

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31051
Date Received: 8/13/1999
Receipt No: W025312
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE TERTELING CO INC Phone: (208)338-5200
3823 N 36TH ST
BOISE ID USA 83703

2. Date of Priority: 07/01/1921

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02E	29	NE NE SE	ADA	
04N	02E	22	NW NE	ADA	
04N	02E	22	NW SE	ADA	
04N	02E	29	NE NE SE	ADA	

5. Description of diverting works:

100 ft. deep, 6 in. case & 1 3/4 hp pump.

Champagne well

Old Barn well

40 ft. deep, 4 in. case & 1 1/2 hp pump.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.12	38
AESTHETIC	01/01	12/31	0.12	38

SCANNED
OCT 05 2006

7. Total Quantity Appropriated is:
0.12 C.F.S. and/or 38 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	22	NE	SW	COMMERCIAL	
			SE	SW	COMMERCIAL	
04N	02E	29	NE	SE	COMMERCIAL	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Attorney name updated. Removed Givens Pursley and added Charlie Honsinger per notification from Charlie Honsinger. DB 3/1/2004

Aesthetic use claimed pursuant to Idaho Code 42-1425.

Claim amended per claimant request 3/17/04.

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

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.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A63-31051

Date Received

Receipt Number

AMENDED
**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

MAR 17 2004

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) The Terteling Company, Inc. Phone (208) 338-5200

Mailing Address 3823 N. 36th Street, Boise, Idaho Zip 83703

2. Date of Priority (Only one (1) per claim) 07/01/1921

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 04N Range 02E Section 22,
_____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: T04N, R02E, Section 22, NWSE; Section 29 NENESE
(2 PODs in NENESE)

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Deep water wells.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1/01 to 12/31 amount .12cfs or 38.0

For Aesthetic purposes from 1/01 to 12/31 amount .12cfs or 38.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12cfs (cfs) and/or (b) 38.0 (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial use in greenhouses and outside irrigation.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
04N	02E	22									X			X					
04N	02E	29													X				

All uses occur in same 1/4 1/4 sections. Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-12; 63-13; 63-15 or None ()

14. Remarks: Aesthetic use claimed pursuant to I.C. 42-1425.

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-31051
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

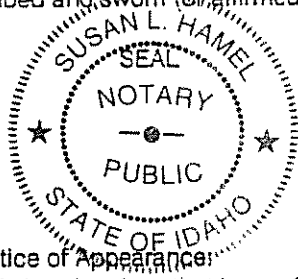
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
of The Terteling Company Inc. , that I have signed the foregoing
document in the space below as President of The Terteling Company Inc.
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization President, The Terteling Company Inc. Date 9 March 2004

State of Idaho/or Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 9th day of March 2004



Notary Public Susan L. Hamel
Residing at Kuna, ID Ada County
My Commission Expires 03/27/2008

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Charles L. Honsinger will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Charles L. Honsinger
Address P.O. Box 2773 Boise, ID 83701
Date 3/15/04

Last Name _____ Ident. Number _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE TERTELING CO INC Phone: (208)338-5200
3823 N 36TH ST
BOISE ID USA 83703

2. Date of Priority: 07/01/1921

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04N	02E	29	NE	NE	SE	ADA	
04N	02E	22		NW	NE	ADA	
04N	02E	22		NW	SE	ADA	
04N	02E	29	NE	NE	SE	ADA	

5. Description of diverting works:

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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.12	38

7. Total Quantity Appropriated is:
0.12 C.F.S. and/or 38 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	22	NE	SW	COMMERCIAL	
			SE	SW	COMMERCIAL	
04N	02E	29	NE	SE	COMMERCIAL	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Attorney name updated. Removed Givens Pursley and added Charlie Honsinger per notification from Charlie Honsinger. DB 3/1/2004

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

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.

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.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Beneficial Use

WATER RIGHT NO. 63-31051
As Modified by Transfer No. 68559

In accordance with the approval of Transfer No. 68559, Water Right No. 63-31051 is now described as follows.

Right Holder: THE TERTELING COMPANY INC
 3823 N 36TH ST
 BOISE ID 83703

Priority Date: 07/01/1921

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.12 CFS	38.0 AF
			0.12 CFS	38.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 22 Twp 04N Rge 02E ADA County
GROUND WATER	NWSE	Sec. 22 Twp 04N Rge 02E ADA County
GROUND WATER	NENESE	Sec. 29 Twp 04N Rge 02E ADA County
GROUND WATER	NENESE	Sec. 29 Twp 04N Rge 02E ADA County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02E 22									X								X
04N 02E 29																X	

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 63-31051
As Modified by Transfer No. 68559

CONDITIONS OF APPROVAL

5. 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.
6. Use of water under this right may be affected by an agreement between the protestant and the right holder.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of June, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68559

RECEIVED

JUN 05 2002

WATER RESOURCES
WESTERN REGION

This is to certify that: THE TERTELING COMPANY INC
3823 N 36TH ST
BOISE ID 83703
(208)338-5200

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-31051	AJC/Beneficial Use	07/01/1921	0.12 cfs			6.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-31051	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-31051	63-31051	0.12 cfs	38.0 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.12 cfs	38.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of

June 2002
[Signature]
Chief, Water Allocation Bureau

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 20 2000

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant The Terteling Company, Inc. ("Terteling") Phone 208-388-5200

Post Office Address 3823 N. 36th Street, Boise, Idaho, 83703

Contact/Counsel: John M. Marshall, Givens Pursley LLP, P.O. Box 2720, Boise, ID 83701-2720

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes:

TERTELING SEEKS TO ADD ALTERNATE POINTS OF DIVERSION TO AN EXISTING BENEFICIAL USE WATER RIGHT SO THAT IT CAN USE THIS WATER RIGHT FOR THE SAME PURPOSES AT AN ALTERNATE LOCATION. PLEASE SEE EXHIBIT A FOR A MORE DETAILED EXPLANATION OF THIS TRANSFER.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use:
- | | | | | |
|-----------------------------|-----------------------------|----------------------------|------------------------------|--|
| <u>63-31051</u> | <u>07/01/1921</u> | ~~<u>0.12 cfs</u>~~ | ~~<u>IRRIGATION</u>~~ | ~~<u>1/1</u>~~ to ~~<u>12/31</u>~~ |
| <u> </u> | <u> </u> | <u>0.12 cfs</u> | <u>COMMERCIAL</u> | <u>1/1</u> to <u>12/31</u> |
2. Total amount of water being transferred 0.12 cubic feet per second and/or _____ acre feet per annum
3. Source of water GROUND WATER tributary to _____
4. Point(s) of Diversion _____

Lot	¼	¼	¼	Sec.	Twp	Rge	County	Local name for diversion
	NE	NE	SE	29	4N	2E	ADA	} 2 cold water wells
	NE	NE	SE	29	4N	2E	ADA	
		NW	NE	22	4N	2E	ADA	CHAMPAGNE WELL
		NW	SE	22	4N	2E	ADA	OLD BARN WELL

AMENDED

prior to original
legal notice

JMM 12/18/00
initials and date

5. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
~~4N~~	~~2E~~	~~28~~													~~7.5~~				
~~4N~~	~~2E~~	~~22~~									~~7~~			~~4~~					
4N	2E	29													C				
4N	2E	22									C			C					

6. General Information

a. Description of diversion system:

PLANTS IN AN EXISTING GREENHOUSE OPERATION, BOTH INSIDE AND OUTSIDE OF THE GREENHOUSES, ARE IRRIGATED BY TWO COLD WATER WELLS ADJACENT TO THE GREENHOUSES. WATER IS ALSO USED FOR MISCELLANEOUS COMMERCIAL PURPOSES ASSOCIATED WITH RUNNING THE BUSINESS. EXISTING WELLS IN SECTION 22, KNOWN AS THE CHAMPAGNE WELL AND THE OLD BARN WELL WILL BE USED TO SUPPLY WATER FOR THE SAME PURPOSES IN NEW GREENHOUSES IN SECTION 22.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. NOT APPLICABLEc. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer: IRRIGATION OCCURS INSIDE AND OUTSIDE OF EXISTING GREENHOUSES. NEW GREENHOUSES WILL BE CONSTRUCTED IN SECTION 22. THE EXISTING GREENHOUSES MAY BE REDUCED IN SIZE AND POTENTIALLY REMOVED.

d. Remarks: _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Right Nos. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20____.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by

Claim No. A63-31051

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label Document as Exhibit B. Check appropriate box:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water
- GROUND WATER
- tributary to _____

4. Date or priority
- 07/01/1921

5. Water is used for the following purpose:
- IRRIGATION AND COMMERCIAL
- (1-1 to 12-31)

6. Total amount of water under right(s)
- 0.12
- cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:
- THERE ARE TWO WELLS AT THE FOLLOWING LOCATION

Lot	¼	¼	¼	Sec.	Twp	Rge	County	Local name for diversion
		NE	SE	29	4N	2E	ADA	

8. Lands irrigated or place of use:
- THE PLACE OF USE FOR BOTH USES IS IN THE NESE of TOWNSHIP 4N, RANGE 2E, SECTION 29. Irrigation is for 6 Acres.

9. Describe any other water rights used for the same purpose as described above:

63-00012, 63-00013 and 63-00015.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
- NO
- If yes, describe _____

B. Description of Portion of Right Being TransferredNOT APPLICABLE**C. Description of Unchanged Portion of Right**NOT APPLICABLE

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

PLEASE SEE EXHIBIT C.

B. CHANGES IN NATURE OF USE

1. New nature of use, amount, hours/days/years, period of use:

NOT APPLICABLE.

2. Quantity and quality of return flows and location of discharge:

NOT APPLICABLE.

3. Describe effects on other water uses resulting from the proposed change:

NOT APPLICABLE.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.


J.L. Terteling, President.

Subscribed and sworn to before me this 19th day of September, 2000.


(Notary Public)

My commission expires 3/22/2002

Page 6 of 6

Transfer No. _____

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by dt Date 10-2-00 Protest by _____

Prelim. check by RL Fee 100⁰⁰ W027031

Receipted by dt Date 10-3-00

Published in _____ Copies of protest forwarded by _____

Pub. dates 12/7+14/00 -SU Hearing held by _____ Date _____

Watermaster recommendation request on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to line holder _____

SEE X-FER NO. 68558

FOR ADDITIONAL

INFORMATION

RECEIVED
JUN 12 2002
Department of Water Resources

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number _____
Receipt Number _____

~~6300012~~ ?

