

|                                       |              |
|---------------------------------------|--------------|
| 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. 63-27671     |
|                | ) |                          |
| 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

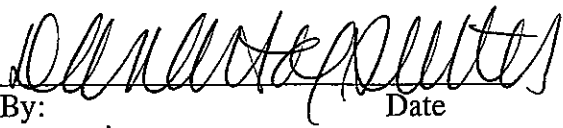
**OBJECTOR:**  
The Terteling Company, Inc.

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

*Charles L. Honsinger* 09/27/10  
 \_\_\_\_\_  
 Charles L. Honsinger Date  
 Attorney for Objector

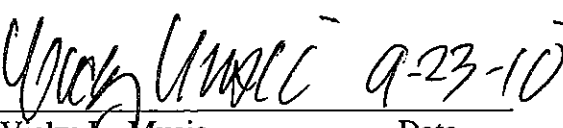
**OBJECTOR/RESPONDENT:**

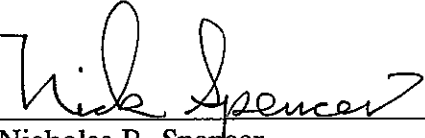
Edwards Family, LLC

 9/27/10  
By: \_\_\_\_\_ Date

Title: Attorney

**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

09/9/2010

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

RIGHT NUMBER: 63-27671

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

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.045 CFS  
23.21 AFY

WMM  
NBS  
C.2.7X

The total annual diversion volume refers to the irrigation use only.

The rights listed below are limited to a total combined diversion rate of ~~0.12~~ 0.16 cfs. Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055.

RLYH

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 AF. Combined Right Nos.: ~~63-3603~~, 63-27671, 63-31054.

PRIORITY DATE: 01/01/1938

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:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                   |
|-----------------------|----------------------|-----------------------------------|
| FISH PROPAGATION      | 01/01 12/31          | 0.045 CFS<br><del>23.21 AFY</del> |
| IRRIGATION            | 03/01 11/15          | 0.045 CFS<br>23.21 AFY            |

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 SWNW 8.00

FISH PROPAGATION in ADA County

T04N R02E S22 NENW T04N R02E S22 SWNW

8 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~~ 178 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.

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 NWNENW).

Right Nos. 63-3603 and 63-31054 are also diverted through point of diversion described above.

VLM  
NBS  
C.2 H.  
R. R. R.

## 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

ll ll

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

ll ll

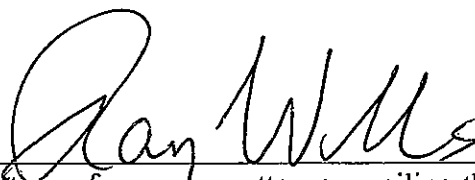
EDWARDS FAMILY, LLC

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

ll ll

EDWARDS FAMILY, LLC

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form