

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. 63-5067
	)	
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/RESPONDENT:
Edwards Family Trust, LLC

OBJECTOR:
The Terteling Company, Inc.

<i>Hannette K Edwards</i> 9/27/10 By: _____ Date Title: owner Edwards Greenhouse	<i>Charles L. Honsinger</i> 9/27/10 Charles L. Honsinger Date Attorney for Objector
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IDWR Concurrence:

 9-21-10

Vicky L. Music Date
Senior Water Resource Agent

 9-21-10

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

09/21/2010

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

RIGHT NUMBER: 63-5067

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS 0.27
27.35 APY 77.5

Use of this right with Right No. 63-14 is limited to a total combined diversion rate of 0.33 cfs for outside irrigation.

PRIORITY DATE: 10/01/1930

POINT OF
DIVERSION:

T04N R02E S29 SWNE Within ADA County
T04N R02E S29 SWNE 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	0.170 CFS 0.27 27.35 APY 77.5
IRRIGATION	01/01 12/31 03/01 11/15	0.170 CFS 37.35 APY

~~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, and apartment including domestic, retail shops and watering of plants. Irrigation use is for areas outside the greenhouses

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S29 SWNE 8.30

COMMERCIAL in ADA County

T04N R02E S29 SWNE

8.3 ACRES TOTAL

Use of this right with Right No. 63-14 is limited to the outside irrigation of a combined total of 8.3 acres.

NBS

VLM

GKE
C.2.7X

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

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

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

Right no. 63-5065 is also diverted through point of diversions described above.

NBS
VLM
GLE
C.27X

CERTIFICATE OF MAILING

I certify that on Sept. 28, 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

// //

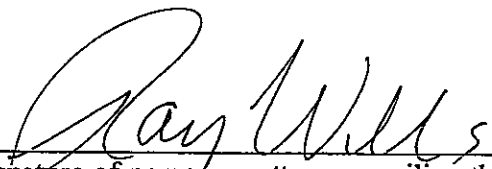
EDWARDS FAMILY, LLC

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

// //

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

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Signature of person or attorney mailing the form