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
(Flora cold supply)**

Please type or print clearly

1. Name of Claimant The Terteling Company, Inc., d/b/a Flora Company Phone (208) 338-5200
Mailing Address 3823 N. 36th Street, Boise, Idaho Zip 83703
2. Date of Priority (Only one (1) per claim) July 1, 1921
3. Source of water supply (a) _____
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 4N Range 2E Section 29,
_____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Ada
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot, _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot, _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the date of any
changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
One 1 3/4 hp pump, 6" casing approx. 100' deep, one 1 1/2 hp pump, 4" casing approx. 40' deep.
6. Water is claimed for the following purposes:

	(both dates are inclusive)	(cfs)	(acre feet)
For <u>commerical/irrigation</u> purposes from <u>1/1</u> to <u>12/31</u> amount <u>0.12</u> or <u>18</u>			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
7. Total quantity claimed (a) 0.12 (cfs) and/or (b) 18 (acre feet)
8. Total consumptive use claimed is 18 acre feet per annum.

Last Name Terteling Ident No. _____

5/99 Revision

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

Commercial greenhouse operation.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

T W P	R N G	S E C	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	29													6				6
4N	2E	29													C				

Total number of acres irrigated 6

11. In which county(ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Low temperature geothermal water right, no: 63-0012, 63-0013, 63-0015 used at same location for heating. or None ()

14. Remarks:

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am J.L. Terteling, President
Title _____

of The Terteling Company, Inc. that I have signed the foregoing
Organization _____

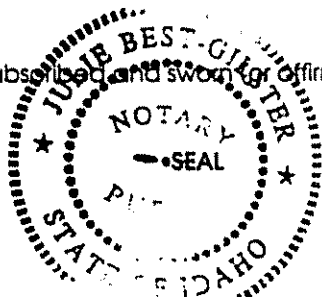
document in the space below as President of The Terteling Company, Inc.
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent J.L. Terteling
Title and Organization President of The Terteling Company, Inc. Date 6-4-99

State of Idaho/er _____)
_____) SS.
County of Ada)

Subscribed and sworn to (or affirmed) before me this 4th day of June, 1999



Notary Public Julie Best-Little

Residing at Nampa, ID

My Commission Expires 4-21-2001

17. Notice of Appearance:

Notice is hereby given that I, Jeffrey C. Fereday will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Jeffrey C. Fereday

Address 277 North 6th Street, Suite 200, Boise, ID 83701

Date June 4, 1999

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-31051
Date Received: 6/ 9/1999
Receipt No: W025312
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THE TERTELING COMPANY INC
Address: DBA FLORA COMPANY
3823 N 36TH ST
BOISE ID 83703
208-338-5200
2. Date of Priority: JUL 1, 1921
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	29		NE	SE		ADA
5. Description of diverting works:
2 WELLS, 100' DEEP, 6" CASE, 1 3/4 HP; 40' DEEP, 4" CASE, 1 1/2 H
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.120		
COMMERCIAL	01/01	12/31	0.120		
7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
COMMERCIAL, GREENHOUSE OPERATION
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	29	NE	SE		IRR	6.0
			NE	SE		COMMER	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

63-00012, 63-00013, 63-00015 USED FOR HEATING.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number ALB-31051
Receipt Number W025312

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
(Flora cold supply)

RECEIVED
JUN 09 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant The Terteling Company, Inc., d/b/a Flora Company Phone (208) 338-5200
Mailing Address 3823 N. 36th Street, Boise, Idaho Zip 83703
2. Date of Priority (Only one (1) per claim) July 1, 1921
3. Source of water supply (a) _____
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 4N Range 2E Section 29,
_____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Ada
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot, _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot, _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the date of any
changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
One 1 3/4 hp pump, 6" casing approx. 100' deep, one 1 1/2 hp pump, 4" casing approx. 40' deep.
6. Water is claimed for the following purposes:

	(both dates are inclusive)	(cfs)	(acre feet)
For <u>commerical/irrigation</u> purposes from <u>1/1</u> to <u>12/31</u> amount <u>0.12</u> or <u>18</u>			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
7. Total quantity claimed (a) 0.12 (cfs) and/or (b) 18 (acre feet)
8. Total consumptive use claimed is 18 acre feet per annum.

Last Name Terteling Ident No. _____

5/99 Revision

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)_____

Commercial greenhouse operation.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

T W P	R N G	S E C	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	29													6				6
4N	2E	29													C				

Total number of acres irrigated 6

11. In which county(ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Low temperature geothermal water right, no. 63-0012, 63,0013, 63-0015 used at same location for heating. or None ()

14. Remarks:

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

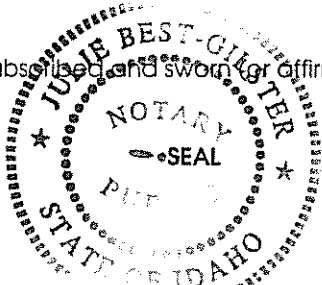
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am J.L. Terteling, President
Title _____
of The Terteling Company, Inc., that I have signed the foregoing
Organization _____
document in the space below as President of The Terteling Company, Inc.
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent J.L. Terteling
Title and Organization President of The Terteling Company, Inc. Date 6-4-99

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day of June, 1999



Notary Public Julie Best-Gilster
Residing at Nampa, ID
My Commission Expires 4-21-2001

17. Notice of Appearance:

Notice is hereby given that I, Jeffrey C. Fereday will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Jeffrey C. Fereday
Address 277 North 6th Street, Suite 200, Boise, ID 83701
Date June 4, 1999

Receipt Details for ID W025312

Status	Adjustment Type	Version
	Water Right Receipt	3

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/13/1999 9:49:22 AM	8/13/1999	Western	\$550.00	Check
Payer		GIVENS PURSLEY LLP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
24176			
Card Expiration Date	Credit Card Transaction #		

Comment 11 NOTICE OF CLAIM TO A WATER RIGHT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$550.00	11 NOTICE OF CLAIM TO A WATER RIGHT	41503	337	0	0	1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	31050		\$550.00	Claim
63	31050		\$550.00	Claim
63	31050		\$71.00	Claim
63	31051		\$68.00	Claim
63	31052		\$63.00	Claim
63	31053		\$51.00	Claim
63	31054		\$69.00	Claim
63	31055		\$56.00	Claim

63	31056	\$52.00	Claim
63	31057	\$25.00	Claim
63	31058	\$55.00	Claim
63	31059	\$40.00	Claim

[Print Report](#)

RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

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

Case 39576

A. Subcase 63-31051

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC

Address: 4106 Sand Creek Street

Boise, Idaho 83703

Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Terteling Co. Inc.

Address: 3823 N. 36th Street

Boise, Idaho 83703

SCANNED
OCT 05 2006

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)):

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See Section E
3. ☒ **Quantity**
Should be: See Section E
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Section E
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right:" The diversion and use of geothermal water is not authorized under this right. Also, the local name for the cold water well should be described. All of the provisions listed under "Explanatory Material" except the "Basis of Claim" should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right."

F.

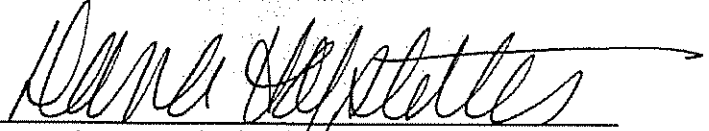
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

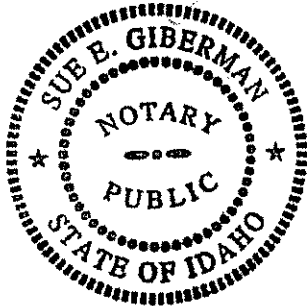
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection



Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006



Notary Public for the State of Idaho

Residing at: Boise Idaho

My Commission expires: 2-25-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to the claimant of the water right at the following addresses:

Name: The Terteling Co. Inc.
Address: 3823 N. 36th Street
Boise, Idaho 83703

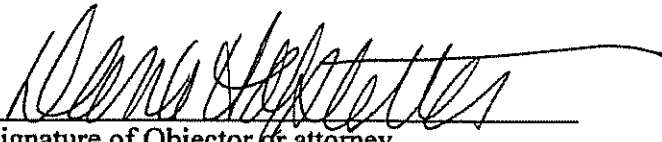
Charles L. Honsinger
Ringert Clark Chartered
P. O. Box 2773
Boise, Idaho 83701-2773

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

09/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31051

NAME AND ADDRESS: THE TERTEILING CO INC
3823 N 36TH ST
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
38.000 AFY

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

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 Within 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

09/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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.

Idaho Department of Water Resources

Claim Number: 63-31051

Legal: T04N, R02E, S29

Reviewed By: *Vicky Music*



Point of Diversion



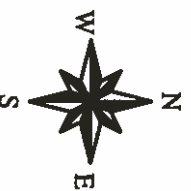
Place of Use



Section Lines



Quarter Quarter Lines



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31051 V1

WATER RIGHT NUMBER: 63-31051 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	THE TERTELING CO INC 1665 HILL ROAD BOISE, ID 83702 (208)338-5200

Priority Date: 07/01/1921

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.120 CFS	38.00 AF
	<u>Total Diversion:</u>	0.120 CFS	38.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
ADA County		
GROUND WATER	NW1/4NE1/4	Sec. 22, Twp 04N, Rge 02E, B.M.
ADA County		
GROUND WATER	NW1/4SE1/4	Sec. 22, Twp 04N, Rge 02E, B.M.
ADA County		
GROUND WATER	NE1/4SE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

COMMERCIAL Within ADA County

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

Conditions of Approval:

1. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. WB4 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31051 V1

3. C18 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.
4. Commercial use is for inside greenhouses, associated outside irrigation and other miscellaneous business related uses.
5. T07 The right holder shall accomplish the change authorized by this transfer within <one> year(s) of the date of this approval.
6. T17 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.
7. 01Q 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.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. X35 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.

Remarks:

Comments:

1. dbuffington 3/1/2004 Attorney

Comment: Attorney name updated. Removed Givens Pursley and added Charlie Honsinger per notification from Charlie Honsinger.

2. vmusic 9/23/2005 TRANSFER

Comment: RECOMMENDED PER TRANSFER NO 68559

3. vmusic 9/23/2005 AESTHETIC USE

Comment: DELETE THIS USE AS IT WAS A NEW USE, NOT CLAIMED BEFORE AND THERE WAS NO ACCOM TRANSFER.

