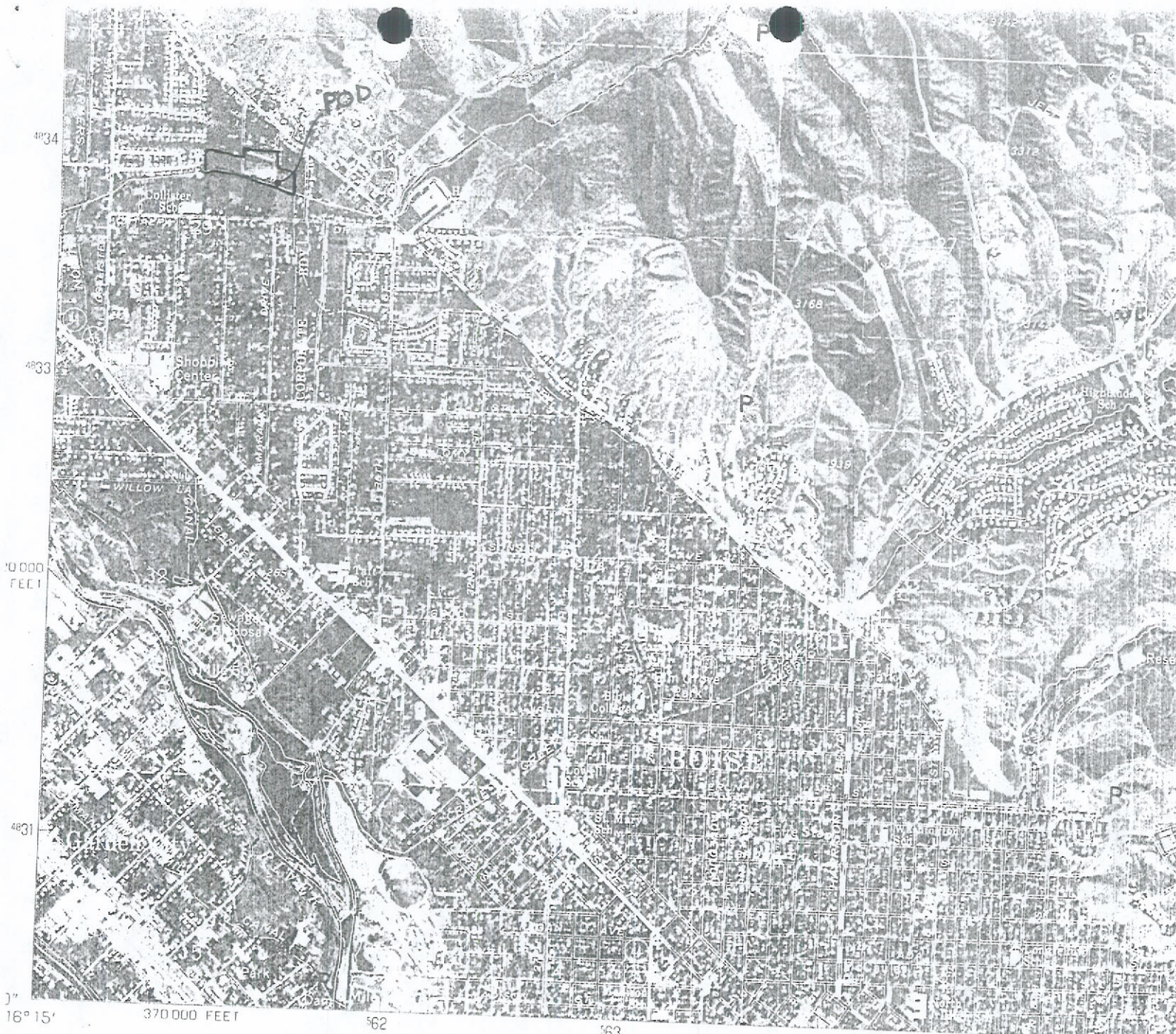




Produced by the Geological Survey
in cooperation with the U.S. Forest Service

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

NORTH



MICROFILMED

AUG 14 1992

Copies of This Map

Department of Water Resources pursuant to
laws of claims and objections in the Snake
River or implied, is made and no legal
responsibility, agents, contractors, and reproduction
rights, Inc. or its employees for the accuracy



State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 29

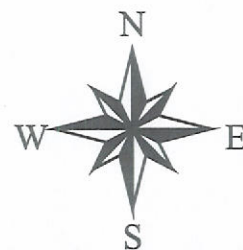
Water Right (s): 63-14 and 63-5067



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



**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**



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

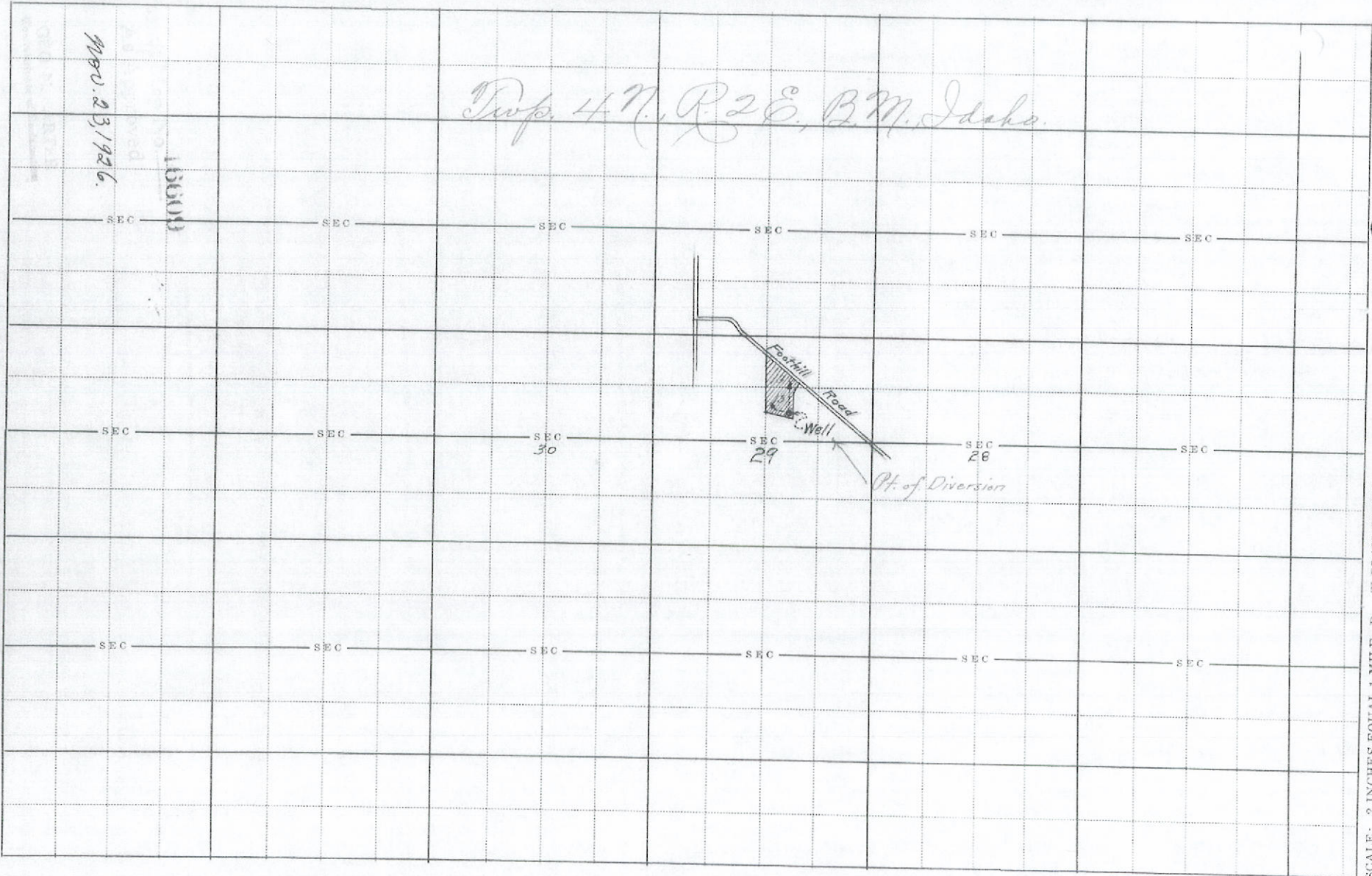
NAME OF APPLICANT

16609

Nov. 23, 1926.

16609

Twp. 4 N., R. 2 E., B. M., Idaho.



Should questions arise during the processing of this application please contact: **JAN 14 2005**
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 A63-00014

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) 11/22/1926
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 $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____, B.M., County of Ada
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____
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. Well, 1195' deep, 6" casing, 5 Hp pump (see Remark "g").

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 Heating purposes from 1/1 to 12/31 amount 0.840 or _____

For Commercial purposes from 1/1 to 12/31 amount 0.84 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.840 (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.) See remarks.

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			C/G														

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.

63-02402, 63-05065, 63-05067

or None ()

14. Remarks:

a. Non-irrigated uses: Heating and commercial use in greenhouses and an apartment/shop.

b. See license #63-02402, this appears to be a license for the same water right as decree #63-00014.

c. "Commercial use" is included as an accomplished transfer pursuant to Section 42-1425, Idaho Code, to recognize all uses within the greenhouse, shop and apartment including domestic, heating, retail shops and irrigation of plants.

