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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Claimants The Terteling Company, Inc.

IN RE SRBA)
Case No. 38756)
_____)
SUBCASE NO. 63-31058; LATE CLAIM NO. 63-33148_
AFFIDAVIT OF ED SQUIRES IN SUPPORT OF MOTION
TO FILE AMENDED CLAIM TO WATER RIGHT NO.
63-31058 AND A LATE CLAIM TO A WATER RIGHT
DIVERTED FROM SPRINGS

STATE OF IDAHO)
COUNTY OF ADA) ss
)

ED SQUIRES, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. The purpose of this affidavit is to provide information regarding claim to water right no. 63-31058 claimed in the Snake River Basin Adjudication by The Terteling Company, Inc. in order to provide a basis for amendment of the same.
3. I am a registered professional geologist licensed by the State of Idaho. I am also a Certified Water Right Examiner trained and experienced in the area of aerial photo analysis and interpretation. My specific expertise and qualification are set forth in my curriculum vitae attached hereto as Exhibit "A".

AFFIDAVIT OF ED SQUIRES IN SUPPORT OF MOTION TO FILE LATE CLAIM TO
WATER RIGHT NO. 63-31058 AND A LATE CLAIM - Page 1

COPY

4. I was retained by The Terteling Company, Inc. in the spring of 2008 to investigate and analyze the diversion, distribution and delivery of surface water from Stewart Gulch Creek on the upper Terteling Ranch near 7000 Bogus Basin Road in Ada County, Idaho to determine whether the original claim filed by The Terteling Company to this water right was accurate and complete. My conclusion was that the original claim was neither accurate nor complete.

5. I have examined the Idaho Department of Water Resources' claim file for water right no. 63-31058. Copies of relevant documents from that claim file are attached hereto as Exhibit "B". The documents attached as Exhibit "B" establish that the apparent primary reason for this water right's recommended disallowal is that the diversion and distribution system was not well described to the IDWR water right investigator, despite requests for the same. I believe that if the information I have obtained regarding water uses and the water distribution and diversion systems had been provided to the investigator, the water right would have been recommended. The diversions claimed pursuant to the amended claim and water uses in excess of the originally claimed amounts clearly exist. This affidavit provides a general description of such information. I am available to go into more detail with IDWR's investigator and/or make a field trip to the location of the water right at any time upon reasonable notice and appointment.

6. With respect to water diverted pursuant to water right no. 63-31058 from Stewart Gulch Creek, I was able to locate three separate diversions. Using computer software, I have created a map showing such diversions that is attached hereto as Exhibit "C". Additionally,

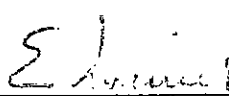
with respect to water that is diverted pursuant to water right no. 63-31058 from springs, I was able to locate the diversion of the springs into adjacent ponds - such springs are also shown on Exhibit "C". All of these diversions can be readily observed by a water rights investigator who is shown the same by a person with knowledge of their locations.

7. In addition to the diversions from Stewart Gulch Creek and springs, I was able to locate and map an elaborate system of ditches, laterals, and pipes that distributes the water to various irrigated areas and ponds. This system is shown and labeled on Exhibit "C" attached hereto. Acreage irrigated by the system is also shown and labeled on Exhibit "C".

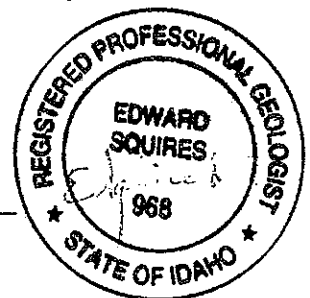
8. Through my analysis and interpretation of various aerial photos through time showing the places of use claimed as irrigated pursuant to water right no. 63-31058, I have determined that such areas have been developed and irrigated. I believe these places of use have been accurately claimed in the amended claim. From the available aerial photography, I believe that there is evidence of beneficial use of the water right as early as 1938.

9. As a result of my investigation of surface water sources, diversion and distribution systems on the upper Terteling Ranch, I have found three unclaimed developed spring sources used by the claimant for stockwater, aesthetic and wildlife purposes. Such spring sources are shown on the map attached hereto as Exhibit "C". It is my understanding that a Motion to File Late Claim for such spring sources has been filed concurrently with this affidavit.

Further your affiant sayeth naught.