4. vmusic 9/23/2005 EVIDENCE OF PRIORITY

Comment: THE SILKEY V TIEGS DECREE MENTIONED SILKEY COUNTER AFFIDAVIT THAT STATES COLD WATER WELLS WERE PRESENT AT THE TIME OF THE DECREE. ALSO, SEE RALPH MILSTEAD LETTER INFILE.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/23/2005 10:49:38 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31051 V1

Contacts	9/23/2005 10:44:15 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
Contacts	9/23/2005 10:44:42 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
Contacts	9/23/2005 10:45:40 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	9/23/2005 10:46:21 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - SILKEY V TIEG DECREE DOCUMENTS, AFFIDAVIT
POD	9/23/2005 12:03:13 PM	vmusic	Updated shape
Source	9/23/2005 11:23:43 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - WELL LOGS, FIELD EXAM
POU	9/23/2005 11:24:21 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS, ADA CO TAX LOT INFO, FIELD EXAMS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31051 V1

Use	9/23/2005 11:30:52 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FIELD EXAMS, AERIALS
Season	9/23/2005 11:54:47 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR STANDARD FOR USE
Quantity	9/23/2005 11:55:34 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE TRANSFER Description for Question 10 - SEE TRANSFER
POD	9/23/2005 12:03:58 PM	vmusic	Updated shape
POU	9/23/2005 12:04:29 PM	vmusic	Updated shape for Active POU
Summary	9/23/2005 12:19:55 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31051 V1

POD	9/23/2005 11:18:53 AM	vmusic	Updated shape
POD	9/23/2005 11:22:38 AM	vmusic	Updated shape
POU	9/23/2005 11:29:56 AM	vmusic	Updated shape for Active POU

SubCase:

SubCase Number: 63-31051
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: vmusic
Basis of Claim: Beneficial Use
Date Filed: 4/20/2006 Objection Status: Active

Water Supply Bank:

Music, Vicky

From: Music, Vicky
Sent: Friday, October 14, 2005 1:55 PM
To: Charlie Honsinger (E-mail); 'tom@tertco.com'
Cc: Shurte, Jan
Subject: B63 Pt 2 DR

Charlie and Tom -

The Director's Report for Basin 63 Part 2 will be submitted to the SRBA Court the week of December 12. Internal IDWR deadlines in preparation for the Director's Report require that I have all of the supporting documentation for claims to be recommended in this Director's report by October 31, 2005.

Please submit all supporting documentation for the Terteling claims, including the amended claims, by October 31, 2005. If I do not have the information by that time, I will recommend the claims based on the information I have.

Thanks,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Tracking:

Recipient
Charlie Honsinger (E-mail)
'tom@tertco.com'
Shurte, Jan

Delivery

Delivered: 10/14/2005 1:55 PM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 8, 2005

Charles L. Honsinger
Ringert Clark
P.O. Box 2773
Boise, ID 83701-2773

RE: Beneficial Use Claim Nos. 63-22047, 63-27649, 63-27671, 63-30006, 63-30007, 63-31050, ~~63-31051~~, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056, 63-31058, 63-31060, 63-31061, 63-31062 and 63-31086

Dear Charlie,

There are several beneficial use claims in Basin 63 filed by The Terteling Co., Inc., Terteling Trust No. 8 and the T-7 LLC, for which I need additional information to recommend. I have enclosed a table that lists the information needed.

For these beneficial use claims to be recommended in the Basin 63, Part 2 Director's Report, I must have the information by Tuesday, September 6, 2005, at the latest.

Please call me if you have questions regarding this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau
IDWR/Western Region

cc: The Terteling Co., Inc., Terteling Trust No. 8, T-7 LLC (w/ enclosure)

Enclosure: Excel table

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-22047	Beneficial Use	6/1/1957	0.04	GROUND WATER	STOCKWATER	TERTELING TRUST NO 8 (Current)	Please provide map with place of use and point of diversion.
63-27649	Beneficial Use	1899-06-01	0.07	SPRINGS	AESTHETIC STORAGE, IRRIGATION, STORAGE, RECREATION STORAGE, WILDLIFE STORAGE	T-7 LLC (Current)	1 - need evidence of priority to support priority date. 2 - if wildlife is claimed as accomplished transfer, how and when did it take place?
63-27671	Beneficial Use	12/31/1925	0.05	GROUND WATER	FISH PROPAGATION, IRRIGATION	T-7 LLC (Current)	1 - need evidence of priority to support priority date 2 - is fish propagation a commercial use?
63-30006	Beneficial Use	12/31/1925	0.04	GROUND WATER	AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE	T-7 LLC (Current)	1 - need evidence of priority to support priority date. 2 - if wildlife is claimed as accomplished transfer, how and when did it take place?
63-30007	Beneficial Use	1899-12-31	0.02	SPRING	IRRIGATION	T-7 LLC (Current)	1 - need evidence of priority to support priority date. 2 - when did change in pou occur? 3 - need better map of spring location

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-31050	Beneficial Use	4/24/1948	0.02	GROUND WATER	AESTHETIC, FISH PROPAGATION, IRRIGATION, STOCKWATER, WILDLIFE	T-7 LLC (Current)	1]- Need evidence of priority to support priority date. 2]- if wildlife is claimed as accomplished transfer, how and when did it take place? 3]- is fish propagation a commercial use? 4]- what is the aesthetic use?
63-31051	Beneficial Use	7/1/1921	0.12	GROUND WATER	AESTHETIC, COMMERCIAL	THE TERTELING CO INC (Current)	1]- Need evidence of priority to support priority date. 2]- what is the aesthetic use? 3]- is this an accomplished transfer in place of use and if so, when did it take place? 4]- will have to reduce another right for the transferred acres. 5]- what wells in section 29 are claimed? Is this is an accomplished transfer in points of diversion, how and when did it take place?
63-31052	Beneficial Use	4/24/1948	0.12	GROUND WATER	AESTHETIC, AESTHETIC STORAGE, FISH PROPAGATION, HEATING, IRRIGATION, RECREATION, WILDLIFE, WILDLIFE STORAGE	T-7 LLC (Current)	1]- Need evidence of priority to support priority date. 2]- how is this a wildlife use? 3]- is fish propagation a commercial use? 4]- what is the aesthetic use?

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-31053	Beneficial Use	1/1/1941	0.06	GROUND WATER	DOMESTIC, IRRIGATION	T-7 LLC (Current)	1 - Need evidence of priority to support priority date.
63-31054	Beneficial Use	11/1/1940	0.06	GROUND WATER	AESTHETIC, FIRE PROTECTION, IRRIGATION, RECREATION, STOCKWATER, WILDLIFE STORAGE	T-7 LLC (Current)	1 - Need evidence of priority to support priority date. 2 - is this an accomplished transfer for wildlife and if so, how and when did it take place? 3 - how many head of stock? What is the point of diversion& diversion works for stock & wildlife? 4 - is recreation use for fish?
63-31055	Beneficial Use	3/1/1948	0.04	STEWART CREEK	AESTHETIC STORAGE, IRRIGATION, IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE	T-7 LLC (Current)	1 - need evidence of priority to support priority date. 2 - is this an accomplished transfer for wildlife and if so, how and when did it take place?
63-31056	Beneficial Use	6/1/1930	0.04	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	T-7 LLC (Current)	1 - need evidence of priority to support priority date. 2 - # & type of head of stock, location/ description of diversion works.
63-31058	Beneficial Use	1/1/1910	0.04	SPRING, STEWART CREEK	IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)	1 -need evidence of priority to support priority date 2 - describe #, type & diversion works for stock.

<u>Claim #</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate</u> (cfs)	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Information needed to make recommendation</u>
63-31060	Beneficial Use	1/1/1910	0.04	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)	1] - need evidence of priority to support priority date 2] - describe #, type & diversion works for stock.
63-31061	Beneficial Use	12/31/1920	0.06	SPRING	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)	1] - need evidence of priority to support priority date. 2] - What is the domestic use?
63-31062	Beneficial Use	1/1/1942	0.06	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)	1] - need evidence of priority to support priority date for irrigation use. 2] - What home is this?
63-31086	Beneficial Use	12/31/1920	0.06	GROUND WATER	IRRIGATION	THE TERTELING CO INC (Current)	1] - need evidence of priority to support priority date.

RECEIVED

MAR 17 2004

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringen, of Counsel
Samuel Kaufman (1921-1986)

March 16, 2004

Ms. Jan Shurte
Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Amended Claims to Water Right Nos. 63-12, 63-13, 63-15, 63-31051

Dear Jan:

Enclosed please find the above referenced Amended Claims to Water Rights which I submit on behalf of my client, The Terteling Company, Inc. Please replace the original claims to these water rights with the enclosed Amended Claims.

Please contact me with any questions or concerns.

Sincerely,



Charles L. Honsinger

cc: Tom Terteling
Ed Squires

RECEIVED
FEB 23 2004
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
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James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

February 20, 2004

Mr. John Westra
Western Regional Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

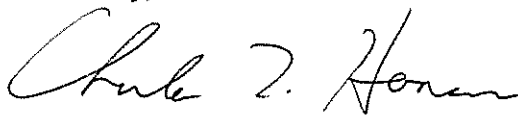
Re: Terteling Company and T-7, LLC water rights

Dear Mr. Westra:

This correspondence will notify you that my clients, the Terteling Company and T-7, LLC, have requested that I be designated as the attorney of record for all matters involving any water rights that they own. Such matters include SRBA claims filed by my clients, as well as any other water right proceedings in which they are currently involved. Please ensure that such changes are made to IDWR's records as are appropriate.

Thank you for your assistance, and please feel free to contact me with questions or concerns.

Sincerely,


Charles L. Honsinger

cc: Clients
Jeff Fereday
Ed Squires

* See attached spreadsheet
✓ done 3-1-04.

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
David R. Lombardi
Kimberly D. Maloney

John M. Marshall
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel

Conley Ward
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

Givens Pursley, LLP

October 12, 1999

Jan Shurte
Western Region
Idaho Department of Water Resources
7235 Airport Way
Boise, ID 83705-5082

RECEIVED

OCT 19 1999

WATER RESOURCES
WESTERN REGION

RE: The Terteling Company, Inc.'s Notice of Claim
for Flora Cold Water Well
Our File No. 4465-1

Dear Jan:

I am enclosing for your files a copy of Ralph Milstead's September 30, 1999 letter regarding the Terteling's Flora cold water well. We filed a notice of claim for this well on June 8, 1999. I hope this letter can be added to the Department's file for this water right. We probably could obtain an affidavit from Mr. Milstead if that would be necessary or helpful.

Sincerely,



Jeffrey C. Fereday

JCF/jbg
Enclosure

cc: Tom Terteling

Tom - cc to:
D...
cc to...

Ralph Milstead
8410 Winchester Cir.
Boise, ID 83704

September 30, 1999

Mr. Joe Terteling
3823 N. 36th Street
Boise, ID 83703

Dear Mr. Terteling:

You recently requested information about the cold water resources at the location, 3823 North 36th Street in Boise, ID or what was once the old Milstead Floral Property. I will provide you with as much information as I can remember about the subject.