Last Name Edwards Family LLC Ident. Number A63-00014

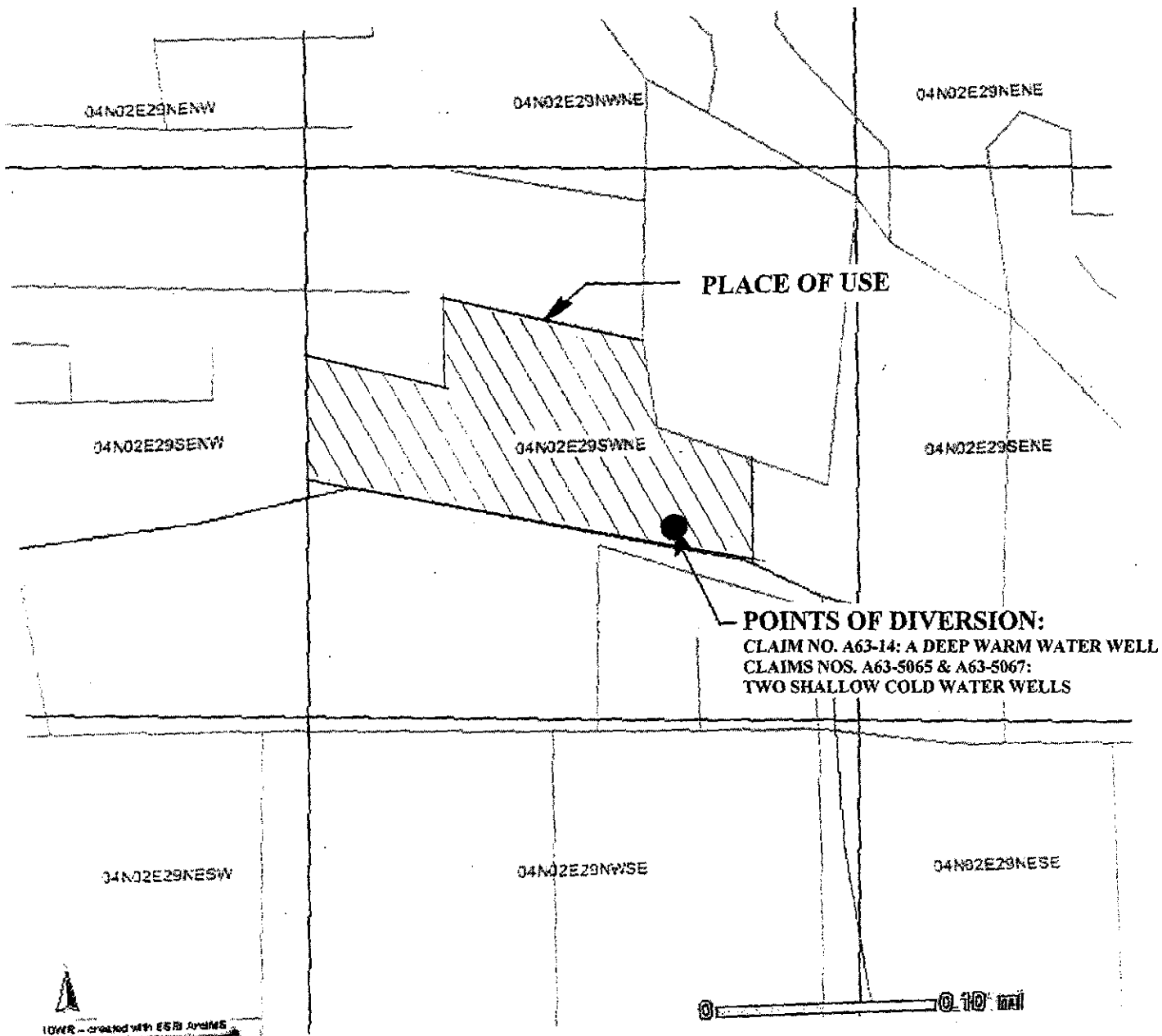
d. "Irrigation" is the application of water to fields and gardens outside of the greenhouses. Irrigation within the greenhouses is covered under "commercial" (see attached IDWR memorandum dated May 29, 1979). The irrigation rate of 0.04 cfs/acre is based upon the determination of water requirement in the Silkey v. Tiegs decree.

e. The total area irrigated includes land in outside fields and gardens and space within the greenhouses.

f. This water right is subject to the terms of an Agreement dated January 24, 2002 and recorded at the Ada County Recorder's Office as Instrument No. 102097169 (attached).

g. The system operates using the artesian pressure available from the low-temperature geothermal source. The pump, used only for emergencies, has not been used for many years other than periodic testing to assure it is operable.

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 _____ Posted Notice _____ License _____ Permit _____
Decree XX

If applicable provide IDWR Water Right Number 63-00014

Court District Court of the 3rd Judicial District (Ada county) Case Number 11748 Decree Date
August 19, 1930

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

Title

that I have signed the foregoing

document in the space below as _____

Organization
Managing Member

Title
of Edwards Family LLC

Organization

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

Signature of Authorized Agent Garnette Monnie

Title and Organization Managing Member of Edwards Family LLC Date 1/14/05

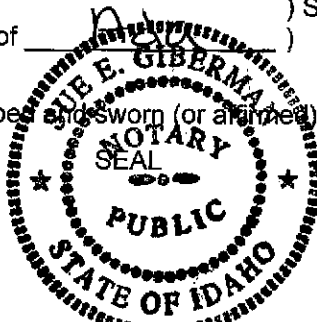
State of Idaho/or _____)
County of _____) SS.

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

Notary Public G. E. Giberman

Residing at Boise Idaho

My Commission Expires 2-25-09



17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Dana L. Hotstetter 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 Hotstetter

Address Hotstetter Law Office, LLC, 608 West Franklin St., Boise 83702

Date January 14, 2005



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.

ADA COUNTY RECORDER
J. DAVID NAVARRO
TAXE BOARD

RECORDED - REQUEST OF

Gentling & Blumfeld Family LLC
3/10
FEE *37* DEPUTY *Wagner*

2002 AU 27 PM 4:22

102097169

**This sheet has been added to document
to accommodate recording information.**

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is made and entered into this 24th day of January, 2002, between The Terteling Company, Inc., an Idaho corporation ("Terteling"), and the Edwards Family, LLC, an Idaho Limited Liability Corporation ("Edwards"). Terteling and Edwards may be referred to hereinafter individually as "Party" or collectively as the "Parties."

Recitals and Background Information

A. Terteling represents that it owns Water Right Nos. 63-00012, 63-00013 and 63-00015, which were decreed in *Silkey v. Tiegs*, Ada County Case No. 11748, *on review* 51 Idaho 344 (1931) and 54 Idaho 126 (1934) ("*Silkey v. Tiegs*"). *Silkey v. Tiegs* adjudicated rights to use geothermal water from an aquifer referred to herein as the Stewart Gulch Geothermal Aquifer. Water Right Nos. 63-00012 and 63-00013 (the "Silkey Rights") are the two most senior water rights decreed in *Silkey v. Tiegs* with priority dates of July 1, 1921 and July 1, 1922 respectively. Water Right No. 63-00015 (the "Tiegs Right") is designated in *Silkey v. Tiegs* with a priority date of March 23, 1927.

B. Edwards represents that it owns Water Right No. 63-00014 (the "Edwards Right"), which was decreed in *Silkey v. Tiegs* with a priority date of November 22, 1926. The Edwards Right is diverted from a well located in SE¼ SW¼ NE¼ Section 29, Township 4 North, Range 2 East, Boise Meridian (the "Edwards Well").

C. By Final Orders dated December 5, 1989 and December 1, 1992, the Department established Water District 63-S (the "District") and implemented watermaster administration of water rights diverted from the Stewart Gulch Geothermal Aquifer in the District. As of the date of this Agreement, the District is not active.

D. The Parties estimate that the total sustainable volume of water that can be diverted annually from the Stewart Gulch Geothermal Aquifer is approximately between 650 AFA to 750 AFA.

E. On October 2, 2000, Terteling filed with the Department an Application for Transfer of Water Right for the Silkey and Tiegs Rights (Transfer No. 68558), seeking approval to divert and use these rights from an alternate point of diversion (the "Windsock Well") in the

NW¼ SW¼ Section 22, Township 4 North, Range 2 East, Boise Meridian, and at a new place of use in Section 22, Township 4 North, Range 2 East, Boise Meridian. The land, including place of use and diversion points, currently associated with the Silkey and Tiegs Rights is described in Exhibit A hereto. The land on which the Silkey and Tiegs Rights' proposed alternate point of diversion and new place of use is located is described in Exhibit B hereto. Also, on October 2, 2000, Terteling filed with the Department an Application for Transfer of Water Right (Transfer No. 68559) for diversion and use of cold water at locations near the Windsock Well. These two Applications for Transfer of Water Right (Transfer Nos. 68558 and 68559), as amended, will be referred to herein as the Transfers. Paul Edwards, a principal of Edwards, filed protests against the Transfers on December 22, 2000 (the "Protests"). Edwards' land associated with Water Right No. 63-00014 is described in Exhibit C hereto.

F. The Parties believe it is in their mutual interests to resolve the Protests and to enter into a comprehensive agreement to mutually protect their most senior water rights in the Stewart Gulch Geothermal Aquifer.

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter expressed, the Parties agree as follows:

1. **Withdrawal of Protests.** Within five days after execution of this Agreement by both Parties, Edwards shall file with the Department appropriate documents suspending Paul Edwards' Protests to the Transfers pending the Department's approval of the Transfers that caps the maximum combined annual diverted volume for the Silkey and Tiegs rights at 400 AFA.

2. **Reactivation of District 63-S.** Within ten days of the Department's approval of the Transfers, the Parties will file a petition with the Department requesting a special meeting of the water right holders of the District for the purpose of reactivating the District by appointment of a watermaster for administration of water rights and by reinstituting measurement and reporting for water rights in the District. Thereafter, in subsequent years, the Parties shall use all reasonable efforts to ensure the continued appointment of a District watermaster and implementation of the District measurement and reporting program. The Parties shall use all reasonable efforts to ensure that the District's measurement and reporting program includes the kind of measurement and reporting described in Section 3 of this Agreement.

3. **Measurement and Reporting.** The Parties shall install and maintain meters on all

of their wells in the District for the purpose of measuring and recording total diverted volumes. Total diverted volumes shall be reported quarterly to the watermaster, which report shall include the total volume diverted for each well either owned by them or used by them in the District for the preceding quarter.

4. **Diverted Volumes.** Terteling shall divert a combined maximum total of 400 AFA from the Stewart Gulch Geothermal Aquifer under the Silkey and Tiegs Rights and Edwards shall divert a maximum of 250 AFA from the Stewart Gulch Geothermal Aquifer under the Edwards Right.

5. **Diversion Rate.** Each Party may divert water at the rates ultimately authorized by the respective final Snake River Basin Adjudication ("SRBA") partial decrees for the Silkey Rights and the Edwards Right.