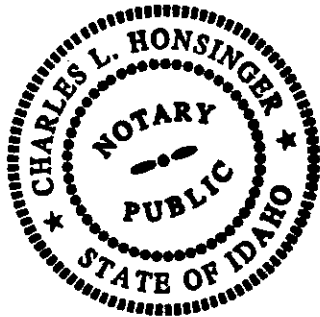
Ed Squires



STATE OF IDAHO)
)ss.
County of Ada)

On this 19 day of December, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ED SQUIRES, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

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



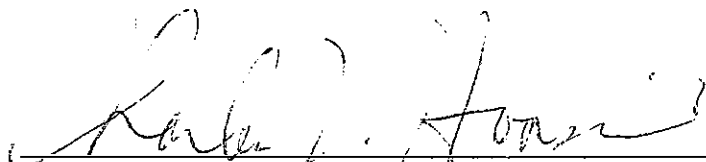
Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

CERTIFICATE OF MAILING

I certify that on December 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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



Signature of person mailing form

Exhibit A

Edward Squires, R.P.G.

EDUCATION

M.S. Interdisciplinary Hydrogeology, 1992, Boise State University, Boise, Idaho.

Advisors: Dr. S.H. Wood (BSU) and Dr. J.L. Osiensky (U of I) advisors.

B.S. Geology, groundwater emphasis, cum laude, 1990, Boise State University, Boise, Idaho.

Advisor: Dr. C. M. White.

Thesis: Hydrogeologic Framework of the Boise Aquifer System, Ada County, Idaho.

REGISTRATION

Registered Professional Geologist, since 1999, Certificate No. 968

Professional Well Log Analyst, since 1995

Certified Water Right Examiner, Certification No. 06-125

OVERVIEW

Ed Squires is the President and Managing Hydrogeologist for Hydro Logic, Inc. of Boise, Idaho. Before starting his own consulting firm in 1999, he served for 6 years as Manager of the Geosciences Department and Senior Project Hydrogeologist for United Water Idaho, Inc. In that capacity, Mr. Squires has consulted on a variety of water resource projects to the United Water Resources group of companies around the United States. He has been part of the adjunct graduate faculty at Boise State University's Department of Geosciences since 1995, regularly teaching a curriculum course in Field Hydrogeology and serving as a guest lecturer for other water-related coursework. Prior to his tenure at United Water Idaho, Mr. Squires worked as a hydrogeologist for S.H. Wood and Associates and has over eighteen years of hands-on groundwater experience.

Mr. Squires' professional career and current practice emphasizes all aspects of responsible groundwater development, water rights, and resource protection. He has conducted extensive research and published several reports on the groundwater and subsurface hydrogeology of the Boise River Valley since publication of his Masters Thesis, entitled "Hydrogeologic Framework of the Boise Aquifer System, Ada County, Idaho". Mr. Squires served three years on the Technical Advisory Committee of the Treasure Valley Hydrologic Project and has been a member of the Southeast Boise Groundwater Management Area Committee, formed as a result of his research in Southeast Boise, since 1994. He recently served on the Technical Advisory Committee for the Hydrogeologic Framework and Computer Modeling Project for the Boise Front Geothermal Groundwater Management Area and has been appointed by the Director to the Negotiated Rulemaking Committee to draft new administrative rules for well drilling in the State of Idaho.

Mr. Squires has designed and supervised the construction of over 300 large bore, high capacity water supply wells averaging 500 feet deep in sedimentary and volcanic aquifers. He has designed, supervised the construction, developed, and tested more than 60 deep (500-to-1000 feet) exploratory test/observation wells in addition to multiple geothermal and irrigation well development projects. In addition to new well installations, Mr. Squires has run down hole camera surveys and borehole geophysical logs in hundreds of wells throughout the Western States and has been in charge of rehabilitative maintenance/reconstruction of over 100 older wells.

Mr. Squires is a registered Professional Geologist (No. 968) and a Professional Well Log Analyst. He is a member of the National Groundwater Association, the Association of Ground Water Scientists and Engineers, and is a Certified Water Rights Examiner in the State of Idaho (05-125).

- 6) Six-well, aquifer testing of the Crane Creek area geothermal wells using the Simplot Ranch, Crane Creek GC, and UWID wells as pumping wells. Settled UWID/Simplot water rights dispute – (194-1995).
- 7) Specific capacity testing of the Flora Nursery and Edwards Nursery geothermal wells 2000-2002.
- 8) Conducted and interpreted down hole camera surveys of the BWSWD, Flora, Crane Creek Country Club, Terteling Ranch wells.
- 9) Project manager for design, drilling, completion, and testing of the Peaceful Cove Nursery and Tom Terteling residence deep geothermal supply wells in Stewart Gulch – 1994 & 1995).
- 10) Project manager for the rehabilitation of the Terteling Ranch Pool, Motorcycle Club, and Windsock geothermal wells – 1990's.
- 11) Evaluation of historical weir flow data and geothermal water use at Flora Nursery – 1921- 2002.
- 12) Project manager for reconstruction, and sealing of the Flora Nursery Silkey geothermal well.2001.
- 13) Co-leader of the Treasure Valley Hydrologic Project Foothills Field Trip to view exposed geothermal aquifer rocks along the Boise Front 1998.
- 14) Project manager Stewart Gulch seismic profiling project to site, drill, and complete a new cold-water irrigation well above the geothermal aquifer – 1996
- 15) Conducted geophysical surveys for the J.R. Simplot Co.'s Aquaculture Project in Caldwell, ID.
- 16) Expert witness for Flora Nursery during protested geothermal Transfer application 2001-2002.
- 17) Expert witness for The Terteling Company during protested Petition by the City of Boise to increase geothermal water withdraws from the Boise Geothermal Aquifer 2002.
- 18) Hydrogeologic Framework Refinement and Simulation of Hydraulic Head and Temperature in the Boise Geothermal Aquifer -Technical Advisory Committee member 2002.
- 19) Co-author of the Boise Front Geothermal Aquifer Monitoring Plan June 2002.
- 20) Project manager for the geothermal exploration drilling and seismic reflection surveys project at Tamarack Resort 2005.

Groundwater Development Feasibility Studies

- 1) Design, construction oversight, development, water quality testing , and monitoring of over 50 deep (500-1000 feet) exploratory test-well and piezometer nest installations for municipal and industrial water providers in Southwest Idaho..
- 2) Groundwater Feasibility Study For Idaho Power Co.'s Pahsimeroi Fish Hatchery, Lemhi, County, Idaho.
- 3) Reconnaissance Level Groundwater Feasibility Study for the Idaho Power Company's Oxbow Fish Hatchery atv the Confluence of Pine Creek With the Snake River in the Hells Canyon Reach, Baker County, Oregon.
- 4) Hydrogeologic Evaluation of Groundwater Quality and Yield Beneath the Idaho Power Company's Pahsimeroi Fish Hatchery – Upper Facility.
- 5) Analysis of the 2001 Aquifer Testing for the Municipal Water Supply of the Proposed WestRock Resort, Donnelly, Valley County, Idaho.
- 6) Groundwater Conditions and Hydraulic Testing of the Boise Fan-Aquifer of Southeast Boise River Valley, Ada County, Idaho.
- 1) Evaluation of the Hydrogeologic Framework and Groundwater Production Potential of the Kings River Valley, Nevada.

Resource Protection

- 1) Investigation, design and oversight of the decommissioning and proper abandonment of 35 aging and unsealed large-bore production well using perforate-and-pressure grouting techniques.
- 2) Design and oversight of the pressure grout sealing and rehabilitation of four high-yield unsealed wells.
- 3) Development and implementation of a baseline (pre-development) surface water quality monitoring plan for the proposed Tamarack Resort, Donnelly, ID.

Causative Factors of Detachment of the Mountain Home #1 Municipal Supply Well Pump With Details of the Recovery Effort: 2002, A report prepared for Ringert Clark Chartered Lawyers.

Evaluation, Abandonment, and Proposed Replacement of the Capitol Water Corporation's #5 (Lubkin) Municipal Supply Well 1999-2002: 2001, A report on the history of repair, the occurrence of volatile organic compounds, and the abandonment of an aging supply well in preparation for replacement of the #5 well with a new facility.

Preliminary Evaluation of the Well Construction, Present Down Hole Conditions, and Sustainable Yield of the Garden City #5 Municipal Well: 2001, A report the Garden City Public Works Department.

Stratigraphic Studies of the Boise (Idaho) Aquifer System Using Borehole Geophysical Logs With Emphasis on Facies Identification of Sand Aquifers: 2000, Report to the Treasure Valley Hydrologic Project, Idaho Department of Water Resources, (co author with Dr. S.H. Wood).

Hydrogeology, Geochemistry, and Well Construction of the Treasure Valley Hydrologic Project Monitoring Well #1, Ada County, Idaho: , 1999, Final report to the Technical Advisory Committee (co-author).

Supporting Data for the Groundwater Conditions and Aquifer Testing of the Tenmile Ridge Area of South Boise, Ada County, Idaho: 1998.

Implications of Well-Construction to Aquifer Water-Quality: Some Observations: (principal author), 1997, Southwest Idaho Subsection – Pacific Northwest Section of the American Water Works Association; in Southwest Idaho As An Example of Ground Water Development in the Northwest Intermountain Region, Speakers Expanded Abstracts

City of Meridian #15 Production Well: Discovery of a New, Good-Quality Aquifer: 1994, Professional report to the City of Meridian, Idaho.

Groundwater Conditions and Hydraulic Testing of the Boise-Fan Aquifer of Southeast Boise River Valley, Ada County, Idaho: 1993, Report to Boise Water Corporation. (principal author).

City of Meridian #14 Production Well: 1993, A new large-capacity municipal-supply well is completed in response to unprecedented 18% growth. Report to City of Meridian, Idaho.

Hydrogeologic Framework of the Boise Aquifer System, Ada County Idaho: 1992, Project Completion Technical Report, Idaho Water Resources Research Institute, University of Idaho, Moscow, Idaho, 109 pages. (principal author)

An Irrigation Well for the Les Bois Invitational Soccer Tournament Incorporated, 1992, professional report to Boise Water Corporation, 42 pages. (sole author)

Hydrogeologic Investigation for the Proposed State of Idaho, Department of Transportation Blacks Creek Rest Area, Ada County, Idaho: 1992, report to Idaho Department of Transportation, 38 pages. (principal author)

Investigation of Groundwater in the Tenmile Ridge Area of South Boise, Idaho: 1989. Report to Boise Water Corporation. (principal author)

Origin of Granophyres in the Vandfaldalen Macrodiike, East Greenland: 1989, Evidence for Assimilation and Magma Mixing. GSA Abs. with Programs. (co-author)

Crustal Assimilation and Coexisting Silicic and Mafic Magmas in the Vandfaldalen Macrodiike, East Greenland: Continental Magmatism Abstracts (IAVCEI): New Mexico Bureau of Mines and Mineral Resources Bulletin 131. (co-author)

Analysis of Historical and Current Water-level and Production Data from the Boise Geothermal System: 1988, Geological Society of America Abstracts. (co-author)

Preliminary Geology and Hydrogeology of the Mayfield/Orchard Area, Elmore and Ada Counties, Southwest Idaho: 1988, (Best Undergraduate Paper in Physical Sciences), in Program and Abstracts, 30th Annual Meeting of the Idaho Academy of Science. (sole author)

Geologic Study of Groundwater in Deep Wells, Southeast Boise Area: 1987. Report to Boise Water Corporation.

Exhibit B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Desktop review/VLW

Prior to Field Exam

Disallowed

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 03-31058

Owner: _____ Phone No. _____

Current Address: _____

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

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: _____

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

Source: Spring/Stewart Cr. Tributary to _____

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

POINT OF DIVERSION

? location unknown

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

UNKNOWN - no information provided on claim or by claimant

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

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

WATER USES

will delete irr.

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

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

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

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

Types _____ Additional comments: _____

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

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

Overlap with other water rights: 63-31060

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

Delivery System Narrative: unknown - information requested from client - none rec'd.

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

203 - no b/c found
213 -
 SW is for 15 ranch cattle.
 Q for SW not a det of his b/c
 Q for SW not to > 13K gpd.
 aka 6601 N Bonus Basin Rd., Boise
 Parcel # 50614334800.

(1) Ada Co. tax lot info lists address as 6601
N Hobbs Basin Rd. #9064334800.

(2) no irrigation or trace of ir seen in ariids
from 1991-2003.

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

can do thru permitting process

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Vicky

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

Charlie and Tom -

Attached are the above.

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



63-31056 PRELIM DR.doc



63-31057 PRELIM DR.doc



63-31056.pdf

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



63-31058 PRELIM DR.doc



63-31060 PRELIM DR.doc

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

Exhibit C

