

DISTRICT COURT - 5TH JUDICIAL DISTRICT Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 27 2010	
By _____	Clock _____
Deputy Clerk _____	

**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 No. 63-31062
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
The Terteling Company, Inc.

OBJECTOR/RESPONDENT:
Edwards Family, LLC

Charles L. Honsinger 09/27/10

 Charles L. Honsinger Date
 Attorney for Claimant/Objector

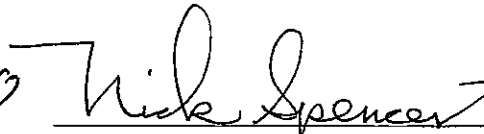
Garnett H. Edwards 9/27/10

 By: _____ Date
 Title: owner
Charles Greenhouse

IDWR Concurrence:

 9-23-10

Vicky L. Music Date
Senior Water Resource Agent

 9-24-10

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

09/7/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31062

NAME AND ADDRESS: THE TERTELING CO INC
3858 GARDEN CENTER WY STE 300
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.50 AFY

WMM
NBS
C.2.7.
GKE

The annual diversion volume refers to the irrigation use only.

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

PRIORITY DATE: 01/01/1938

POINT OF
DIVERSION:

T04N R02E S22 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

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

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

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S22 NWSE 1.00

STOCKWATER in ADA County

T04N R02E S22 NWSE

DOMESTIC in ADA County

T04N R02E S22 NWSE

1 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 10 range cattle.

The point of diversion is also known as the Old Barn Well, located in the NWNWSE of S 22.

Water Right No. 63-31051 is also diverted from the point of diversion described above.

CERTIFICATE OF MAILING

I certify that on Sept 27, 2010, 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:

1. Original to:

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

Hand Delivered

2. Copies to:

THE TERTELING COMPANY, INC.
Represented by:
CHARLES L. HONSINGER
455 S. THIRD STREET
P.O. BOX 2773
BOISE, ID 83701-2773

(())

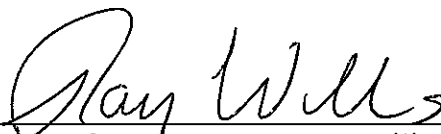
EDWARDS FAMILY, LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

(())

EDWARDS FAMILY, LLC
Represented by:
DEBRA K. ELLERS
P.O. BOX 1030
MCCALL, ID 83638

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

(())



Signature of person or attorney mailing the form