My parents, Oscar and Virginia Milstead, purchased and moved to that location in the spring of 1937. I was born during that same year, June 30, 1937. The cold water well was already in place as I was growing up at the floral. The site of the well was always at one location which was on the north side of the property line on the Catalpa Street side. When you enter the driveway from Catalpa Street the well would be on your right hand side approximately 25 to 30 feet in from the right side gate post. As it has been quite a few years since I have been on the property, I would guess it to be about 125 to 130 feet from the north east corner of the property or from the intersection of North 36th Street and Catalpa Drive. It was a concrete walled structure that had been dug into the ground about 10 to 15 feet deep and extended about one foot or less above the surface of the ground.

The first incident I recall pertaining to problems with the well was sand getting into the system. Sometime during the late forties my father and the H.J. Woods Co., a retailer of water pumps and supplies, pulled the old pump, pressure tank and the pipe that went down into the well casing out and replaced it with new components. I don't remember exactly how deep the well was but somewhere in the neighborhood of fifty to sixty feet comes to mind. I do know that one of the hot water wells, some thirty plus feet away from the cold water well, was over a thousand feet deep (contained in the well house next to the house). There were five hot water wells all very close together, some at the northwest corner of the house adjacent to the foundation and one in the well house with the deep hot water well. As I recall from conversations with my father, the one was deep as mentioned previously and the others were shallower.

I hope this helps. Should you need any further information, please do not hesitate to ask.

Sincerely,



Ralph Milstead

August 10, 1999

Mr. Gary Spackman
Manager, Western Region
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for drilling permit no. 63-99-C-0563-200 in the name of The Terteling Company, Inc. (concerning SRBA claim no. A63-31051)

Dear Mr. Spackman:

The Terteling Company purchased the Flora Company greenhouse facilities in 1998, and we continue to run it as a commercial greenhouse. Our predecessor filed SRBA claims on the water rights associated with the property. However, we discovered that a claim was not filed on a four-inch-diameter well that supplies about half the cold water irrigation and domestic supply for the operation. Consequently, on June 4, 1999 we filed SRBA claim no. A63-31051 as a late claim to cover this well. Recently, the pump in the well failed, and we have been unable to remove the pump. The well, which already had a badly corroded casing, now is no longer usable. We need a replacement well to supply our greenhouse operation with irrigation water.

To replace the well, we filed the above application for drilling permit on July 16, 1999, and we hope we might receive approval for that soon. Before issuing the drilling permit, we understand that your office would like some more information from us as to the history of use of this well.

I have not conducted any research into the well's history of use (although I could if you would like). However, I am quite certain that it has been in use since before 1963. I have been personally familiar with this greenhouse operation since before 1955; I grew up nearby and often observed it. To my knowledge, it always has had an irrigation water supply from wells. This well obviously is quite old, being a heavily-corroded four-inch steel casing in a concrete pit that also appears to be old. Furthermore, the greenhouse operation needs water from this well to operate successfully. If your office needs additional information, I certainly can dig it up, but I believe this well has been operating at this site since before 1963.

Incidentally, we do intend to come up with more historical information about the well as verification for the 1921 priority date we specified in our SRBA claim. However, in the meantime we hope that the Department can grant the drilling permit for its replacement so we can continue to operate.

AUG 10 1989
63-99-0-2065-200

Thank you for your attention to this.

Sincerely,



J. L. Terteling President
The Terteling Company, Inc.

cc: Rob Whitney
Jeff Fereday

Application file

Drilling Permit No. 63-99-C-0563-200
Drilling Permit I.D. Tag No. DD0099.57
Water Right Permit No. A63-31051
Injection Permit No. _____

RECEIVED

JUL 20 1999

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

RECEIVED

JUL 16 1999

Department of Water Resources

Owner (please print): The Terteling Company, Inc..d/b/a Flora Company

Mailing Address: 3823 N. 36th Street

City: Boise State: ID Zip Code: 83703 Telephone 338-5200

Proposed Well Location: Twp. 4N, Rge. 2E, Sec. 29, 1/4 NE 1/4 SE 1/4;

Gov't Lot No. _____ County _____ Lat. _____: _____: _____ Long. _____: _____: _____

Street Address of Well Site 3823 N 36th Srteet City Boise

Give at least name of road + Distance to Road or Landmark.

Lot, block and subdivision _____

Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

Well Construction Information:

A. ☐ New well ☐ Modify ☒ Replace

B. Proposed Casing Diameter 12" Proposed Maximum Depth 65'

C. Anticipated bottom hole temperature:
☒ 85°F or less ☐ 85°F to 212°F ☐ 212° F. or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

Construction Start Date: July 20, 1999 August

Anticipated Well Driller: Riverside Driller's Lic. No. 333

NOTE: The actual well driller must be identified prior to drilling.

Applicant's Signature: [Signature] Date 7-15-97

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: _____
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED

Date 7-28-99

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.

SPECIFIC CONDITIONS:

9. This well is to be completed in the shallow Surface Sand & Gravel, The depth of this well shall not exceed 100 ft.

10. The Surface seal around the well casing shall extend from land surface to a depth of 18 ft or 5 ft into the water table whichever is greater. A temporary Surface casing 4" greater in diameter than the outside of the production casing shall be placed to seal depth.


Signature of Authorized Department Representative

for

MANAGER
WESTERN REGIONAL OFFICE
Title

Receipt No. C046000 Received by W. Wilcomb Fee 200.- Date July 16, 1999

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

A63-31051

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT APPROVAL CONDITIONS

1. Name: TERTELING COMPANY INC O 208-338-5200
Address: 3823 N 36TH STREET
BOISE ID 83703
- Name: FLORA COMPANY O 208-338-5200
Address: 3823 N 36TH STREET
BOISE ID 83703

2. Proposed Well Location: Township 04N, Range 02E, Sec. 29, NESE
ADA County

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is APPROVED

Date: 7/28/1999

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.

(Continued)

CONDITIONS OF APPROVAL:

9. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.
10. This permit does not constitute an approval of the District Health department, the Idaho Department of Health and Welfare, other local, county, state or federal approvals which may be required prior to construction of this well.
11. The use of water from this well is for Domestic purposes only which includes irrigation of up to 1/2 acre of land with all combined uses not to exceed 13,000 gallons per day (42-111[A]), or for Domestic uses other than for homes, organization camps, public campgrounds or livestock where the diversion rate and volume does not exceed .04 cfs and 2500 gpd (42-111[B]).
12. Pursuant to Section 42-238(4), Idaho Code. All repairs and/or abandonments must meet the requirements of the Department's Rules and Regulations for Well Construction Standards.
13. As this is a replacement well, the well being replaced shall be abandoned by a plan approved by the Dept. which meets State minimum construction standards 2,12,1.
14. This well is to be completed in the shallow surface sand and gravel.
15. The depth of this well shall not exceed 100 ft.
16. The surface seal around the well casing shall extend from land surface to a depth of 18 ft. or 5 ft into the water table whichever is greater. A temporary surface casing 4" greater in diameter than the outside of the production casing shall be placed to seal depth.

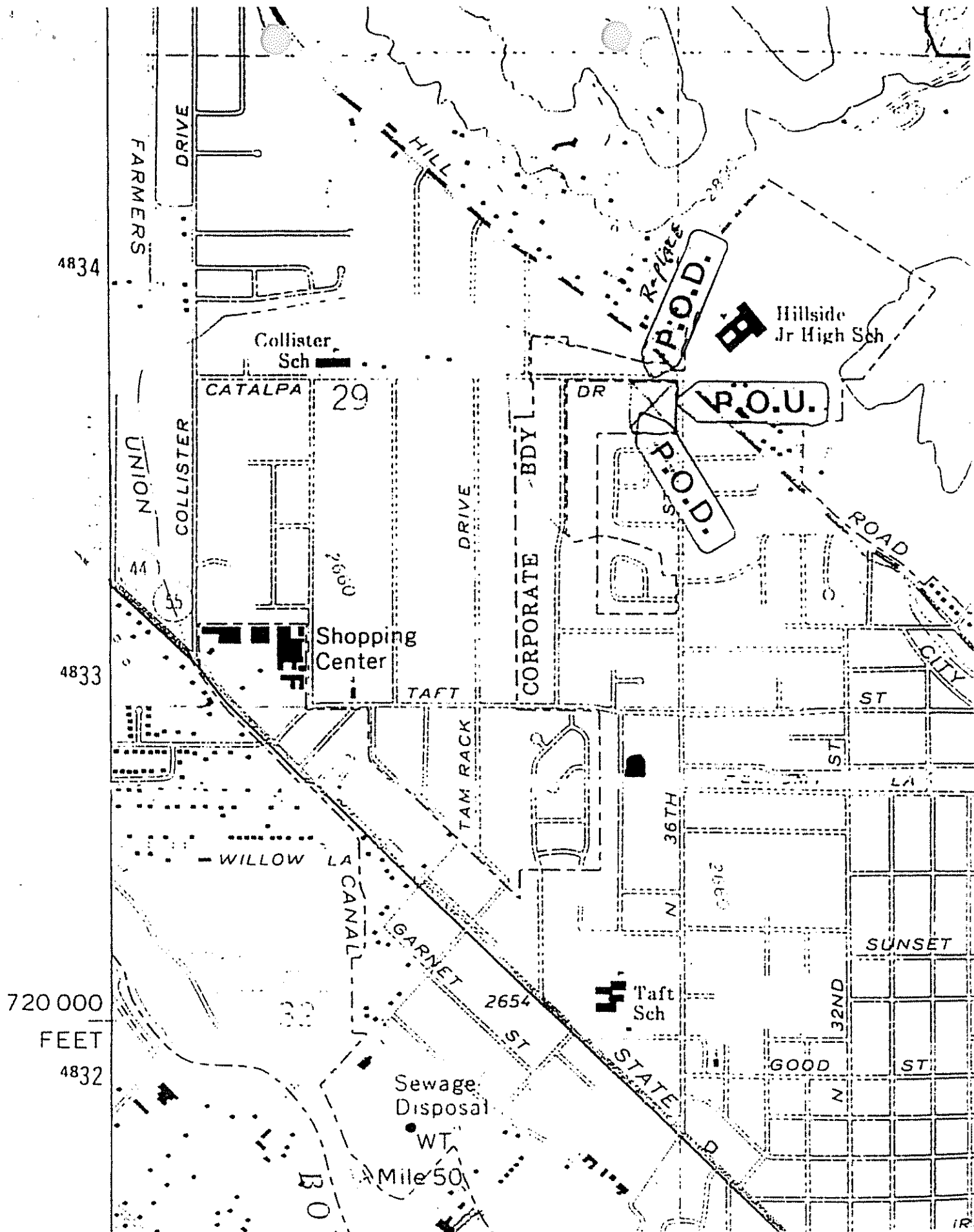
MANAGER

WESTERN REGIONAL OFFICE

for:


Signature of Authorized Dept. Representative

Title



Idaho Department of Water Resources

Claim Number: 63-31051

Legal: T04N, R02E, S29

Reviewed By:

Vicky Music



Point of Diversion



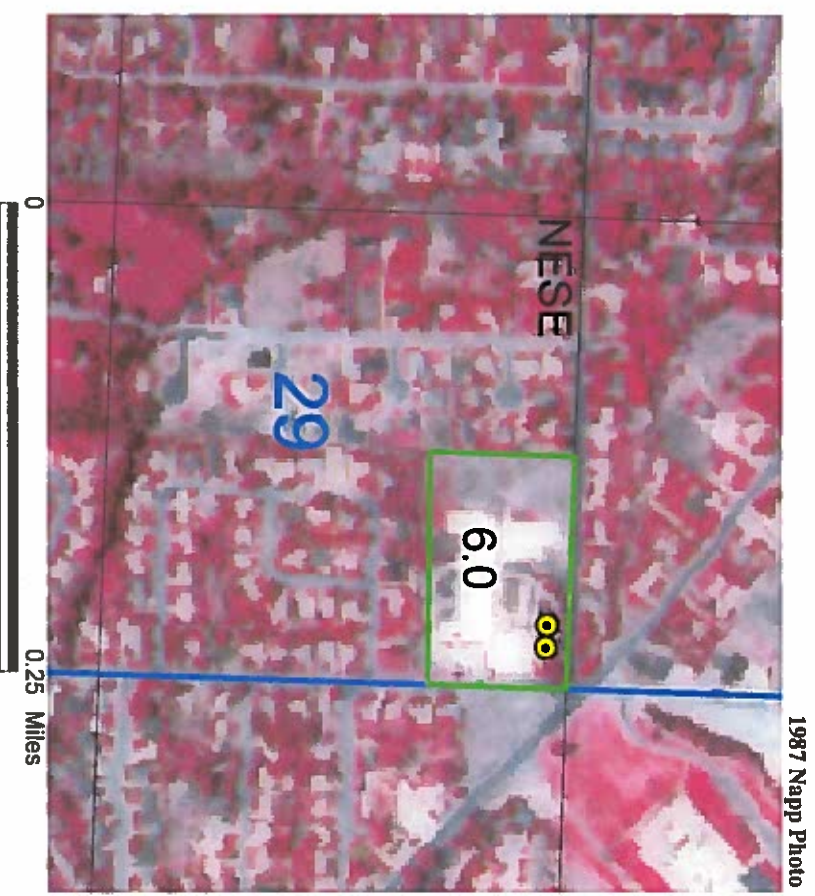
Place of Use



Section Lines



Quarter Quarter Lines



03/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31051

NAME AND ADDRESS: THE TERTELING CO INC
3823 N 36TH ST
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
38.000 AFY

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.

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 NENESE Within ADA County
T04N R02E S29 NENESE 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
~~AESTHETIC~~	~~01/01 12/31~~	~~0.120 CFS~~ ~~38.00 AFY~~

PLACE OF USE: COMMERCIAL Within ADA County

T04N R02E S22 NESW T04N R02E S22 SESW
T04N R02E S29 NESE
AESTHETIC same as COMMERCIAL

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

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.

EXPLANATORY MATERIAL: Beneficial Use

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

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.

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

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

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.

Basin **Sequ** **Suf** **Basis** **Status** **Right ID** **Owner(s)** **Source Table**

63	12		Decreed	Active	550157	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	13		Decreed	Active	550159	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	15		Decreed	Active	550160	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	308		Decreed	Active	190638	TERTELING TRUST NO 7 (Cu	wrAdjudicationClaim	✓
63	3603		License	Active	280386	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	7595		License	Active	280392	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31051		Beneficial Use	Active	550153	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31058		Beneficial Use	Active	423099	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31059		Beneficial Use	Active	423100	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31060		Beneficial Use	Active	422793	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31061		Beneficial Use	Active	422794	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
63	31062		Beneficial Use	Active	422968	THE TERTELING CO INC (Cu	wrAdjudicationClaim	✓
65	4040		Beneficial Use	Active	378448	THE TERTELING CO INC (Cu	wrAdjudicationClaim	Disallowed
65	7450		License	Active	279509	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	7451		License	Active	323108	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	7452		License	Active	278690	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22031 A		Beneficial Use	Active	425066	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22291		Beneficial Use	Active	544712	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22293		Beneficial Use	Active	544722	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
65	22295		Beneficial Use	Active	544739	THE TERTELING CO INC (Cu	wrAdjudicationClaim	PD Issued
63	12		Decreed	Active	560186	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
63	13		Decreed	Active	560187	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
63	15		Decreed	Active	560188	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
63	31051		Beneficial Use	Active	560185	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	✓
65	7450		License	Active	545342	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	7451		License	Active	545344	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	7452		License	Active	545343	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22031 A		Beneficial Use	Active	545350	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22291		Beneficial Use	Active	545351	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22293		Beneficial Use	Active	545353	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued
65	22295		Beneficial Use	Active	545352	THE TERTELING CO INC (Cu	wrAdjudicationRecomm.	PD Issued

Basin Sequ Suf Basis Status Right ID Owner(s) Source Table

63	12540			Active	110399	THE TERTELING CO INC (Cu	wrWaterApplication	Western Hold Drawer
63	27670		Decreed	Active	119795	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued
63	28364		Decreed	Active	126717	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued
65	22013		Decreed	Active	545345	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued
65	22016		Decreed	Active	545346	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued
65	22018		Decreed	Active	545347	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued
65	22019		Decreed	Active	545348	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued
65	22021		Decreed	Active	545349	THE TERTELING CO INC (Cu	wrWaterRight	PD Issued

Basin	Sequ	Suf	Basis	Status	Right ID	Owner(s)	Source Table	
63	27649		Beneficial Use	Active	190606	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	27671		Beneficial Use	Active	125220	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	30006		Beneficial Use	Active	338726	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	30007		Beneficial Use	Active	338727	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31050		Beneficial Use	Active	423091	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31052		Beneficial Use	Active	423093	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31053		Beneficial Use	Active	423094	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31054		Beneficial Use	Active	423095	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31055		Beneficial Use	Active	423096	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31056		Beneficial Use	Active	423097	T-7 LLC (Current)	wrAdjudicationClaim	✓
63	31057		Beneficial Use	Active	423098	T-7 LLC (Current)	wrAdjudicationClaim	✓

July 30, 2001

Steve Lester



BOISE FRONT GWMA SUMMARY

CHRONOLOGY

1892 - BWSWD, first 2 hot wells & heating district in US, discharge to river.

1976- BLM monitoring well.

1983

- State Capitol Mall production & injection wells (1 each) in use
- 3 City wells in use, discharge to river
- Boise Front production increased about 100%.

1987

- Aquifer declines, GWMA Order, ground water $> 85^{\circ}$ F or cold water $\geq 300'$
- Monitor Order for rate, volume, psi &/or drawdown, temperatures for production & monitoring wells.

1988

- GWMA Management Plan: use heat value, promote efficiency & minimize waste, switch to cold water where feasible, require injection where feasible, require measurement & data collection, create water district once interim decree issued, permits w/o proof cannot develop more unless justify, applications for permit cannot be processed unless justify
- Moratorium Order for 5 years
- VA production & injection wells (1 each) in use, 15% increase in Boise Front production but minor impact
- 4 major users served several hundred private & public buildings, heat > 3.7 million square feet, save \$1M + annually compared to heating w/ fossil fuel.

1993 – Moratorium extended 5 years.

1998 – Neely's report, Moratorium extended 5 years.

2001

- System appears stable, 3 of 4 main users have injection wells
- Model suggests BWSWD & City could increase 20% (include injection) without problems.

WATER DISTRICT 63-S

- In GWMA but not included in above summary
- About 6 wells, no injection, indirect discharge to river
- 2 nurseries, one major ranch, 1 golf course & some minor domestic uses
- Annual use unknown but less now than early 1990s (substitute cold water, reduced irrigation use)
- Pumping continues but district inactive last few years.

ACTIVE WELL SITES & DEPTHS

<u>System</u>	<u>Site</u>	<u>Depth (ft.)</u>	<u>Year</u>
BWSWD	foothills above Quarry Park	400	1891
State	Capitol Mall, State & 6 th	2152-3030	1981
City	foothills above Fort Boise	880-2008	1981
VA	Fort St. & 5 th	1666-2300	1983-87
BLM	between City & VA (monitoring well)	1222	1976
63-S	36 th & Hill to Cartwright Rd. (@ 4 miles NW of above wells)	1200 ±	1920s-1930s
		600-1400 ±	1960s-1980s

REPORTED PUMPING

- BWSWD 1978-1983 averaged about 860 afa
- 1984 production about 1930 af (State & City started)
- Average afa 1980s-1990s: BWSWD 770, State 476, City 433, VA 447, total 2027
- Volume data unavailable for 63-S wells (combined estimate several hundred afa?)

Suggest: 63-S wells might need to reimplement measurement/reporting and include volume data to comply with GWMA Orders. Will help 63-S also.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051

09/23/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-3603	Claim	04N	02E	22	NW	NE		GROUND WATER	THE TERTELING CO INC
63-7595	Claim	04N	02E	22	NW	NE		GROUND WATER	THE TERTELING CO INC
63-31051	Claim	04N	02E	22	NW	NE		GROUND WATER	THE TERTELING CO INC
63-17078	Claim	04N	02E	22	NE	SE		GROUND WATER	CHARLIE L GIBSON
63-31051	Claim	04N	02E	22	NW	SE		GROUND WATER	THE TERTELING CO INC
63-31062	Claim	04N	02E	22	NW	SE		GROUND WATER	THE TERTELING CO INC
63-2959	Claim	04N	02E	29	NW	NE		GROUND WATER	E L FULLER
63-17525	Claim	04N	02E	29	NW	NE		GROUND WATER	PAUL A STOLL
63-17527	Claim	04N	02E	29	NW	NE		GROUND WATER	PAUL A STOLL
63-17773	Claim	04N	02E	29	NW	NE		GROUND WATER	ROSE RYAN
63-15338	Claim	04N	02E	29	NW	NE		GROUND WATER	CURTIS MUNSON
63-16980	Claim	04N	02E	29	NW	NE		GROUND WATER	BARBARA A NELSON
63-31556	Claim	04N	02E	29	NW	NE		GROUND WATER	JOANNE GAY HOPPE
63-10538	Claim	04N	02E	29	NW	NE		SPRING SINKS	BARBARA A NELSON
63-17716	Claim	04N	02E	29	NW	NE		GROUND WATER	MARLENE C MC COMBS
63-15981	Claim	04N	02E	29	NW	NE		GROUND WATER	WINIFRED A COLWELL
63-15985	Claim	04N	02E	29	NW	NE		GROUND WATER	DELBERT E COLWELL
63-16330	Claim	04N	02E	29	NW	NE		GROUND WATER	BYRON BERRY
63-17281	Claim	04N	02E	29	NW	NE		GROUND WATER	LARRY L KIRBY
63-17282	Claim	04N	02E	29	NW	NE		GROUND WATER	LARRY L KIRBY
63-20232	Claim	04N	02E	29	NW	NE		GROUND WATER	DAVID S MAGLECIC
63-21829	Claim	04N	02E	29	NW	NE		GROUND WATER	BRUCE BLASER
63-22660	Claim	04N	02E	29	NW	NE		GROUND WATER	DOUGLAS S MILLARD
63-23113	Claim	04N	02E	29	NW	NE		GROUND WATER	DALE E WILLIAMS
63-2628	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-15525	Claim	04N	02E	29	NE	SE		GROUND WATER	BARBARA L MILLER
63-12	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051

09/23/2005

2

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-12A	Claim	04N	02E	29	NE	SE		GROUND WATER	FLORA CO
63-12B	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-13	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-13A	Claim	04N	02E	29	NE	SE		GROUND WATER	FLORA CO
63-13B	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-15	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-15A	Claim	04N	02E	29	NE	SE		GROUND WATER	FLORA CO
63-15B	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-31051	Claim	04N	02E	29	NE	SE		GROUND WATER	THE TERTELING CO INC
63-15952	Claim	04N	02E	29	NE	SE		GROUND WATER	THERESE GERARD
63-17236	Claim	04N	02E	29	NE	SE		GROUND WATER	CONSUELO SMITH
63-21790	Claim	04N	02E	29	NE	SE		GROUND WATER	JOSEPHINE DURTSCHI
63-22639	Claim	04N	02E	29	NE	SE		GROUND WATER	JUDITH A LARSON
63-17621	Claim	04N	02E	29	NE	SE		GROUND WATER	GLEN WERSCH
63-20156	Claim	04N	02E	29	NE	SE		GROUND WATER	MELBA J BECK
63-22069	Claim	04N	02E	29	NE	SE		GROUND WATER	MARLENE VAN LEUVEN
63-22593	Claim	04N	02E	29	NE	SE		GROUND WATER	RUSSELL KIEFER
63-15465	Claim	04N	02E	29	NW	SE		GROUND WATER	FRED W SMITH
63-15466	Claim	04N	02E	29	NW	SE		GROUND WATER	FRED W SMITH
63-15974	Claim	04N	02E	29	NW	SE		GROUND WATER	LAURIE SINCLAIR
63-16346	Claim	04N	02E	29	NW	SE		GROUND WATER	BERNARD SKORGERSON II
63-16398	Claim	04N	02E	29	NW	SE		GROUND WATER	MARY N KIMBALL
63-16789	Claim	04N	02E	29	NW	SE		GROUND WATER	NORMAN N BRYAN
63-22180	Claim	04N	02E	29	NW	SE		GROUND WATER	JAMES A BLASER
63-26291	Claim	04N	02E	29	NW	SE		GROUND WATER	BOYD VAN NOY
63-31433	Claim	04N	02E	29	NW	SE		GROUND WATER	MICHAEL GREGORY
63-15608	Claim	04N	02E	29	NW	SE	12	GROUND WATER	DOROTHY B HAUBRICH

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051

09/23/2005

3

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-15358	Claim	04N	02E	29	NW	SE	19	GROUND WATER	REVA F GREGORY
63-20407	Claim	04N	02E	29	NW	SE	19	GROUND WATER	ELYNN CLAFLIN
63-21652	Claim	04N	02E	29	NW	SE	30	GROUND WATER	RONALD G FOLWELL
63-17295	Claim	04N	02E	29	NW	SE	30	GROUND WATER	KATHLEEN M MINTER
63-17610	Claim	04N	02E	29	NW	SE	30	GROUND WATER	DAVID C PEARL
63-19397	Claim	04N	02E	29	NW	SE	30	GROUND WATER	LEDA E NORDIN
63-19489	Claim	04N	02E	29	NW	SE	30	GROUND WATER	FRANKLIN JONES
63-21447	Claim	04N	02E	29	NW	SE	30	GROUND WATER	FRANZ WITTE
63-22795	Claim	04N	02E	29	NW	SE	30	GROUND WATER	BETTY V RICHEY
63-19727	Claim	04N	02E	29	NW	SE	30	GROUND WATER	RAYMOND A YORK
63-16201	Claim	04N	02E	29	NW	SE	30	GROUND WATER	MARJORIE A STANLEY
63-16206	Claim	04N	02E	29	NW	SE	30	GROUND WATER	FLORA MC KEVITT
63-16207	Claim	04N	02E	29	NW	SE	30	GROUND WATER	MARJORIE A STANLEY
63-17304	Claim	04N	02E	29	NW	SE	30	GROUND WATER	ROY C WATSON
63-22857	Claim	04N	02E	29	NW	SE	30	GROUND WATER	COLEEN F SEDIVEC
63-7595	Water Right	04N	02E	22	NW	NE	30	GROUND WATER	TERTELING TRUST NO 7
63-308	Water Right	04N	02E	22	NW	NE	30	STEWART CREEK BOISE RIVER	NORA B NEAL
63-5284	Water Right	04N	02E	22	NE	SE	30	GROUND WATER	CECIL GIBSON
63-17078	Water Right	04N	02E	22	NE	SE	30	GROUND WATER	CECIL GIBSON
63-14	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	THOMAS F EDWARDS
63-2959	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	E L FULLER
63-17525	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	PAUL A STOLL
63-17527	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	PAUL A STOLL
63-17773	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	MARY RYAN
63-21829	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	ANNALEE BLASER
63-12409	Water Right	04N	02E	29	NW	NE	30	SPRING SINKS	LIZA M GOUL
63-15338	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	ALICE MUNSON

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051

09/23/2005

4

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-16980	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	BARBARA A NELSON
63-10538	Water Right	04N	02E	29	NW	NE	30	SPRING SINKS	JAMES G NELSON
63-17716	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	MARLENE C MC COMBS
63-10777	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	TODD SCHAEFER
63-15981	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	DELBERT E COLWELL
63-15985	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	WINIFRED A COLWELL
63-16330	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	BYRON BERRY
63-17281	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	LARRY L KIRBY
63-17282	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	LARRY L KIRBY
63-20232	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	DAVID S MAGLECIC
63-22660	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	DOUGLAS S MILLARD
63-22857	Water Right	04N	02E	29	NW	NE	30	GROUND WATER	COLEEN F SEDIVEC
63-12	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	O L MILSTEAD
63-13	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	O L MILSTEAD
63-2628	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	BERT F WHITE
63-2658	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	H M AXTELL
63-2689	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	AUDREY M CARTER
63-5119	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	JACK P RENCHER
63-15952	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	KEITH GERARD
63-17236	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	DANNY E SMITH
63-21790	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	J RAY DURTSCHI
63-22639	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	JUDITH A LARSON
63-22069	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	MARLENE VAN LEUVEN
63-22593	Water Right	04N	02E	29	NE	SE	30	GROUND WATER	SHARON KIEFER
63-3087	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	H D LEEPER
63-5193	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	CHARLES E COX III
63-15358	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	LOWELL E GREGORY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051

09/23/2005

5

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-15465	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	FRED W SMITH
63-15466	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	FRED W SMITH
63-15608	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	DOROTHY B HAUBRICH
63-15974	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	ROGER ANDEREGG
63-16346	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	BERNARD SKORGERSON II
63-16398	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	MARY N KIMBALL
63-16789	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	CLIFFORD ROBERTS
63-22180	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	SUSAN BLASER
63-20407	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	LYLE CLAFLIN
63-21652	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	KAREN L FOLWELL
63-17295	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	ROBERT F MINTER
63-17610	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	DAVID C PEARL
63-19397	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	JOHN H HOTCHKISS
63-19489	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	FRANKLIN JONES
63-21447	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	VICKI WITTE
63-22795	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	BETTY V RICHEY
63-19727	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	SHERRY A YORK
63-16201	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	RUSSELL F STANLEY
63-16206	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	FLORA MC KEVITT
63-16207	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	MARJORIE A STANLEY
63-17304	Water Right	04N	02E	29	NW	SE	30	GROUND WATER	ROY C WATSON

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051**

09/23/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I-12	Claim	04N	02E	22	NE	SW		IRRIGATION	7/15	THE TERTELING CO INC
I-13	Claim	04N	02E	22	NE	SW		IRRIGATION	7/15	THE TERTELING CO INC
I-15	Claim	04N	02E	22	NE	SW		IRRIGATION	7/15	THE TERTELING CO INC
3603	Claim	04N	02E	22	NE	SW		IRRIGATION	20/68	THE TERTELING CO INC
7595	Claim	04N	02E	22	NE	SW		IRRIGATION	3/88	THE TERTELING CO INC
3603	Water Right	04N	02E	22	NE	SW		IRRIGATION	20/78	TERTELING TRUST NO 7
7595	Water Right	04N	02E	22	NE	SW		IRRIGATION	3/103	TERTELING TRUST NO 7
I1051	Claim	04N	02E	22	NE	SW		COMMERCIAL		THE TERTELING CO INC
I-12	Claim	04N	02E	22	NE	SW		HEATING		THE TERTELING CO INC
I-13	Claim	04N	02E	22	NE	SW		HEATING		THE TERTELING CO INC
I-15	Claim	04N	02E	22	NE	SW		HEATING		THE TERTELING CO INC
I-12	Claim	04N	02E	22	NE	SW		DOMESTIC		THE TERTELING CO INC
I-13	Claim	04N	02E	22	NE	SW		DOMESTIC		THE TERTELING CO INC
I-15	Claim	04N	02E	22	NE	SW		DOMESTIC		THE TERTELING CO INC
I-12	Claim	04N	02E	22	SE	SW		IRRIGATION	0.5/15	THE TERTELING CO INC
I-13	Claim	04N	02E	22	SE	SW		IRRIGATION	0.5/15	THE TERTELING CO INC
I-15	Claim	04N	02E	22	SE	SW		IRRIGATION	0.5/15	THE TERTELING CO INC
3603	Claim	04N	02E	22	SE	SW		IRRIGATION	12/68	THE TERTELING CO INC
7595	Claim	04N	02E	22	SE	SW		IRRIGATION	3/88	THE TERTELING CO INC
3603	Water Right	04N	02E	22	SE	SW		IRRIGATION	12/78	TERTELING TRUST NO 7
7595	Water Right	04N	02E	22	SE	SW		IRRIGATION	3/103	TERTELING TRUST NO 7
I1051	Claim	04N	02E	22	SE	SW		COMMERCIAL		THE TERTELING CO INC
I-12	Claim	04N	02E	22	SE	SW		HEATING		THE TERTELING CO INC
I-13	Claim	04N	02E	22	SE	SW		HEATING		THE TERTELING CO INC
I-15	Claim	04N	02E	22	SE	SW		HEATING		THE TERTELING CO INC
I-12	Claim	04N	02E	22	SE	SW		DOMESTIC		THE TERTELING CO INC
I-13	Claim	04N	02E	22	SE	SW		DOMESTIC		THE TERTELING CO INC
I-15	Claim	04N	02E	22	SE	SW		DOMESTIC		THE TERTELING CO INC

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051**

09/23/2005

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I-12	Claim	04N	02E	29	NE	SE		IRRIGATION	7.5/15	THE TERTEING CO INC
I-13	Claim	04N	02E	29	NE	SE		IRRIGATION	7.5/15	THE TERTEING CO INC
I-15	Claim	04N	02E	29	NE	SE		IRRIGATION	7.5/15	THE TERTEING CO INC
2406	Claim	04N	02E	29	NE	SE		IRRIGATION	2/29248	DRAINAGE DIST NO 2
2628	Claim	04N	02E	29	NE	SE		IRRIGATION	8.5/8.5	THE TERTEING CO INC
30040	Claim	04N	02E	29	NE	SE		IRRIGATION	3.7/575.1	BOISE CITY CANAL CO
2406	Water Right	04N	02E	29	NE	SE		IRRIGATION	2/29248	DRAINAGE DIST NO 2
2628	Water Right	04N	02E	29	NE	SE		IRRIGATION	8/8	BERT F WHITE
2658	Water Right	04N	02E	29	NE	SE		IRRIGATION	2/2	H M AXTELL
2689	Water Right	04N	02E	29	NE	SE		IRRIGATION	9/9	AUDREY M CARTER
5119	Water Right	04N	02E	29	NE	SE		IRRIGATION	10/20	JACK P RENCHER
31051	Claim	04N	02E	29	NE	SE		COMMERCIAL		THE TERTEING CO INC
I-12	Claim	04N	02E	29	NE	SE		HEATING		THE TERTEING CO INC
I-13	Claim	04N	02E	29	NE	SE		HEATING		THE TERTEING CO INC
I-15	Claim	04N	02E	29	NE	SE		HEATING		THE TERTEING CO INC
2576	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	02E	29	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
I-12	Claim	04N	02E	29	NE	SE		DOMESTIC		THE TERTEING CO INC
I-13	Claim	04N	02E	29	NE	SE		DOMESTIC		THE TERTEING CO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31051

09/23/2005

3

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1-15	Claim	04N	02E	29	NE	SE		DOMESTIC		THE TERTELING CO INC
15525	Claim	04N	02E	29	NE	SE		DOMESTIC		BARBARA L MILLER
17621	Claim	04N	02E	29	NE	SE		DOMESTIC		GLEN WERSCH
20156	Claim	04N	02E	29	NE	SE		DOMESTIC		MELBA J BECK
15952	Water Right	04N	02E	29	NE	SE		DOMESTIC		KEITH GERARD
17236	Water Right	04N	02E	29	NE	SE		DOMESTIC		DANNY E SMITH
21790	Water Right	04N	02E	29	NE	SE		DOMESTIC		J RAY DURTSCHI
22069	Water Right	04N	02E	29	NE	SE		DOMESTIC		MARLENE VAN LEUVEN
22593	Water Right	04N	02E	29	NE	SE		DOMESTIC		SHARON KIEFER
22639	Water Right	04N	02E	29	NE	SE		DOMESTIC		JUDITH A LARSON

COPY

CHARLES L. HONSINGER (ISB #5240)
JON GOULD (ISB #6709)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Claimants The Terteling Company, Inc., and T-7, LLC

)
)
) AFFIDAVIT OF J.L. TERTELING IN SUPPORT OF
) SRBA CLAIM NOS. 63-27649, 63-27671, 63-30006, 63-
) 30007, 63-31050, 63-31051, 63-31052, 63-31053, 63-31054
) 63-31055, 63-31056, 63-31058, 63-31060, 63-31061, 63-
) 31062, 63-31086
)
)
)

STATE OF IDAHO)
) ss
COUNTY OF ADA)

J.L. TERTELING, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. The purpose of this affidavit is to provide information requested by IDWR for claims to water rights located in the Stewart Gulch area near Boise, Idaho made in the Snake River Basin Adjudication by The Terteling Co. Inc. and T-7, LLC.
3. My family has owned the Terteling Ranch in Stewart Gulch (comprised of the lands to which the water rights referenced herein are appurtenant) since June 12, 1944 when my father purchased the property. Consequently, I have lived on the Terteling Ranch for most of my life. I have extensive knowledge regarding the use of all of the water rights referenced

herein because I have worked on, irrigated and developed the property throughout my life.

4. Specifically, my knowledge regarding the information requested by IDWR is as follows:

63-22047

This is not a right claimed by an entity with which I am involved. I have no information regarding this claim. Please contact Ann Terteling Sparks for information about this water right at 7962 Fairview, Boise, ID 83704 - (208)322-6300.

63-27649

This water right is diverted from the Terteling Springs that flow into ponds in the north 1/2 of the Northwest 1/4 of section 22. I recall the use of these ponds and water right for irrigation use since I have lived on the property. I have been told by prior owners that the ponds were in place and used for irrigation and for fish farming since the early 1900s. The ponds have been used for wildlife, boating, fishing and recreation since I have lived in Stewart Gulch.

63-27671

This right is diverted from the Terteling Springs flowing artesian well into ponds. I recall the use of water from this well for irrigation use, commercial fish farming, boating and recreation from my early days on the property. I own a commercial fish farmer's license and have, in the past, sold fish harvested from the ponds into which this water right flows.

63-30006

This water right is diverted from the Duck Pond flowing artesian well located in the SWNW of section 22. I recall the use of this flowing artesian well to provide water to the duck

ponds for storage for wildlife, irrigation, fish, recreation and aesthetic purposes at the time my father purchased the property.

63-30007

This water right is diverted from the Peaceful Cove Nursery Spring. I recall this water right being diverted for irrigation purposes at the time of our purchase of the Terteling Ranch. There has been no change in the place of use of the water right. Rather, the currently claimed place of use has always been the place of use of the water right, and the claim merely corrects earlier filings. A map of the spring location is attached hereto as Exhibit "A."

63-31050

This water right is diverted from a flowing artesian well known as the "Pool Well." My father completed the Pool Well on or about March 31, 1947 as indicated by the handwritten notation referencing a check number and date on the second page of the well driller's log for that well attached hereto as Exhibit "B". My father used the Pool well for irrigation purposes immediately after its completion, and developed the ponds fed by the well at about the same time. The aesthetic use claimed are ponds and a flowing water feature. Wildlife has been a use for the water right throughout my residence on the ranch. The fish propagation use claimed is not a commercial use, but is, rather for hobby purposes.

63-31051

I believe that all questions asked by IDWR with respect to this water right can be answered by simply examining approved transfer no. 68559.

63-31052

This water right has been used for the claimed purposes since I have lived on the property. This well is also the "Pool Well" (referenced in the section on water right no. 63-31050 above) which consists of both a hot and cold water well within the same well casing. This water right is used for irrigation, and the wildlife use is a pond that is game and birds drink from and use as habitat. The fish propagation use is not a commercial use but is instead a hobby use - primarily for koi and goldfish. The aesthetic use is for ponds and a flowing water feature.

63-31053

Attached as Exhibit "C" are aerial photos from 193~~9~~⁸ establishing the existence of a house and the irrigation claimed from the well that is the source for this water right. The well was the sole source of domestic water for the houses and other buildings when I first moved to the Terteling Ranch, and has sometimes been used for wildlife and livestock watering.

63-31054

This water right is diverted from a flowing artesian well located in the NWNW of Section 22 into a pond. This well was in existence at the time of the conveyance of the property to my father. This well and water right serves the same ponds as does water right no. 63-27649. As explained above, the ponds have been used for irrigation, stockwatering and wildlife since I have lived in Stewart Gulch. The recreation use is for fishing, wading, boating and other recreational uses. 300 cattle have historically used this water right for stockwater.

63-31055

This water right is diverted from Stewart Creek. The 1938/1939 aerial photos attached hereto as Exhibit "C" establish that the water right was used for irrigation as of that time. My family built the pond claimed as storage pursuant to this water right between 1948 and 1950 after we purchased the property. The wildlife use claimed under the water right began at that time - the pond was also used for aesthetic and boating purposes. As a sidenote, there is a typographical error in the computerized claim form for this water right: the point of diversion that is listed as Section 22 SWNE should be in Section 22 NWNE.

63-31056

This water right is from a well that is used at 5120 Cartwright Road as a domestic well. The stockwatering use is for approximately 300 head. This stockwater is diverted from the well and conveyed by pipe to stockwatering troughs. This water right has been used since I have lived upon the Terteling Ranch for domestic use in the house at 5120 Cartwright Road. It has been used for stockwater and for irrigation purposes around that house for the same period of time.

63-31058

This water right is diverted from Stewart Creek. The irrigation use has been in place since I have lived on the Terteling Ranch. The stockwater use for this water right was claimed in error.

63-31060

This water right is from a well that is used as the domestic well at 7000 Bogus Basin

Road. The stockwatering use is for approximately 300 head. This stockwater is diverted from the well and conveyed by pipe to stockwatering troughs. This water right has been used since I have lived upon the Terteling Ranch for domestic use in the house at 7000 Bogus Basin Road. It has been used for stockwater and for irrigation purposes around that house for the same period of time.

63-31061

This water right is diverted from springs that serve as a domestic water right for the house located at 5115 Cartwright Road. This water right has been used since I have lived upon the Terteling Ranch for domestic use at 5115 Cartwright Road. I specifically recall being fascinated as a young boy that the kitchen in that house had a constantly running faucet in the sink (due to the fact that the springs were diverted directly to the house) when my family was considering purchasing the property in 1943. It has been used for livestock and irrigation purposes around that house for the same period of time, and has probably been used for the same purposes since the turn of the century in 1900.

63-31062

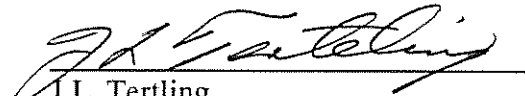
This water right is diverted from the Old Barn well for domestic, irrigation and stockwater uses. It has been diverted for those purposes since I have lived on the ranch. The 1949 aerial photo attached hereto as Exhibit "D" establishes the existence of the home as of at least that time.

63-31086

This is a water right from a well that is near 5115 Cartwright Road that is used for irrigation purposes. It has been used for those purposes since I have lived in Stewart

Gulch. The 1938/1939 photos attached hereto as Exhibit "D" establish the irrigation use claimed under this water right as of that date.

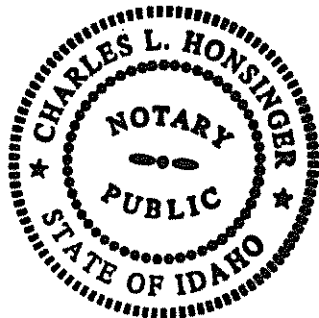
Further your affiant sayeth naught.


J.L. Tertling

STATE OF IDAHO)
)ss.
County of Ada)

On this 12th day of September, 2005, before me, the undersigned, a notary public in and for said state, personally appeared J.L. TERTLING, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



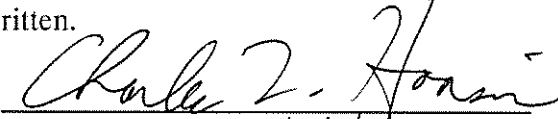

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

Exhibit A

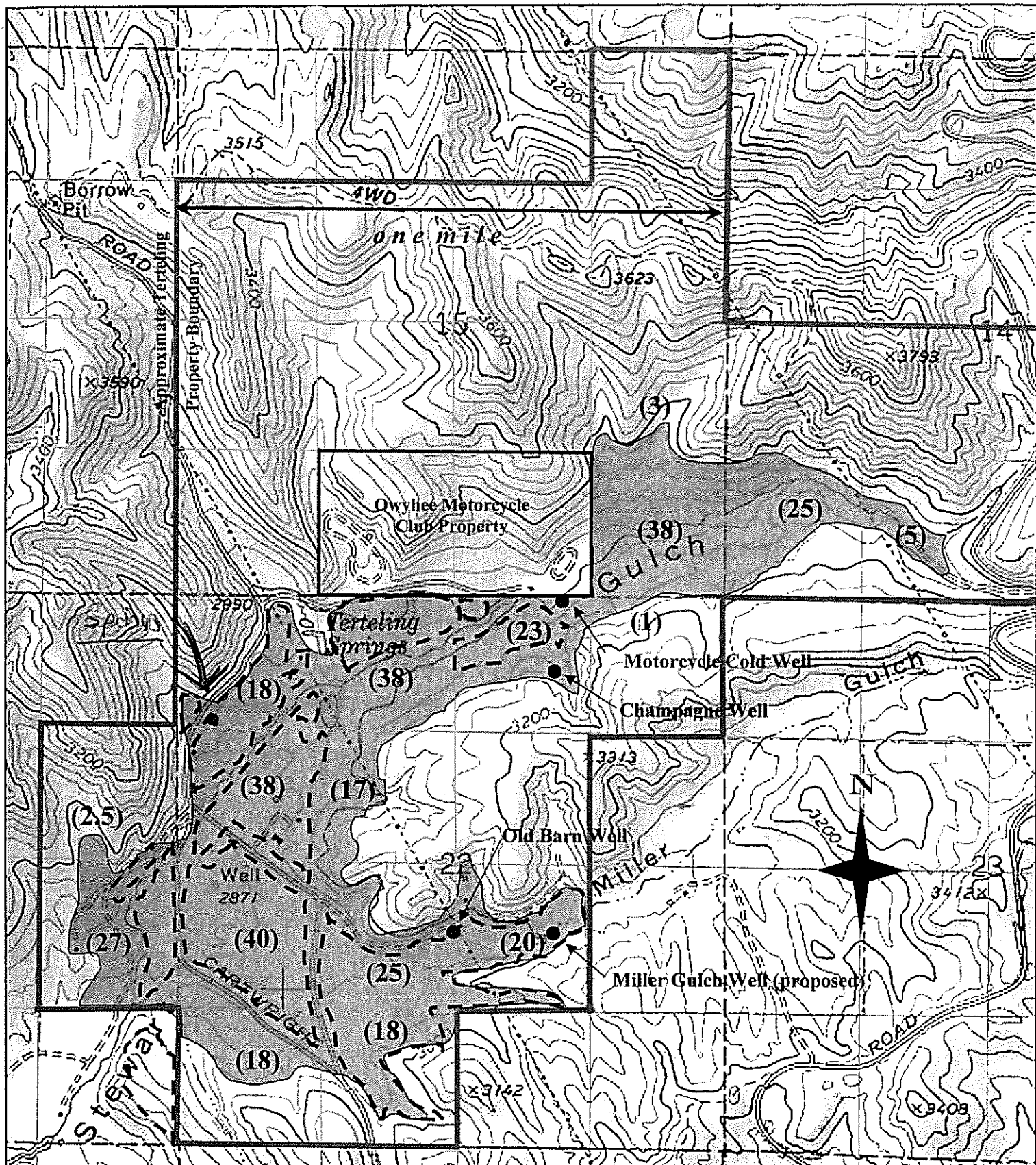


Figure 1. Map of The Terteling Company, Inc.'s proposed "Permissible Place of Use" acreage in Township 4 North, Range 2 East associated with Water Right Nos. 63-07595 and 63-03603. The irrigable acreage is marked in transparent orange. The outlined areas (dashed) is the current place of use for which the water rights are licensed. The black numbers in parentheses shown for each tract ($\frac{1}{4}$ - $\frac{1}{4}$ section) represent the total number of irrigable acres within that $\frac{1}{4}$ $\frac{1}{4}$ section.. The points of diversion (wells) for the water rights proposed as points of diversion for the permissible place of use are denoted by solid black circles.

Exhibit B

Penkling PEACEFUL COVE
SWIMMING POOL
BOISE, IDAHO

Log of well.

42 ft.	top soil sand	42 ft.
2 ft.	hard soap stone	44 "
16 ft.	blue shale	60 "
2 ft.	sand, little flow	62 "
23 ft.	blue shale	85 "
2 ft.	sand, more water	87 "
53 ft.	blue shale	140 "
5 ft.	sand more water	145 "
19 ft.	sand stone	164 "
2 ft.	sand, little more water	66 ft.
9 ft.	blue shale	205 "
5 ft.	sand, <u>little</u> water	210 "
7 ft.	soap stone	287 "
3 ft.	sand	298 "
8 ft.	soap stone	398 "
1 ft.	hard rock	399 "
ft.	sticky soap stone	435 "
ft.	hard rock	436 "
ft.	sticky soap stone	454 "
ft.	hard soap stone	458 "
ft.	sticky soap stone	473 "
ft.	hard soap stone	478 "
ft.	sticky soap stone	498 "
ft.	hard rock granite	500 "
ft.	hard soap stone	
	with small layers	521 ft.
	of sand stone	

52/H

4 ft. hand strid above 525"

10 ft. hard soapstone with
lava streaks 535.11

32 ft. lava rock occasional
soft streaks 567

15 fl. porous lava rock.
hot water 582 "

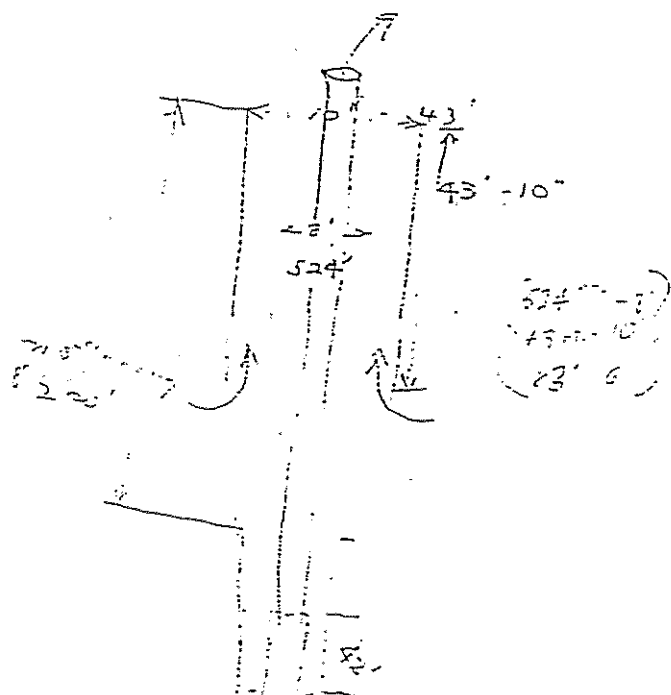
13 ft. hard rock	595
------------------	-----

well drilled - 595 ft. deep.

43 ft. 10 in. pipe in well

524 " " " " " " " " " " " "

82 ft. 10 in. of 6 inch pipe in well



© 1921105
2/31/47

① This well consists of casing of 6", 8" and 10". Hot water flows through the 6" casing from well and at least 150'. From 150' the hot water is pumped @ 56.9 gpm to the surface. Between the 6" and 8" casings is air space. The 10" and 8" casings extend through the permeable zone allowing the cold water to flow to the surface through the space between the 10" and 8" casings @ 39.6 gpm from a depth of 150 ft.

② 6" artesian well @ 150'.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

W
J.R. Terteling
Applicant
By J.R. Helt
Agent

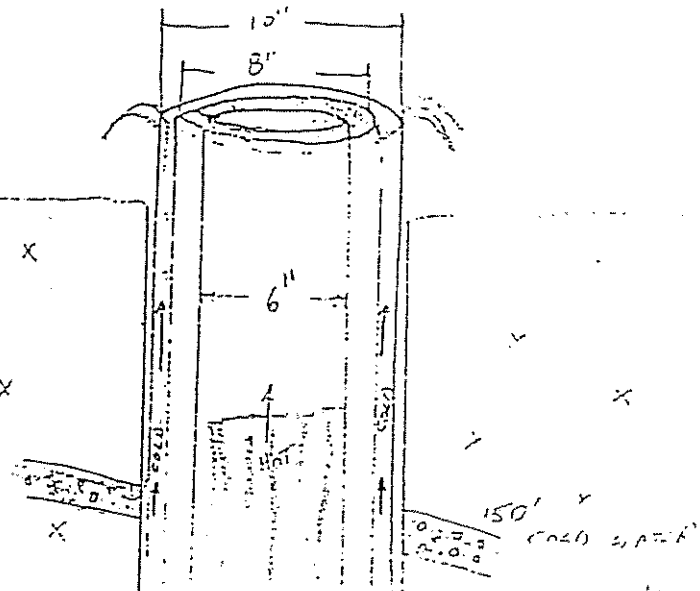


Exhibit C

BUJ-10-2



Exhibit D



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-31051

Date: 9-14-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	2E	29													6				6
GIS																6				6
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 6

Overlapping POU Claim #'s:

Total GIS Acres: 6

63-000126, 63-000136, 63-000156

COMMENTS:
