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|---------------------------------------|--------------|
| 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. 63-14

Case No. 39576

**STIPULATION TO PARTIALLY  
RESOLVE OBJECTIONS**

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 claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation partially resolve the parties' objections to the Director's Report. **The parties and IDWR acknowledge that the objections by each of the parties concerning the volumetric limitation in the quantity element of this water right are the only remaining issues.** The parties and IDWR have further indicated their concurrence by initialing the attached pages.

**CLAIMANT/OBJECTOR/RESPONDENT:**  
Edwards Family, LLC

**OBJECTOR:**  
The Terteling Company, Inc.

*Garnette K. Edwards* 9/27/10  
By: \_\_\_\_\_ Date  
Title: *owner*  
*Edwards Greenhouse*

*Charles L. Honsinger* 9/27/2010  
Charles L. Honsinger Date  
Attorney for Objector

**IDWR Concurrence:**

Vicky L. Music 9-27-10  
Vicky L. Music                      Date  
Senior Water Resource Agent

Nicholas B. Spender 9-27-10  
Nicholas B. Spender                      Date  
Deputy Attorney General  
Attorney for IDWR

09/24/2009

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

RIGHT NUMBER: 63-14

NAME AND ADDRESS: EDWARDS FAMILY LLC  
4106 SAND CREEK  
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS  
250.00 AFY

VWM  
NBS  
GKE  
C.2.H.

Use of this right with Right No. 63-5067 is limited to a total combined diversion rate of 0.33 cfs for outside irrigation.

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

PRIORITY DATE: 11/22/1926

POINT OF  
DIVERSION:

T04N R02E S29 SWNE Within ADA County

Water is low temperature geothermal water.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>               | <u>QUANTITY</u>                       |
|-----------------------|------------------------------------|---------------------------------------|
| <u>DOMESTIC</u>       | <u>01/01 12/31</u>                 | <u>0.04 CFS</u>                       |
| <u>COMMERCIAL</u>     | <u>01/01 12/31</u>                 | <u>0.840 CFS</u><br><u>250.00 AFY</u> |
| <u>HEATING</u>        | <u>01/01 12/31</u>                 | <u>0.840 CFS</u><br><u>250.00 AFY</u> |
| <u>IRRIGATION</u>     | <u>03/15 11/15</u><br><u>03/01</u> | <u>0.330 CFS</u>                      |

~~Commercial use is for a greenhouse business and includes all associated uses including use for retail offices and shop, heating, and irrigation inside and outside of the greenhouses.~~

Commercial use is for all uses within the greenhouses, shop, retail shops and watering of plants, except heating. Irrigation use is for areas outside of the greenhouses. Domestic use is for heating in the apartment.

Diversion of low temperature geothermal water under this right for outside irrigation and watering of plants shall, to the extent possible, occur only when the cold water under Water Right No. 63-5067 is insufficient or cannot be used.

PLACE OF USE:

DOMESTIC in ADA County

T04N R02E S29 SWNE

IRRIGATION in ADA County

T04N R02E S29 SWNE 8.30

COMMERCIAL in ADA County

T04N R02E S29 SWNE

HEATING in ADA County

T04N R02E S29 SWNE

8.3 ACRES TOTAL

VLM  
NBS  
GKE  
C.2.2X

Use of this right with Right No. 63-5067 is limited to the outside irrigation of a combined total of 8.3 acres.

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

Commercial use is included as an accomplished transfer pursuant to Section 42-1425, Idaho Code.

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.

~~This right is subject to regulation by the watermaster of Water District 63-S.~~

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

This water right is subject to the terms of a private Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

VLM  
NBS  
GKE  
C.2.2X  
KNOWN

The well that is the point of diversion is locally as the Edwards well.

~~Water is 120 degree F temperature geothermal water.~~

Water temperature is measured at 120 degrees F.

~~Water is low temperature geothermal water.~~

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch. Water District 63-S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer.

The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal aquifer locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

## 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

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EDWARDS FAMILY, LLC

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

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EDWARDS FAMILY, LLC

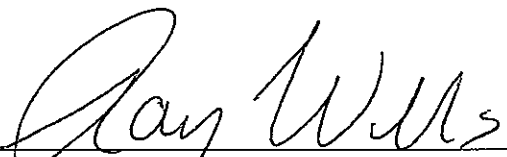
Represented by:  
DEBRA K. ELLERS  
P.O. BOX 1030  
MCCALL, ID 83638

DIRECTOR OF IDWR

P.O. BOX 83720  
BOISE, ID 83720-0098

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Signature of person or attorney mailing the form