6. **Silkey v. Tiegs.** The parties shall take the following steps to protect their senior Silkey and Edwards Rights pursuant to the *Silkey v. Tiegs* decree:

- (a) The Parties shall use all reasonable efforts to ensure that the Department's Boise Front Low Temperature Geothermal Resource Ground Water Management Area moratorium (or some other substantially similar Department moratorium that also includes the Stewart Gulch Geothermal Aquifer) remains in effect to prevent the development of new water rights diverted from the Stewart Gulch Geothermal Aquifer. The Parties also shall use all reasonable efforts to seek and obtain an area of drilling concern designation pursuant to Idaho Code § 42-238(15) or another appropriate regulatory designation, order, determination, decision, etc. from the Department to prohibit development in the Stewart Gulch Geothermal Aquifer of any new water rights that are exempted from Department water right permitting and licensing requirements, such as domestic water rights. Thereafter, the Parties shall use all reasonable efforts to have the Department maintain such designation, order, determination, decision, or other regulatory mechanism.
- (b) The Parties also shall use all reasonable efforts to ensure that the Department continues to include the Stewart Gulch Geothermal Aquifer either in a designated ground water management area, such as the Boise Front Ground Water Management Area, in a designated critical ground water area or in some other substantially similar designated area under Idaho law. The Parties shall use all reasonable efforts so that the Department

issues, implements, and maintains such orders or some other similar regulatory mechanism to ensure that the diverted volumes to the maximum extent provided for in Section 4 of this Agreement are available to fulfill the senior Silkey and Edwards Rights.

7. **The Tiegs Right.** The Transfers do not authorize Terteling to divert water under the Tiegs Right.

8. **Snake River Basin Adjudication.** The Parties shall use all reasonable efforts to establish the Stewart Gulch Geothermal Aquifer as a separate source in the SRBA for purposes of water right administration. The Parties agree that their respective SRBA claims shall be consistent with the terms of this Agreement, including the total annual combined diverted volume of 400 AFA for the Silkey and Tiegs Rights and the total annual diverted volume of 250 AFA for the Edwards Right. The Parties on behalf of themselves and any related individuals or entities agree that they will not assert or argue in the SRBA that the total combined annual diverted volume for the Silkey and Tiegs Rights is greater or less than 400 AFA and that total annual diverted volume for the Edwards Right is greater or less than 250 AFA. The Parties agree to undertake all reasonable and appropriate efforts to have the SRBA decrees for Water Right Nos. 63-00012, 63-00013, 63-00014 and 63-00015 reference this Agreement in substantially the following manner: "This water right is subject to the terms of an Agreement dated _____, 2002 recorded at the Ada County Recorder's Office as Instrument No. _____."

9. **Heating Purposes.** The Parties shall utilize water diverted under Water Right Nos. 63-00012, 63-00013, and 63-00014 primarily for heating purposes. Any other use of water diverted under Water Right Nos. 63-00012, 63-00013, and 63-00014, such as for irrigation, only shall occur after the heat is removed by another beneficial use.

10. **Closure of Wells.** If either Party ceases use (including monitoring) of any wells in the Stewart Gulch Geothermal Aquifer for five consecutive years, the Party shall immediately close and appropriately seal such wells. The wells shall be closed and sealed in such a way to prevent any leakage or loss of the geothermal resource.

11. **Department Approval of Transfers.** The Parties agree that the terms of this Agreement are contingent upon the Department's approval of the Transfers that include a

combined total annual diversion volume for the Silkey and Tiegs Rights of no more than and no less than 400 AFA.

12. Recording of Agreement. Within ten (10) days after the Department's approval of the Transfers, the Parties shall record this Agreement at the Ada County, Idaho Recorder's Office. The provisions of this Agreement shall be covenants and perpetual servitudes running with Water Right Nos. 63-00012, 63-00013, 63-00014, and 63-00015, and the associated lands, including any new lands to which these water rights are transferred.

13. Communications. All communications and submission of measurement data to the Parties pursuant to this Agreement shall be addressed as follows:

The Terteling Company, Inc. (Terteling)
3823 N. 36th Street
Boise, ID 83703
Ph. (208) 381-5205

Garnette Monnie (Edwards)
Edwards Greenhouses
4106 Sand Creek
Boise, ID 83703-4028
Ph. (208) 342-7548

The parties agree to notify each other regarding any changes in the names and/or addresses listed above.

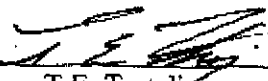
14. General. The Parties acknowledge that both Parties and their attorneys have reviewed and participated in drafting this Agreement. The headings of the sections of this Agreement have been inserted for the convenience of reference only and shall not affect any construction or interpretation of this Agreement. This Agreement is the entire agreement of the Parties with respect to the Transfers and with respect to the matters addressed herein concerning Water Right Nos. 63-00012, 63-00013, 63-00014, and 63-00015. This Agreement may be modified only with the mutual written consent of both Parties. Except as otherwise provided in this Agreement, any waivers hereunder must be in writing. No waiver of any right or remedy in the event of default hereunder shall constitute a waiver of such right or remedy in the event of any subsequent default. This Agreement shall be governed in all respects by the laws of the State of Idaho. This Agreement is for the benefit only of the Parties hereto and shall inure to the benefit of and bind the heirs, personal representatives, successors and assigns of the Parties hereto. The

invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision hereof. In the event of a court proceeding or other legal action regarding the breach or violation of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs. The Parties each represent that they are authorized to enter into this Agreement.

IN WITNESS WHEREOF, the Parties hereto have exercised this instrument the day and year first above written.

THE TERTELING COMPANY, INC.

By



T.E. Terteling

EDWARDS FAMILY, LLC

By

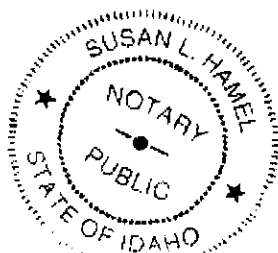


Garnette Monnie, Member

STATE OF IDAHO)
) ss:
County of Ada)

On this 24th day of January, 2002, before me the undersigned Notary Public, personally appeared T.E. Terteling, known to me to be an authorized agent of THE TERTELING COMPANY, INC., the entity that executed the foregoing instrument.

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

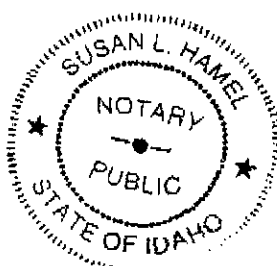


Susan L. Hamel
Notary Public for the State of Idaho
Residing in Kuna, ID Ada County
My Commission Expires: 03/22/2002

STATE OF IDAHO)
) ss:
County of Ada)

On this 24th day of January, 2002, before me the undersigned Notary Public, personally appeared Garnette Monnie, known to me to be a member of EDWARDS FAMILY, LLC, the entity that executed the foregoing instrument.

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



Susan L. Hamel
Notary Public for the State of Idaho
Residing in Kuna, ID Ada County
My Commission Expires: 03/22/2002

EXHIBIT A

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

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

EXCEPT any portion lying within the following:

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

EXCEPT ditch and road rights-of-way.

EXHIBIT B

SW 1/4 of Section 22, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho.

Exhibit "C"

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

- (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.
- (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.
- (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.

JAN -31' 02 (THU) 15:31

GIVEN PURSLEY LLP

TEL: 3881300

01/31/02 10:42

208 381 5200

TERTELING CO INC

001

January 22, 2002

THE TERTELING COMPANY, INC.

BOARD OF DIRECTORS MINUTES WITHOUT A MEETING

The below signed Directors, who represent all of the Directors of The Terteling Company, Inc. without a notice or a formal meeting, approve said resolution provided a simple majority of all Directors so signify by their signatures below.

WHEREAS The Terteling Company, Inc. had two applications with the Idaho Department of Water Resources on October 2, 2000 to transfer its rights under *Silkey v. Tiggs* (geothermal rights) and a cold water right currently located on the Floss Co. property at 3823 N. 38th Street, Boise, Idaho, to the Corporation's property located in Section 22, Ada County, for use at 4988 Peaceful Cove Lane, Boise, Idaho.

WHEREAS another senior water rights owner under *Silkey v. Tiggs*, Paul Edwards, filed protests against the transfers on December 22, 2000.

WHEREAS the Corporation and Edwards have reached agreement whereby Edwards agrees to withdraw its protest to the Idaho Department of Water Resources.

WHEREAS the Corporation desires to have T. E. Terteling execute the Settlement Agreement between Edwards and the Corporation on behalf of the Corporation

THEREFORE, BE IT RESOLVED that the Board of Directors authorizes T. E. Terteling to execute the Settlement Agreement on behalf of The Terteling Company, Inc.

Disapproved:

Approved:

James K. Heller
James K. Heller

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 63-14
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: 11/22/1926

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:

WELL, 1195' DEEP, 4" CASING, 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.33	
COMMERCIAL	01/01	12/31	0.84	
HEATING	01/01	12/31	0.84	

7. Total Quantity Appropriated is:

0.84 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Greenhouses, apartment/shop

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	29	SW	NE	COMMERCIAL	
			SW	NE	HEATING	
			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: 63-2402, 63-5065, 63-5067

14. Remarks:

Commercial use is included as an accomplished transfer pursuant to Section 42-1425, Idaho Code, to recognize all uses within the greenhouse, shop, and apartment including domestic, heating, retail shops and irrigation of plants.

Irrigation is the application of water to fields and gardens outside of the greenhouses. Irrigation within the greenhouses is covered under "commercial" (see attached IDWR memorandum dated May 29, 1979). The irrigation rate of .04 cfs/acre is based upon the determination of water requirement in the Silkey vs. Tiegs decree.

The total area irrigated includes land in outside fields and gardens and space within the greenhouses.

This water right is subject to the terms of an Agreement dated January 24, 2002 and recorded at the Ada County Recorders Office as Instrument No. 102097169 (attached). The system operates using the artesian pressure available from the low temperature geothermal source. The pump, used only for emergencies, has not been used for many years other than periodic testing to assure it is operable.

Claim amended per claimant 1/14/05.

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

.3 CFS FROM 10/1 TO 4/1. 4/1 TO 10/1 .4 CFS OR SO MUCH THEREOF THAT WILL NOT DEplete PLAINTIFFS WELL BELOW .8 CFS.

NON-IRRIGATED USES: HEATING, GREENHOUSE - 20,000 SQ. FT. OF GLASS, AND 35,000 SQ. FT. OF PLASTIC, APARTMENT/SHOP - 2,800 SQ. FT.

SEE LICENSE #63-02402, THIS APPEARS TO BE A LICENSE FOR THE SAME WATER RIGHT AS DECREE #63-00014.

15. Basis of Claim: Decreed

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 63-14
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: 11/22/1926

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:

WELL, 1195' DEEP, 4" CASING, 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.2	
HEATING	1/01	12/31	0.84	

7. Total Quantity Appropriated is:
0.84 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	HEATING	
			SW	NE	IRRIGATION	10
Section Acres						10
Total Acres						10

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

.3 CFS FROM 10/1 TO 4/1. 4/1 TO 10/1 .4 CFS OR SO MUCH THEREOF THAT WILL NOT DEplete PLAINTIFFS WELL BELOW .8 CFS.

NON-IRRIGATED USES: HEATING, GREENHOUSE - 20,000 SQ. FT. OF GLASS, AND 35,000 SQ. FT. OF PLASTIC, APARTMENT/SHOP - 2,800 SQ. FT.

SEE LICENSE #63-02402, THIS APPEARS TO BE A LICENSE FOR THE SAME WATER RIGHT AS DECREE #63-00014.

15. Basis of Claim: Decreed

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
- New Mailing Address 4106 Sand Creek
 City, State and ZIP Code Boise, Idaho 83703
 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) Barrett M. D. Price
(include title if applicable) 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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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

Case No. 39576

)
)
)
)
)

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

NC

↑
This should
say 63-5067

Please take notice that Dana L. Hofstetter of Hofstetter Law Office, LLC 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 Hofstetter

Dana L. Hofstetter

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

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

FEE 12.00 DEPUTY

WARRANTY DEED

2000 DEC 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 thereunto belonging or in anywise appertaining, including, without limitation all water rights, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

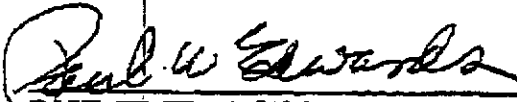
SUBJECT TO all existing encumbrances, rights reserved by federal and state laws or in federal patents or state deeds; building or use restrictions, building and zoning regulations and ordinances of any governmental unit; easements of record; rights-of-way of record; taxes and assessments for the current 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;

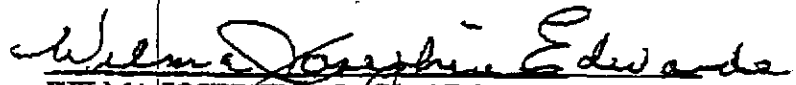
TO HAVE AND TO HOLD said premises unto Grantee and its successors and assigns forever.

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

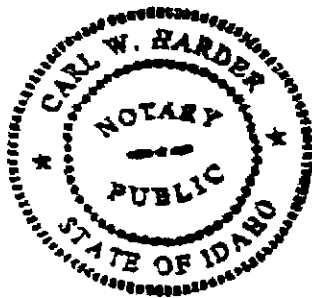
WARRANTY DEED - 1

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.

WARRANTY DEED - 4

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: A63-00014
Date Received: 5/01/1989
Receipt No: 6006544
Received By: JP

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: NOV 22, 1926

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:
WELL, 1195' DEEP, 4" CASING, 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
HEATING	01/01	12/31	0.840		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	29	SW	NE		IRR	10.0
			SW	NE		HEAT	

Section Acres 10.0

A63-00014

Page 1

Date: 05/01/89

MICROFILMED

AUG 14 1992

10. Place of Use: Continued

Total Acres 10.0

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:
63-02402, 63-05065, 63-05067

14. Remarks:
.3 CFS FROM 10/1 TO 4/1. 4/1 TO 10/1 .4 CFS OR SO MUCH THEREOF
THAT WILL NOT DEplete PLAINTIFFS WELL BELOW .8 CFS.
NON-IRRIGATED USES: HEATING, GREENHOUSE - 20,000 SQ. FT. OF
GLASS, AND 35,000 SQ. FT. OF PLASTIC, APARTMENT/SHOP - 2,800 SQ.
FT.
SEE LICENSE #63-02402, THIS APPEARS TO BE A LICENSE FOR THE SAME
WATER RIGHT AS DECREE #63-00014.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

SILKEY

Decree Plaintiff

vs

TIEGS

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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

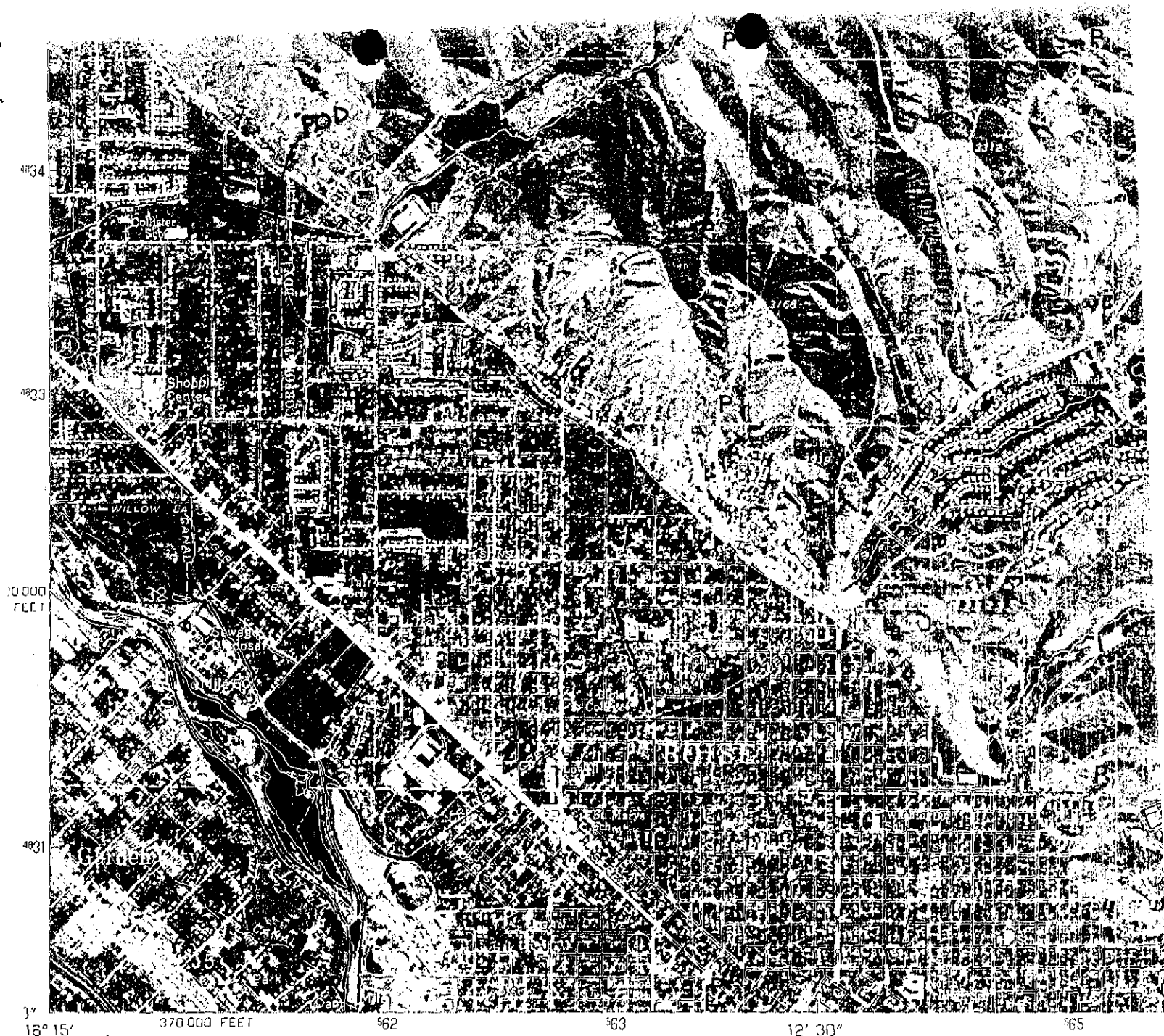
Residing at _____

My Commission Expires _____

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

MICROFILMED

AUG 14 1992



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 14 1992

Department of Water Resources pursuant to
orders of claims and objections in the Snake
River or implied, is made and no legal
agents, contractors, and reproduction
Inc. or its employees for the accuracy

Copies of the...

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 63-14

(Insert water right number
From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

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

B. NAME AND ADDRESS OF PERSON RESPONDING

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

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

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

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

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

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

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss:
County of Ada)

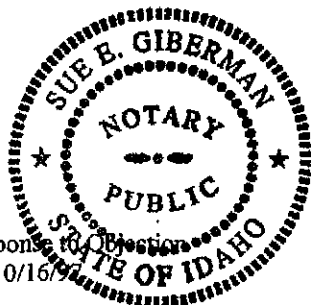
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

(Signature of person filing response)

(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: 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:

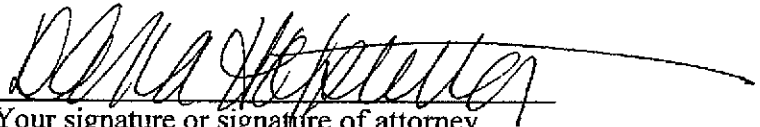
Name: Charles L. Honsinger
Address: Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

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

RECEIVED
APR 24 2005
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-14

(Insert water right number)

Case No. 39576)

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)).

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

1. ☐ **Name and Address**
Should be: _____
2. **✗ Source**
Should be: The source should be described as a low-temperature geothermal resource diverted using artesian pressure in "Other Provisions" Section.
3. **✗ Quantity**
Should be: See Section E below.
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 description of "Commercial Use" in the "Purpose of Use" Section should be the same as in the "Other Provisions" Section. However, "watering of plants" should be substituted for "irrigation of plants" to avoid confusion about this aspect of the "Commercial Use."
8. **✗ Period of Year**
Should be: 3/1 to 11/15 for irrigation. See IDWR's Irrigation Season map.
9. **✗ Place of Use**
Should be: It should be clarified that "irrigation" does not refer to the watering of plants inside greenhouses
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The Stewart Gulch Geothermal Aquifer should be managed as a separate source pursuant to *Silkey v. Tiegs*. The artesian pressure under which this right continues to be diverted without the use of pumping is protected under *Silkey v. Tiegs*. The annual volume limitation only should appear in the "Other Provisions" section in reference to private agreement. The combined diversion limitation with 63-5067 is in error.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

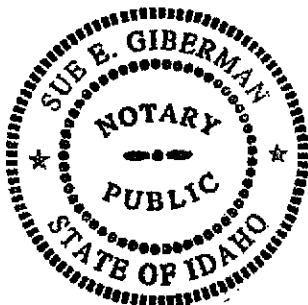
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 Gibermon
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 2-25-09

INSTRUCTIONS FOR MAILING

You must mail the 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

Anna Skypel
Signature of Objector or attorney
mailing on Objector's behalf

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

In Re SRBA)

Case No. 39576)

A. Subcase 63-00014

(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 Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Limited to quantities listed in decree in *Silkey v. Tiegs*, Ada County Case No. 11748 (June 13, 1930)
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: As specified in decree in *Silkey v. Tiegs*, Ada County Case No. 11748 (June 13, 1930). A condition should be added to specify that irrigation use of this water right may only occur after water has been diverted and used for its heat value.
8. ☒ **Period of Year**
Should be: As specified in decree in *Silkey v. Tiegs*, Ada County Case No. 11748 (June 13, 1930)
9. ☐ **Place of Use**
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

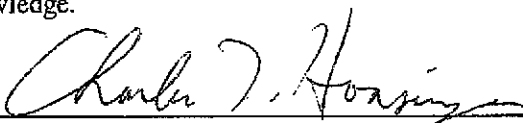
E. **REASONS SUPPORTING OBJECTION (S):** The water right is recommended outside of the parameters of the decree in *Silkey v. Tiegs*, Ada County Case No. 11748 (June 13, 1930) by which it was confirmed.

F. VERIFICATION (must be completed)

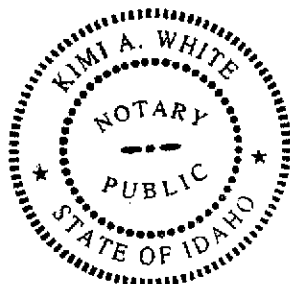
State of Idaho)
) ss.
County of Ada)

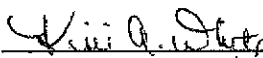
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

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: 24/01/09

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

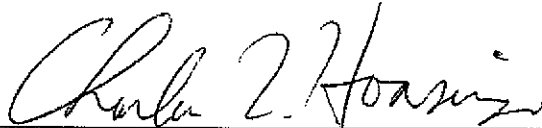
Address: 4106 Sand Creek
Boise, Idaho 83703

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

06/02/2005
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: 63-14

EDWARDS FAMILY LLC

4106 Sand Creek

BOISE ID 83703

Telephone Number: (208)342-7548

*rem note: no
changes made*

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

2. Describe the changes you wish to make in the proposed recommendation: THE ANNUAL VOLUME LIMITATION SHOULD NOT BE INCLUDED IN THE QUANTITY DESCRIPTION, BUT, RATHER, IN AN "OTHER PROVISION" REMARK REFERENCING THE PRIVATE AGREEMENT THAT IS THE BASIS OF THIS VOLUME LIMITATION. THE COMBINED QUANTITY LIMITATION WITH 63-5067 SHOULD BE REVISED TO A TOTAL QUATITY OF 0.33 CFS LIMITATION JUST FOR IRRIGATION. THE IRRIGATION SEASON SHOULD BE CHANGED TO 3/1 TO 11/15. THE DESCRIPTION OF "COMMERCIAL USE" IN THE "PURPOSE OF USE" SECTION SHOULD READ THE SAME AS THE DESCRIPTION IN THE "OTHER PROVISIONS" SECTION. HOWEVER, "WATERING OF PLANTS" SHOULD BE SUBSTITUTED FOR "IRRIGATION OF PLANTS" TO AVOID CONFUSION REGARDING THIS "COMMERCIAL USE" DESCRIPTION. IT SHOULD BE NOTED IN THE "OTHER PROVISIONS" SECTION THAT THE SOURCE IS A LOW-TEMPERATURE GEOTHERMAL RESOURCE DIVERTED USING ARTESIAN PRESSURE.

3. Give a brief explanation as to why you disagree with these portions: THE ANNUAL VOLUME LIMITATION ONLY SHOULD BE INCLUDED IN AN OTHER PROVISION REMARK REFERENCING THE PRIVATE AGREEMENT AS THE BASIS OF THIS VOLUME LIMITATION. FOR EXAMPLE, IN THE EVENT THAT THE PRIVATE AGREEMENT IS MODIFIED TO REFLECT NEW AQUIFER INFORMATION, THE VOLUME LIMITATION IN THE AGREEMENT MAY BE ADJUSTED BY THE PARTIES. THE COMBINED QUANTITY LIMITATION WITH 63-5067, AS CURRENTLY WRITTEN, WOULD LIMIT BOTH RIGHTS TO A TOTAL QUANTITY OF 0.33 CFS FOR ALL PURPOSES, NOT JUST FOR IRRIGATION. THE IRRIGATION SEASON SHOULD BE CHANGED TO 3/1 TO 11/15 BASED ON THE DATES SHOWN FOR BOISE ON IDWR'S STANDARD MAP OF IRRIGATION SEASONS. THE DESCRIPTION OF "COMMERCIAL USE" IN THE "OTHER PROVISIONS" SECTION IS THE SAME AS THE REMARK ON THE AMENDED CLAIM. USING IDENTICAL LANGUAGE TO DESCRIBE "COMMERCIAL USE" IN BOTH ELEMENTS OF THE WATER RIGHT WOULD AVOID POSSIBLE INCONSISTENCIES. "WATERING OF PLANTS" SHOULD BE SUBSTITUTED FOR "IRRIGATION OF PLANTS" TO AVOID POSSIBLE CONFUSION. THE STATUTES TREAT LOW-TEMPERATURE GEOTHERMAL SOURCES DIFFERENTLY. EDWARDS' SYSTEM OPERATES USING THE ARTESIAN PRESSURE AVAILABLE FROM THE LOW-TEMPERATURE GEOTHERMAL RESOURCE.

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

DATE: JULY 15, 2005

SIGNATURE: *Dana Hofstetter*

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

05/24/2005

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

RIGHT NUMBER: 63-14
NAME AND ADDRESS: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE ID 83703
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.840 CFS
250.000 AFY
diversion Use of this right with Right No. 63-5067 is limited to a total combined
rate of .33 cfs.
PRIORITY DATE: 11/22/1926
POINT OF DIVERSION:

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	0.840 CFS 250.00 AFY
HEATING	01/01 12/31	0.840 CFS 250.00 AFY
IRRIGATION	03/15 11/15	0.330 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

HEATING 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. 63-5067 is limited to the irrigation of a
combined total of 8.3 acres.

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

Commercial use is included as an accomplished transfer pursuant to
Section 42-1425, Idaho Code, to recognize all uses within the
greenhouse, shop, and apartment including domestic, heating, retail shops
and irrigation of plants.

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.

This right is subject to regulation by the watermaster of Water District
63-S.

EXPLANATORY MATERIAL: Decreed

05/24/2005

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

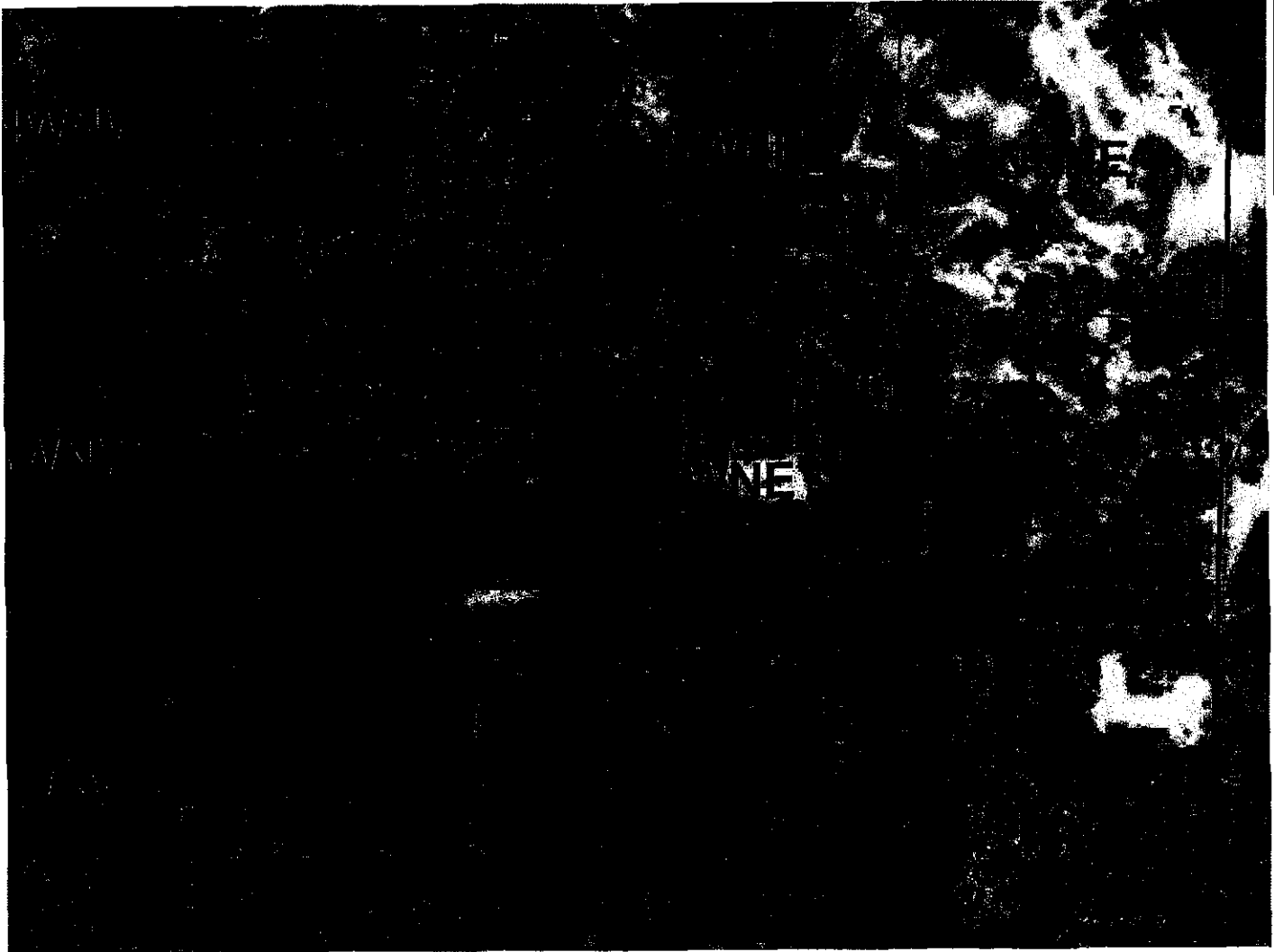
Water is 120 degree F temperature geothermal water.

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



State of Idaho
Idaho Department of Water Resources
Western Region

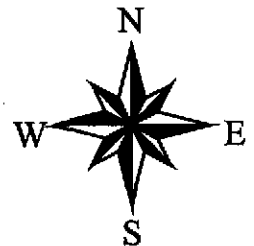
T4N R2E SECTION 29
Water Right (s): 63-14 and 63-5067



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 63-14 V1

WATER RIGHT NUMBER: 63-14 V1

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

Priority Date: 11/22/1926

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.840 CFS	250.00 AF
HEATING	01/01 to 12/31	0.840 CFS	250.00 AF
IRRIGATION	03/15 to 11/15	0.330 CFS	
	<u>Total Diversion:</u>	0.840 CFS	250.00 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4

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

ADA County

Place of UseCOMMERCIAL Within ADA County

T04N R02E S29 SWNE

HEATING Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

Total Acres: 8.3

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-14 V1

Conditions of Approval:

1. E51 Use of this right with Right No. 63-5067 is limited to a total combined diversion rate of .33 cfs.
2. Commercial use is included as an accomplished transfer pursuant to Section 42-1425, Idaho Code, to recognize all uses within the greenhouse, shop, and apartment including domestic, heating, retail shops and irrigation of plants.
3. 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.
4. 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.
5. B07 Water is 120 degree F temperature geothermal water.
6. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
7. B09 This right is subject to regulation by the watermaster of Water District 63-S.
8. E55 Use of this right with Right No. 63-5067 is limited to the irrigation of a combined total of 8.3 acres.

Remarks:Comments:Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/24/2005 3:00:46 PM	vmusic	Updated shape
Source	5/24/2005 3:04:01 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (Yes) 11. Is a Source remark and/or condition required?
POU	5/24/2005 3:04:24 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	5/24/2005 3:08:05 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-14 V1

General	5/24/2005 2:55:02 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/24/2005 2:55:48 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?
Contacts	5/24/2005 2:54:43 PM	vmusic	(No) 1. Do you want to schedule an appointment?
Season	5/24/2005 3:08:39 PM	vmusic	Comment for 1: DESKTOP REVIEW (Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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 3:11:27 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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 10 - SEE FILE FOR CALCULATIONS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-14 V1

Summary	5/24/2005 3:42:27 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Use	5/24/2005 3:04:48 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?

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

March 15, 2005

VIA ELECTRONIC MAIL

Dana Hofstetter
Attorney for Edwards Family LLC
608 W Franklin St.
Boise, ID 83702
E-mail : Dana@IdahoWaterLaw.com

RE: Claim Nos. 63-14, 63-5065 and 63-5067

Dear Dana:

This correspondence is to memorialize our conversations of the past few weeks regarding the claims referenced above. As I mentioned, additional information is needed for IDWR to recommend these claims. A field exam will be needed for statutory claim 63-5067. Although a field exam is not needed for decreed right and claim no. 63-14 and statutory claim no. 63-5067 (an exempt domestic use unless this use has changed) other information is needed and is described in attachments to this correspondence.

Either Burke Scholer or Gene Gibson, IDWR subcontractors, will be conducting the field exam. You indicated that Norm Young will most likely accompany our subcontractor on the field exam. If it is okay with you, I will have the field examiner contact Norm directly to schedule the exam and let you know when that will occur.

Please call or e-mail me anytime if you have questions or comments regarding this matter.

Sincerely,

Vicky L. Music
Water Resource Agent
Adjudication Bureau

cc: 63-14, 63-5065 and 63-5067 claim files

Attachments: Commercial Heating and Cooling worksheet
Commercial Use worksheet
Subcontractor memo

Music, Vicky

From: Neely, Ken
Sent: Thursday, March 03, 2005 5:04 PM
To: Music, Vicky
Subject: Water District 63S

Hi Vicky,

Here's the info on your questions for Water District 63S

1. I think all of the wells have been GPS'd, except for the Terteling Spring.
2. The Attached map shows the district and the wells greater than 71 degrees F. The northeast border of the district is wrong on this map and I have sent an email to a couple GIS people. The well farthest to the north east should be outside of the revised 63S boundary.
3. Edwards uses the geothermal well for heating only, so the cold water wells must be used for irrigation, but I don't know anything about them.
4. From October 7, 2004 to March 1, 2005, the Stralow well discharged 2,835,720 gallons.
5. In Water Year 2004, the Edwards well discharged 48,482,130 gallons. $\div 365 = 132,827.75 \text{ gpd}$
6. The Edwards well is 110-120 degrees F, and I suspect that it is commonly in the 119-120 range, and the low end was unusual. The water temperature for the Stralow well is 114 F based on historic data (I haven't measured it yet).
7. The diversion rate for Stralow is about 13 gallons per minute.
8. The average diversion rate for Edwards is 92 gallons per minute (based on the annual discharge).

Hope this helps.

ken



water district
63s.jpg

Kenneth W. Neely, Technical Hydrogeologist
Idaho Department of Water Resources
Technical Services Bureau
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4852 (phone)
208-287-6700 (fax)
<http://www.idwr.state.id.us/hydrologic/>

glass greenhouse - 2000 ft²
plastic " - 3500 ft²
apartment/shop - 2000 ft²
greenhouses 55,000 ft²

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-14VLM-
maps, etc.

WATER RIGHT NUMBER: 63-14

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

VLM note: this portion was on
a claim - don't know who wrote it.2402 LLC
not claimed
appears to
be covered by
DECREE 14

Priority Date: 11/22/1926
Basis: Decreed
Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.840 CFS	
HEATING	01/01 to 12/31	0.840 CFS	
IRRIGATION	03/15 to 11/15	0.330 CFS	
	<u>Total Diversion:</u>	0.840 CFS	

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4NE1/4

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

ADA County

Place of UseCOMMERCIAL Within ADA County

T04N R02E S29 SWNE

HEATING Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

Total Acres: 8.3

(63-14 only)

app This water right is subject to the terms
of the Agreement dated 1-24-~~2002~~ 2002,
recorded at the Ada Co. Recorder's Office as
instrument no. 102097169.

p3 of
Agreement
Edwards may divert max of 250 cfs
Boise City Canal Co. water

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-14

WATER RIGHT NUMBER: 63-14

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

very note: this part it was on
a claim - don't know who wrote it.

2402 LLC
not claimed
appears to
be covered by
DECREE 14

Priority Date: 11/22/1926
Basis: Decreed
Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.840 CFS	
HEATING	01/01 to 12/31	0.840 CFS	
IRRIGATION	03/15 to 11/15	0.330 CFS	
	<u>Total Diversion:</u>	0.840 CFS	

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4NE1/4

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

ADA County

Place of Use

COMMERCIAL Within ADA County
T04N R02E S29 SWNE

HEATING Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 8.3

Total Acres: 8.3

(63-14 only)

app This water right is subject to the terms
of the Agreement dated 1-24-~~2002~~ 2002,
recorded at the Ada Co. Records Office as
Instrument No. 102097169.

p3 of
Agreement) Edwards may divert max of 250 cfs
Boise City Canal Co. water

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-14

Conditions of Approval:

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 .3 CFS FROM 10/1 TO 4/1. 4/1 TO 10/1 .4 CFS OR SO MUCH THEREOF THAT WILL NOT DEplete PLAINTIFFS WELL BELOW .8 CFS.
NON-IRRIGATED USES: HEATING, GREENHOUSE - 20,000 SQ. FT. OF GLASS, AND 35,000 SQ. FT. OF PLASTIC, APARTMENT/SHOP - 2,800 SQ. FT.
SEE LICENSE #63-02402, THIS APPEARS TO BE A LICENSE FOR THE SAME WATER RIGHT AS DECREE #63-00014.
4. General Claim amended per claimant 1/14/05.
5. General Commercial use is included as an accomplished transfer pursuant to Section 42-1425, Idaho Code, to recognize all uses within the greenhouse, shop, and apartment including domestic, heating, retail shops and irrigation of plants.
6. General Irrigation is the application of water to fields and gardens outside of the greenhouses. Irrigation within the greenhouses is covered under "commercial" (see attached IDWR memorandum dated May 29, 1979). The irrigation rate of .04 cfs/acre is based upon the determination of water requirement in the Silkey vs. Tiegs decree.
7. General The total area irrigated includes land in outside fields and gardens and space within the greenhouses.
This water right is subject to the terms of an Agreement dated January 24, 2002 and recorded at the Ada County Recorders Office as Instrument No. 102097169 (attached).
The system operates using the artesian pressure available from the low temperature geothermal source. The pump, used only for emergencies, has not been used for many years other than periodic testing to assure it is operable.

