

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 27 2010	
By _____	Clerk
_____	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. 63-31054
	)	
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:
T-7, LLC

OBJECTOR:
The Terteling Company, Inc.

Charles L. Honsinger 09/24/10
Charles L. Honsinger Date
Attorney for Claimant

Charles L. Honsinger 09/24/10
Charles L. Honsinger Date
Attorney for Objector

RESPONDENT:
Edwards Family, LLC

[Signature] 9/27/10
By: _____ Date

Title: Attorney

IDWR Concurrence:

[Signature] 9-24-10

Vicky L. Music _____ Date
Senior Water Resource Agent

[Signature] 9-24-10

Nicholas B. Spencer _____ Date
Deputy Attorney General
Attorney for IDWR

09/24/2010

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

RIGHT NUMBER: 63-31054

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY STE 300
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY:
9.00 APY

0.055 CFS

The annual diversion volume refers to the irrigation use only.

The rights listed below are limited to a total combined diversion rate of 0.12 0.15 cfs. Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055.

The rights listed below are limited to a total combined diversion rate of 0.055 cfs and to a total combined annual diversion volume of 28.36 AP.
Combined Right Nos.: 63-27671, 63-31054.

This right when combined with all other rights shall provide no more than .02 cfs per acre.

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

PRIORITY DATE: 11/01/1940

POINT OF
DIVERSION:

T04N R02E S22 NENW Within ADA County

Water temperature in this well has been measured at 97 degrees F and at 70 degrees F. No determination has been made whether the source is low temperature geothermal water.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.055 CFS
		9.00 APY
FIRE PROTECTION	01/01 12/31	0.055 CFS
AESTHETIC	01/01 12/31	0.055 CFS
RECREATION	01/01 12/31	0.055 CFS
STOCKWATER	01/01 12/31	0.055 CFS

THE COLD WATER SOURCES COVERING THE PLACE OF USE WILL BE USED FOR THE IRRIGATION USE TO THE EXTENT POSSIBLE BEFORE THE LOW TEMPERATURE GEOTHERMAL WATER AUTHORIZED UNDER THIS RIGHT IS USED FOR IRRIGATION.

PLACE OF USE:

IRRIGATION in ADA County

T04N R02E S22 SENW 2.00

STOCKWATER in ADA County

T04N R02E S22 NENW

T04N R02E S22 SENW

RECREATION in ADA County

T04N R02E S22 NENW

T04N R02E S22 SENW

SF5 -- Subcase No. 63-31054

VLM
NBS
C.2.7.
WKT

VLM
NBS
C.2.7.
VLM

VLM
NBS
C.2.H.
HJH

FIRE PROTECTION in ADA County

T04N R02E S22	NENW	T04N R02E S22	SENE
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AESTHETIC in ADA County

T04N R02E S22	NENW	T04N R02E S22	SENE
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2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 17 acres in a single irrigation season. Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055.

The rights listed below are limited to the irrigation of a combined total of 171 1/8 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31054, 63-31056.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~Water is 97 F temperature geothermal water.~~

The point of diversion is also known as the Terteling Springs Well (T4N R2E S22 NWNE).

Right Nos. 63-3603, 63-27671 are also diverted through point of diversion described above.

Stockwater use is for 300 head mixed stock: llamas, horses, range cattle.

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.
T-7, LLC

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

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

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EDWARDS FAMILY, LLC

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

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Signature of person or attorney mailing the form