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MAR 19 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 18 2009

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

Subcase: 63-33148

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

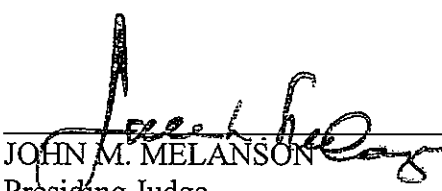
On December 30, 2008, The Terteling Company, Inc., by and through counsel, Charles L. Honsinger, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on March 17, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated March 18, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on March 18, 2009, with sufficient first-class postage to the following:

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

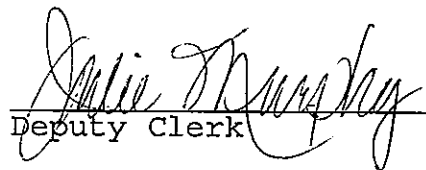
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 02236

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized.

RECEIVED

MAR 19 2009

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-33148

Date Received 3-19-2009 SP7

Receipt Number C088259 125-

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWDISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 30 2008

By _____

Deputy Clerk

Please type or print clearly

- Name of Claimant(s) The Terteling Company, Inc. Phone: (208) 338-5200
Mailing Address 3858 Garden Center Way, Boise, ID Zip 83703
- Date of Priority only (1) per claim) May 1, 1891
- Source of water supply (a) Springs
which is tributary to (b) Stewart Gulch
- a. Location of existing point of diversion is: Township 04N Range 02E Section 14,
1/4 of SW 1/4 SW 1/4, Govt. Lot, _____ B.M., County of Ada
Additional points of diversion if any: T04N R02E Section 14 SESW
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works. Diversions from springs into very small ponds and spring boxes
- Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)
For Stockwater purposes from 1/01 to 12/31 amount 0.04 cfs or _____
For Aesthetic purposes from 1/01 to 12/31 amount .04 cfs or _____
For Wildlife purposes from 1/01 to 12/31 amount .04 cfs or _____

Last Name The Terteling Company, Inc. Ident. Number 63-33148

7. Total quantity claimed (a) .04 (cfs) and/or (b) ____ (acre feet)
8. Total consumptive use claimed is _____ acre fee per annum.
9. Non-Irrigation uses:
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.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	14											S, W, A	S W A					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Ada
12. Do you own the property listed above as place of use? Yes X No _____
13. Other water rights used:
14. Remarks: _____

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

If applicable provide IDWR Water Right Number 63- 33148
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

Last Name The Terteling Company, Inc. Ident. Number 63- 33148

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing documents are true and correct.

Signature or Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of The Terteling Company, Inc. _____, that I have signed the foregoing
Organization
document in the space below as _____ of The Terteling Company, Inc.
Title organization

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

Signed of Authorized Agent _____

Title and Organization _____

Date 22 DEC 08

State of Idaho/or _____

County of Ada

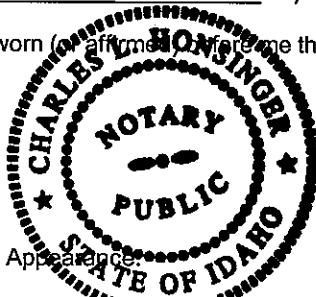
} SS.

Subscribed and sworn (or affirmed) before me this _____

22nd

day of December 2008

SEAL



Notary Public _____

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Charles L. Honsinger will be acting as attorney at law on behalf of the claimant signing above, and all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address Ringert Law, Chartered, P.O. Box 2773, Boise, ID 83701

Date December 22, 2008

Last Name The Terteling Company, Inc.

Ident. Number 63-33148