Comments:

BOJ ✓ H2O is 120° F
COY ✓ ACC top in purpose

BOJ ✓ WM 63-5
Commercial use ✓ purpose / cond

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

ET5 ✓ .33 cfs when combined w/ 63-5067
ET5 ✓ 8.3 AC " " " " " "

COMMERCIAL SPACE HEATING/COOLING REQUIREMENTS FOR COLD OR GEOTHERMAL SOURCES

Data entered by: VWM

Date: _____

File No.: 63-14, 63-5067

Computations for: GREENHOUSE

REQUIRED DATA:

Area of floor space, ft² (A) 55,000
2 story? (N=1, Y=2) N
Building efficiency factor (e) * 1.11
Inside design temperature (Ti) 70°F
Average outside temperature (To) ** 40°F
Source temperature, degrees F (S) 118°F
Heating/cooling days per season (D) 365
Hours/day system operates (H) 24

Additional information you feel may be pertinent:

PLEASE SUBMIT A DIAGRAM
OF YOUR SYSTEM
OR SYSTEM BLUE PRINT

Please return to:

ATTN: VICKY MUSIC

Idaho Department of Water Resources

2735 Airport Way

Boise, ID 83705-5082

Signature _____ Date _____ Work Phone Number _____

* e values are as follows:

- 0.28 Best energy efficiency - extra insulation, caulked and weather-stripped, with storm windows and doors
0.44 Better energy efficiency - standard insulation, caulked and weather-stripped, with storm windows and/or doors
0.67 Average residence - standard insulation, no weatherproofing but with storm windows or double panes
1.11 Poor energy efficiency - minimal insulation, no weatherproofing or storm windows (older homes, shops or greenhouses)

** Suggested average outside temperatures:

WINTER

4 deg F Boise
6 deg F Grand View
-8 deg F Cascade

SUMMER

80 deg F Boise
90 deg F Grand View
70 deg F Cascade

- (A) Area of floor space
(Ti) Inside design temperature
(To) Average outside temperature
(S) Source temperature
(D) Heating/cooling days per season
(H) Hours per day system operates
(e) Building efficiency factor

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

63-14

- 1 - Commercial use worksheet, commercial heating worksheet
- 2 - year of accomplished transfer from irrigation to heating
- 3 - Breakdown of acres irrigation 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 place of use.
- 4 – is the home the same as the apartment? What are the other buildings at this address used for? Please label buildings on map.

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 – 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?

Edwards : What does commercial use include?
63-14 What is source for restrooms, kitchen facilities, general cleaning?
63-5067
63-5065

COMMERCIAL USE VOLUME

* 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?

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?

**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 completeClaim No(s) 63-00014Owner: EDWARDS FAMILY LLC Phone No. 342 7548Current Address: 4106 SAND CREEK, BOISE ID 83703☒ No change NAME IS THE SAME☐ NEW OWNER☒ No change Address☐ NEW ADDRESS☐ How long owned property? _____Accompanied by: NORM YOUNG AND DANA HOESTETTER**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: 11/22/1926(If priority date, based on your exam, seems questionable, explain below.)

_____Source: GROUND WATER ARTESIAN

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? _____

GPS = 2319403 #12
1386432

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

SITE TAG = 0000061 ← OLD

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SE	SW	NE	29	04N	02E	ADA	GPS & NAPO PHOTO

Description of diverting works

HOT WATER ARTESIAN WELL - APPROX. 6" CASING CAPPED & VALUED
TO CONTAIN WATER IN PRESSURIZED SYSTEM. PRESSURE = 16 PSI TEMP = 116° F.
OVERLAP REVIEW PIPED THRU STEEL MAINLINE WITH THREE LATERALS INTO
THE GREENHOUSE COMPLEX FOR HEATING.
Other water rights with the same point of diversion: 63-2402

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

NO

WATER USES

☒ No change

☐ Different Uses

ALL OUTDOOR AREAS

ALL ON
ORIGINAL
DEGREE

Use IRRIGATION From 3/1 To 11/15 Amount 0.33 CFS AFA

Use HEATING From 1/1 To 12/31 Amount 0.84 CFS AFA

Use COMMERCIAL From 1/1 To 12/31 Amount 0.84 CFS AFA

→ INCLUDES IRRIGATION INSIDE FOR GREEN HOUSES 0.84 MAX

TOTAL VOLUME - Groundwater only

☐ Incomplete on claim, the total is, Amount CFS AFA RECORDS HAVE BEEN KEPT BY KEN NEALY (WATERMASTER)

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

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

1930 DECREE ALLOWED 2" / ACRE
SILKEY VS EDWARDS

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	29			8.3														8.3

Overlap with other water rights: 63-2402, 63-5065 63-5067

← SAME WELL ← LITTLE CROW WEL ← BIG CROW WEL

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

NO

THIS
Delivery System Narrative: WELL IS AN ARTESIAN HOT WATER (116°F) ^{WATER} DELIVERING APPROX 16 PSI AT AVERAGE FLOW RATE. THE WELL IS MONITORED BY A WATER MASTER, KEN NEELY IDWR. FROM THE WELL THE HOT WATER IS CONVEYED THRU A 4" DIA. STEEL MAINLINE UNDERGROUND ALONG THE EAST SIDE OF THE GREENHOUSE COMPLEX WITH THREE LATERAL LINES CONNECTED TO HEATING PIPES IN-SIDE. THE HOT WATER HEATS THRU A SERIES OF PIPES THEN TRAVELS TO THE END OF ONE SYSTEM. THE WATER GOES INTO A SMALL SUMP PIT AND IS RE-PUMPED TO OTHER GREEN HOUSES WHICH ARE HEATED WITH A HEAT EXCHANGER AND THE WARM AIR IS BLOWN INTO THE BLDG. THE WATER IS COOLED DOWN USING THIS PROCESS AND IS DISCHARGED INTO AN OPEN DITCH WHICH IS CONVEYED TO THE IRRIGATION DISTRICT CANAL AND IS USED FOR IRRIGATION IN THAT SYSTEM.

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

FLOW MEASUREMENTS: FLOW RATES DETERMINED FROM HISTORICAL RECORDS KEPT BY THE WATER MASTER:

Attach appropriate documents

1981 MAX FLOW RATE = 314 GPM
 " " AVE " " = 218 GPM
 1990 150-135 GPM = 142 GPM
 2004 120 AVE = 120 GPM

NARRATIVE/REMARKS/COMMENTS

THIS WELL HAS A LOT OF HISTORY. THE WELL WAS CONSTRUCTED AND PUT IN USE IN 1926. IT WAS USED PRIMARILY FOR HEATING A GREENHOUSE. SINCE THE ORIGINAL DEED STATED THAT IS COULD BE USED FOR "IRRIGATION, DOMESTIC, STOCK & HEATING PURPOSES", IT WAS USED THIS WAY. IN 1930 THEY CONSTRUCTED A SHALLOWER WELL FOR COLD WATER TO USE FOR A HOME & OUTSIDE IRRIGATION. IN 1956 THEY CONSTRUCTED ANOTHER COLD WATER WELL TO USE INSIDE THE GREENHOUSE FOR IRRIGATION (BECOMING "COMMERCIAL") AND DOMESTIC FOR 1 HOME (ACROSS STREET FROM GREENHOUSE). THIS WELL SINCE THEN HAS BEEN USED PRIMARILY FOR HEATING PURPOSES, INCLUDING THE HOUSE ACROSS THE STREET, 4120 TAMARACK.

ITEMS ON MEMO.

1. WORKSHEET FOR HEATING PURPOSE ONLY

RECORDS FROM KENNEDY INDICATES 2003 = 158.05 AC

2004 = 148.78 AC

2. HAS ALWAYS BEEN USED FOR IRRIGATION + HEATING

3. GREEN HOUSES ARE ABOUT 2.35 AC.

AFTER EXAM THE FILE SHOULD CONTAIN:

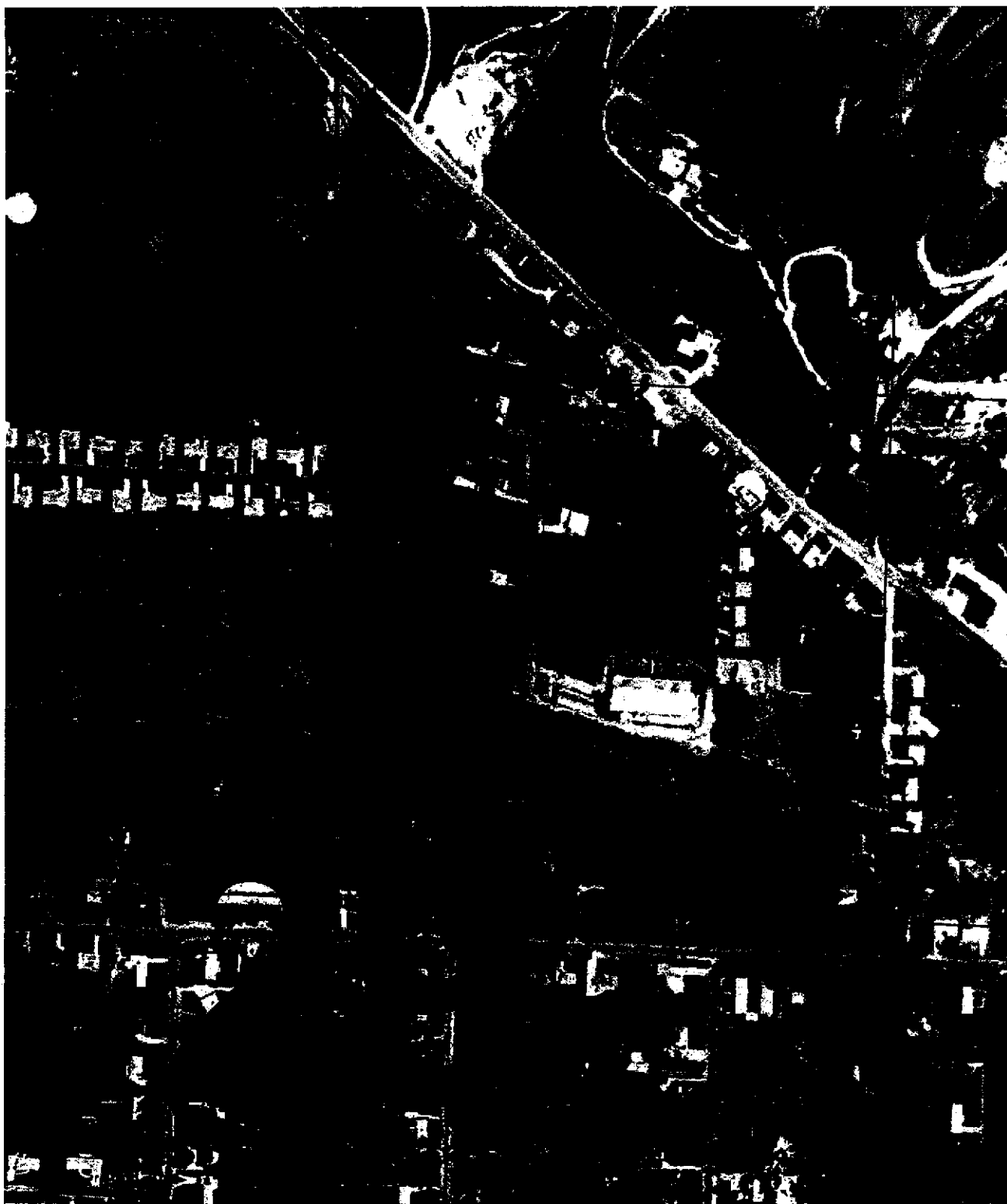
- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 5/9/05 + 5/20/05

FIELD EXAMINER: Burke H. Johnson



**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**



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

State of Idaho
License and Certificate of Water Right

license -
not claimed

Water License No. 16609

Amount .84 Sec. Ft.

