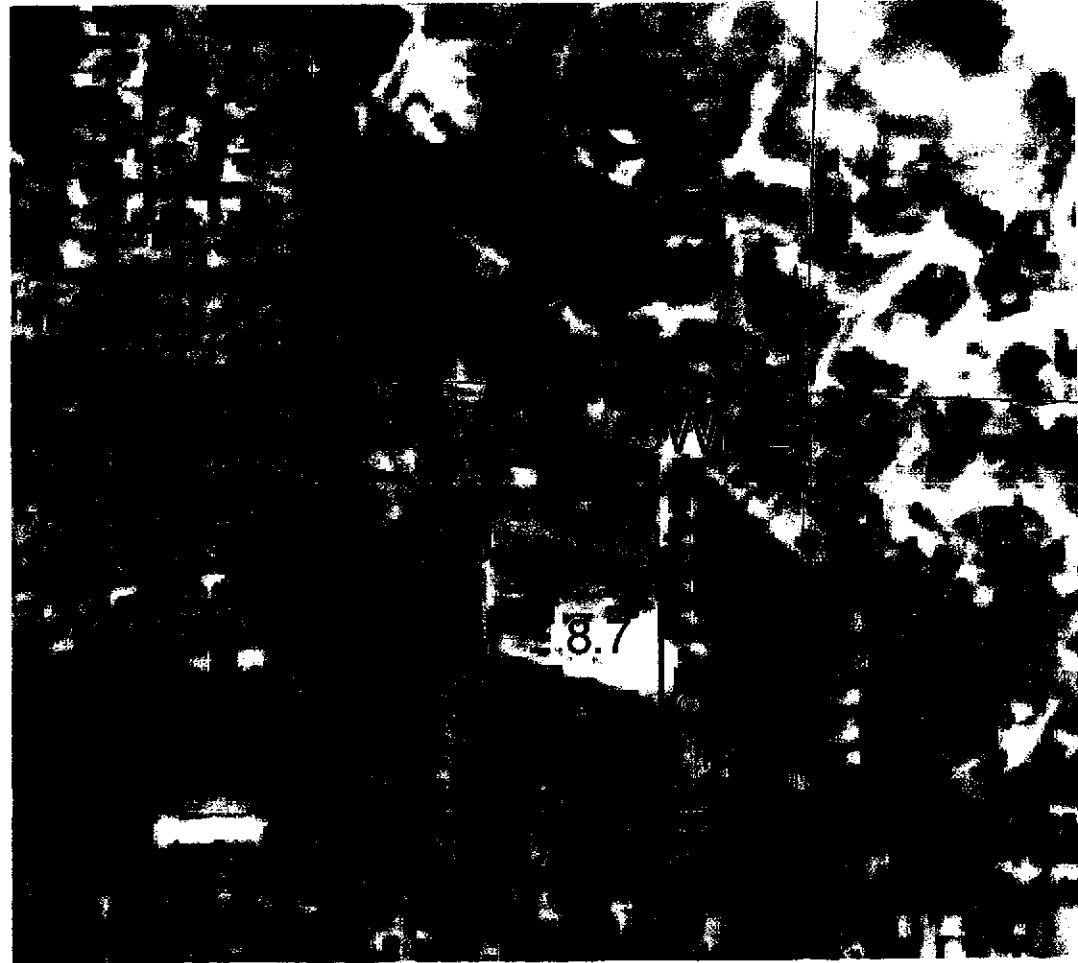
1987 Napp Photo

⊙ Point of Diversion

□ Place of Use

□ Section Lines

□ Quarter Quarter Lines



0 0.25 Miles

