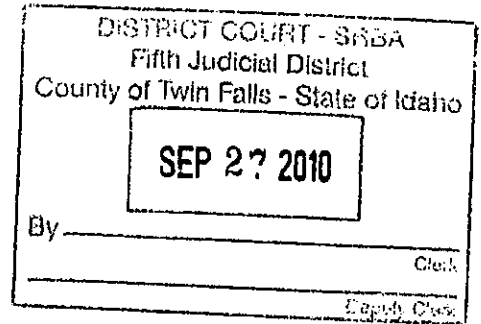




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 63-31051
	)	
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:

The Terteling Company, Inc.

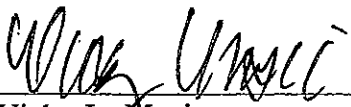
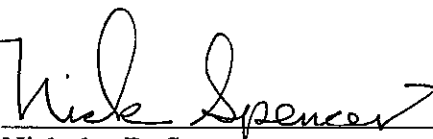
OBJECTOR:

Edwards Family, LLC

Charles L. Honsinger 09/27/10
Charles L. Honsinger Date
Attorney for Claimant

Garnette H. Edwards 9/27/10
By: Date
Title: owner Edwards Greenhouse

IDWR Concurrence:

	
<u>9-23-10</u>	<u>9-24-10</u>
Vicky L. Music	Nicholas B. Spencer
Senior Water Resource Agent	Deputy Attorney General
	Attorney for IDWR

09/07/2010

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

RIGHT NUMBER: 63-31051

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
38.00 AFY

WWM
NBS
C.L.H.
GKE

The total instantaneous diversion of water from all points of diversion under Right 63-31051 shall not exceed 0.12 cfs, nor total combined annual volume of 38.0 af.

Rights 63-12, 63-13, 63-15 and 63-31051 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for the irrigation of 6.0 total acres included under commercial use of this right.

PRIORITY DATE: 07/01/1921

POINT OF
DIVERSION:

T04N R02E S22 NWNE Within ADA County
T04N R02E S22 NWSE Within ADA County
T04N R02E S29 NESE Within ADA County
T04N R02E S29 NESE 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	0.120 CFS 38.00 AFY

Commercial use is for inside greenhouses, associated outside irrigation and other miscellaneous business related uses.

PLACE OF USE: COMMERCIAL in ADA County

T04N R02E S22	NESW	T04N R02E S22	SESW
T04N R02E S29	NESE		

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

VLM
NBS
C.2X
GKE

Use of water under this right may be affected by an agreement between the protestant and the right holder.

The points of diversion under this right are known as the Old Barn Well (T4N R2E S22 NWNWSE), the Champagne Well (T4N R2E S22 SENWNE) and 2 wells known as the Flora Cold Water Wells (T4N R22 S29 NENESE).

~~The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.~~

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

1 1 1 1

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

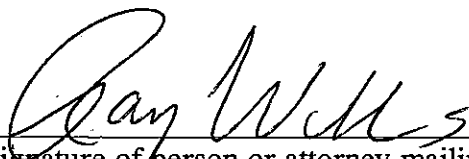
1 1 1 1

EDWARDS FAMILY, LLC

Represented by:

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

1 1 1 1



Signature of person or attorney mailing the form