Water District No.

Priority November 22, 1926

THIS IS TO CERTIFY that **THOMAS F. EDWARDS**
of **Boise, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **November 22**, 19 **26**; that Permit No. 16609
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.84 of 1 second ^{foot} ~~sec.~~, was issued thereunder on **December 28**, 19 **32**, showing that said works
were completed on the **23rd** day of **November**, 19 **31**; and that on the **28th**
day of **October**, 19 **33**,

THOMAS F. EDWARDS

of **Boise**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use ~~maximum~~ of subterranean water
a tributary of _____, for the purpose of irrigation, domestic & heating
use _____, under Use Permit No. 16609 of the **Commissioner of Reclamation**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
of Licenses, at page **3787**, on the **1st** day of **May**, 19 **35**;
The right hereby confirmed dates from **November 22**, 19 **26**;

The Point of Diversion is located
in the **SW 1/4** ~~NE 1/4~~ Sec. **29**, Tp. **4 N.**, R. **2 E.**, B. M. **Ada County**.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .84 of 1
cubic ^{foot} ~~sec.~~ per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	2 E	29	NW 1/4 NE 1/4 SW 1/4 NE 1/4	13 13	13 13

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this **1st** day of **May**, 19 **35**

R. W. FARIS
Commissioner of Reclamation

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16609

This proof is for Beneficial use

In Water District No. _____

1. Name of applicant THOS. F. EDWARDS
 2. Source of water supply Artesian well
 3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 29
 T. 4 N. R. 2 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well, 4" diam 1200 ft deep, sand & piped to 2 greenhouses 36x100' each & also piped to hot beds, sprinkler system etc via 750' of 4", 1000' of 2" and about 3000 ft of 1 1/2" to 1/2" pipe

5. Water is used for: Irrigation, domestic and heating purposes.

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

NW 1/4 NE 1/4 and SW 1/4 NE 1/4 Sec. 29, T. 4 N., R. 2 E. B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? none

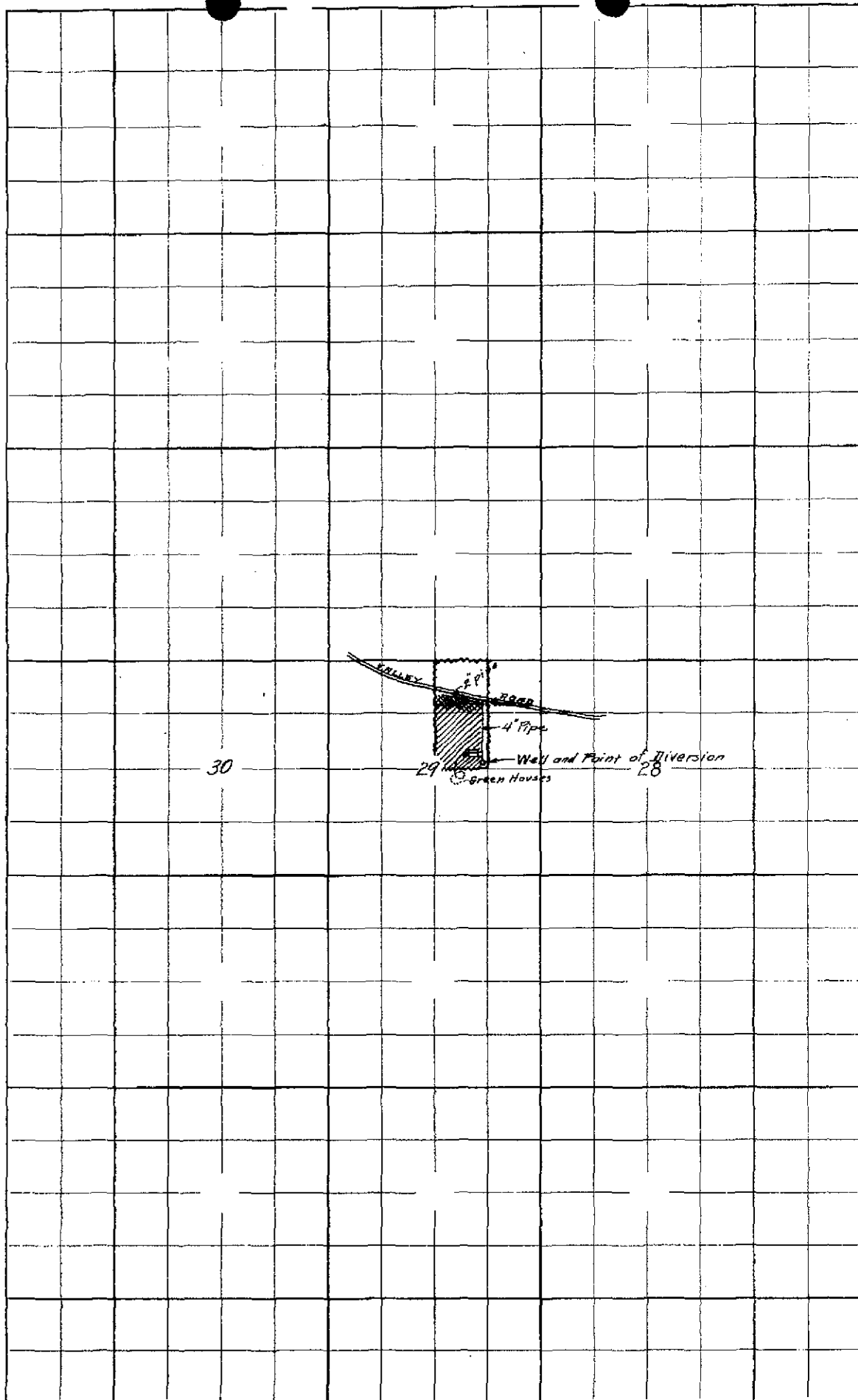
Remarks: Total cultivated area about 26 acres

This examination was made on the 10th day of April, 1937

(Signed)

Robert H. Johnson
Examiner.

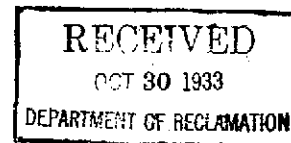
16609



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

16609

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 16609

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Thomas F. Edwards; near Boise; farmer; General Delivery,
Boise, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 16609; November 28, 1926; November 22, 1926

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Artesian well; extreme southeast corner of applicant's land in
SW 1/4 NE 1/4 Sec. 29, T 4 N, R 2 E, Boise-Meridian

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Artesian well; .84 cu.ft. per sec.; 750' 4" pipe; 2 2" taps from above
line; 1000' 2" pipe; 5475' 1 1/2" pipe; 600' 3/4" pipe; all stops, waste
cocks, elbows, controls, etc., for use of water in hot beds; 5100' 1 1/2"
pipe in hot house; 250' 2" pipe leading to hot house, all lines complete
with proper controls; 150' 3/4" pipe leading to residence.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, domestic and heating purposes. *SW 1/4 & SW 1/4 Sec 29, TAN*
25 acres irrigated, RZE, BM.
Use: Commercial gardening and hot house, hot beds and florist purposes.
All land in high state of cultivation. For improvements made for use
of above water, see answer to Question #5.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Used only for irrigation, domestic and heating purposes.

16609

Permit No.....

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Ala

SS

Thos. H. Edwards, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 16609, and that his postoffice address is Bain
State of Idaho

Second: That the ~~name~~ of the stream from which said water is to be diverted is.

Artesian wells

Third: That the point of diversion of said water is in SE corner of land described below. In SW¹/₄ NE¹/₄ Sec. 29 T. 44 R. 2 E

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 23, 1931.

Fifth: That the use for which said water is intended is irrigation and domestic supply

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

1. Kind of works: extension well 1200 ft. 750" H" black pipe, well

(Reservoir, dam, ditch, flume, pipe or otherwise.)

Complete case of complete open channel system, 1000 ft. (2") pipe 11 lot bodies
 about 500 ft. 1 1/2" pipe 2 green houses 36 X 100 ft. complete

H. Dimensions of work:

(a) Height of dam _____ feet length of dam at top _____ feet length of dam at _____

(a) Height of dam.....feet, length of dam at top.....feet, length of dam at bottom.....feet. Material used in construction.....

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width.....feet, height.....feet.

(d) Conduit.....width at bottom.....feet, width at water line.

(State whether ditch, flume or pipe.)

feet, depth of water.....feet; diameter of pipe.....inches, average grade
per mile is.....feet Length of conduit is.....miles.

Seventh: That said works are capable of conducting to the place of intended use 42/60
0.84 second feet of water.

Eighth: That water appropriated under said permit is available for 26 acres
of land described as follows:

Ninth: Remarks: That I drilled an artesian well, built 11 hot beds, and two green houses, put in several thousand feet of pipe, have a complete ditch system and my total expenditure to date is \$13,651.45.

Thos F Edwards
(Sign here)

Subscribed and sworn to before me this 23rd day of November, 1931

My commission expires.

Notary Public.

16609

60991

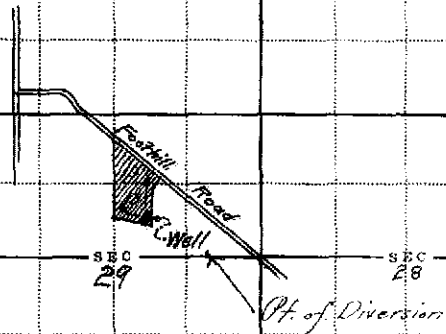
NAME OF APPLICANT

Form No. 9

Nov. 23, 1926.

16609

Prop. 4 N. R. 2 E, B M. Idaho.



SCALE: 2 INCHES EQUAL 1 MILE. PLAN IN INCH



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.

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

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

CC: Garnette Monnie w/ enclosures

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION