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
Indent. Number 63-31058
Date Received _____
Receipt Number _____

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

Please type or print clearly

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

   Mailing Address 3856 Garden Center Way, Boise, ID Zip 83703

2. Date of Priority only (1) per claim) May 1, 1891

3. Source of water supply (a) Stewart Gulch and Springs

   which is tributary to (b) Boise River and Stewart Gulch

4. a. Location of existing point of diversion is: Township 04N Range 02E Section 14,

   _____ ¼ of SW ¼ SE ¼, Govt. Lot, _____ B.M., County of Ada

   Additional points of diversion if any: T04N R02E Sec. 14, SESW (3)

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

   Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼,

   Govt. Lot _____ B.M.,County _____

   ending point is: Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of

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

5. Description of existing diversion works. Diversions from stream into system of pipes and ditches. Diversions from springs into ponds.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .32 cfs or _____

For Stockwater purposes from 1/01 to 12/31 amount 0.04 cfs or _____

For Aesthetic purposes from 1/01 to 12/31 amount 1.00 cfs or _____

For Wildlife purposes from 1/01 to 12/31 amount 1.00 cfs or _____

For Aesthetic Storage purposes from 1/01 to 12/31 amount _____ or 2.0

For Wildlife Storage purposes from 1/01 to 12/31 amount _____ or 2.0

For Stockwater Storage purposes from 1/01 to 12/31 amount _____ or 2.0

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) 2.0 (acre feet)

8. Total consumptive use claimed is _____ acre fee per annum.

9. Non-Irrigation uses:

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.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	14											9.8	6					17
		15																1	1

Total number of acres irrigated 15.8

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 _____

13. Other water rights used:

14. Remarks: _____

Last Name The Terteling Company, Inc. Ident. Number 63-31058

15. Basis or Claim (check one) Beneficial Use __X__ Posted Notice ____ License ___ Permit ___
Decree ____

If applicable provide IDWR Water Right Number 63-31058
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 __X__ 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 documents are true and correct.

Signature or Claimant (s) _____ Date _____

_____ Date _____

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

Signed of Authorized Agent Joe L. Terteling

Title and Organization PRESIDENT TCI Date 22 DEC 08

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

Subscribed and sworn to (or affirmed) before me this 22nd day of December 2008

SEAL

CHARLES L. HONSINGER NOTARY PUBLIC STATE OF IDAHO

Notary Public Charles L. Honsinger

Residing at Boise, Idaho

My Commission Expires 7/30/2010

16. 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 all notices required by law to be mailed by the director to the claimant signing above should be mailed to me a the address listed below.

Signature Charles L. Honsinger

Address Ringert Law, Chartered, P.O. Box 2773, Boise, ID 83701

Date December 22, 2008

Last Name The Terteling Company, Inc. Ident. Number 63-31058

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: **A63-31058**
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 208-338-5200
   Address: 3823 N 36TH ST
   BOISE ID 83703

2. Date of Priority: JAN 1, 1910

3. Source: SPRING Trib. to: STEWART CREEK
   STEWART CREEK BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	14		SE	SW		ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.050		

7. Total Quantity Appropriated is:
   0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER, 15 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	14	SE	SW		STOCK	
			SE	SW		IRR	5.0

SCANNED
OCT 05 2006

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:
NONE

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 A63-31053
Receipt Number W025312

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

~~(S. Terteling cold ground water)~~ SURFACE

RECEIVED
JUN 0 9 1999
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant 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) January 1, 1910
3. Source of water supply (a) ~~Ground water~~ SPRING & STEWART CREEK TRIB. BOISE RIVER
   which is tributary to (b) STEWART CREEK
4. a. Location of existing point of diversion is: Township 4N Range 2E Section 14,
   ____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, ____ B.M., County of Ada (7000 Bogus Basin Rd, Boise, ID)
   Additional points of diversion if any: Spring, T 4N, R 2E, SE SW § 14; ~~Stewart Creek T 4N, R 2E, SESW § 14.~~
   b. If instream flow, beginning point of claimed instream flow is:
   Township ____ Range ____ Section ____, ____ 1/4 of SE 1/4 of SW 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.
   6" diameter, 390' deep well, 1 & 1/2 HP submersible pump.
6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)	(acre feet)
For ~~Domestic~~	purposes from ~~1/1~~	to ~~12/31~~	amount ~~0.02~~	or	
For Stockwater	purposes from 1/1	to 12/31	amount 0.04	or	
For Irrigation	purposes from 3/15	to 11/15	amount 0.04	or	15
For	purposes from	to	amount	or	

10-99

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) ____ (acre feet)
8. Total consumptive use claimed is 15 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) ~~1~~ ~~residence and outbuildings;~~ 15 head of stock, 5 acres of pasture and landscaping.

Last Name Terteling Ident No. ____

4/99 Revision

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	14												X					
4N	2E	14												S					
4N	2E	14												5					5

Total number of acres irrigated 5

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.

_____ or None ( )

14. Remarks:

_____

_____

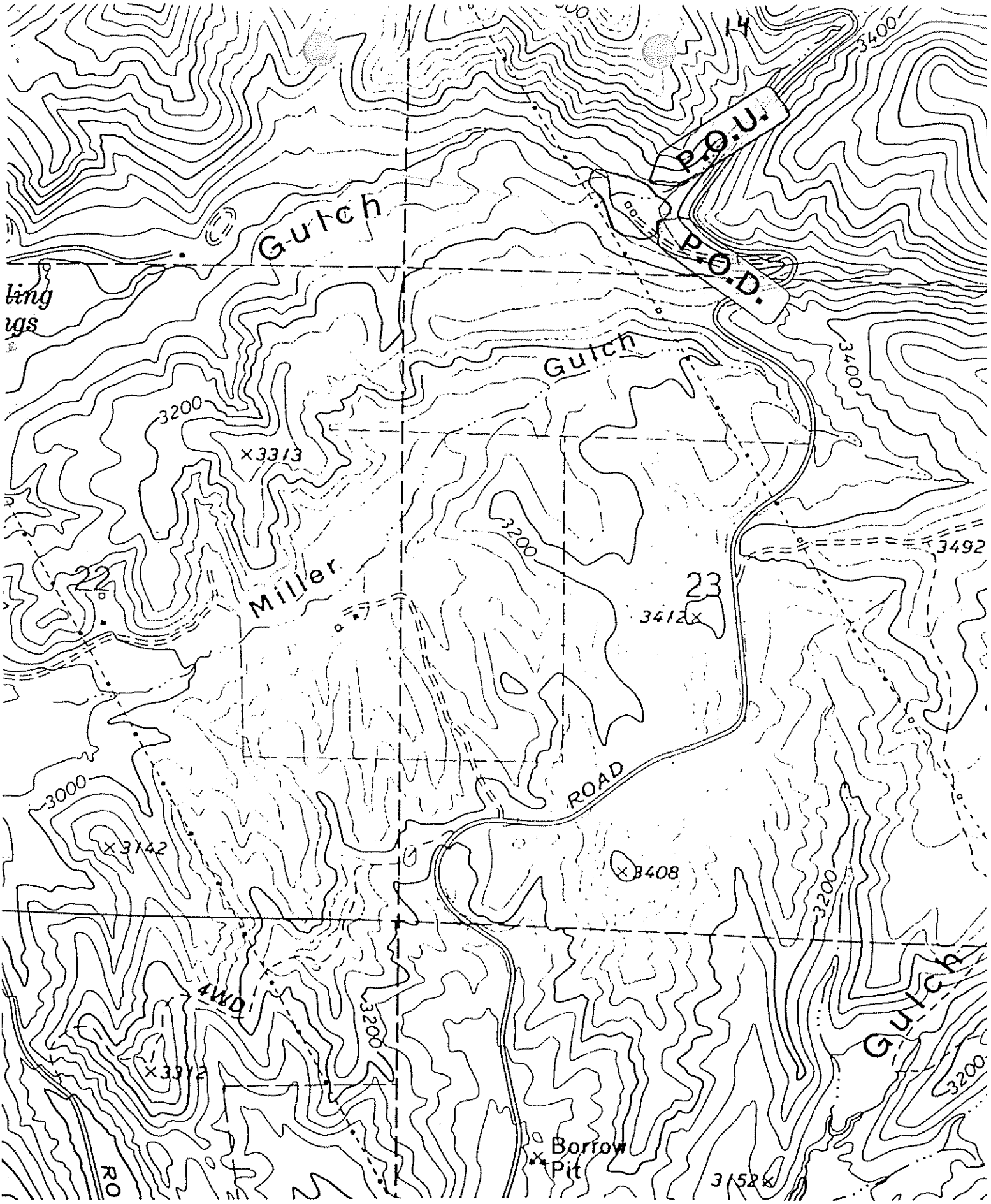
_____

_____

_____

_____

Last Name Terteling Ident No. _____



Last Name Terteling Ident No. _____

Township 4N Range 2E Section 14

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. (Organization), that I have signed the foregoing document in the space below as President (Title) of The Terteling Company, Inc. (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 6-7-99

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

JULIE BEST-GILSTER NOTARY SEAL PUBLIC STATE OF IDAHO

Subscribed and sworn (or affirmed) before me this 7th 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 t 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

Hydro Logic, Inc.
1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

TECHNICAL MEMORANDUM

RECEIVED
JUN 08 2010
WATER RESOURCES
WESTERN REGION

TO: Charlie Honsinger/ Ringert Law Chartered/ Boise, Idaho

FROM: Ed Squires/ Hydro Logic, Inc. / Boise, Idaho

DATE: June 8, 2010

SUBJECT: Upper Terteling Ranch Surface Water Diversions and Use

Scope

At the request of Charlie Honsinger, Hydro Logic, Inc. made two site visits to the upper Terteling Ranch in Stewart Gulch to evaluate and document surface water diversions from Stewart Gulch Creek. Apparently, the Terteling family had not claimed surface water uses and springs in the Snake River Basin Adjudication and a filing of late claims was anticipated. The first reconnaissance visit was made on September 13, 2008 and the second, more extensive, field examination was made on April 7, 2009 the following spring. During the first site visit in September, Stewart Gulch Creek was completely dry except for a minor spring issuing forth from the bed of the creek at one location and, therefore, all diversion structures and ditches were empty and able to be observed. An extensive system of historical and current diversion works was observed. The diversion and use of water earlier in the irrigation season was evident from the condition of the ditches and some residual green along the ditch banks and drains but no water was flowing and none was available to be pumped. The second site visit in April was during irrigation season and water was being diverted under gravity flow and by pumping. The diversion works and places of use were documented by photographs and on-site measurements in the attached photographic journal and map. In both site visits, a recent high water event (within a few years) was evident that had damaged some diversions and the larger ditches. Some of the damages had been repaired and others were in progress. The diversion and ditch names used in this draft memorandum are names created by Ed Squires for reference during the visits and are not names of historical use by the previous and current landowners which probably used different names and references.

Interpreted History.

Originally (1800s?) at least two high diversions were used to divert Stewart and Crane Creeks via gravity head to what is now the Terteling Ranch. Crane Creek was diverted by means of a long ditch crossing a saddle between the two creeks in T4N, R3E Section 19. This ditch, while still very apparent, has been unused for a long time (many decades?) A second dam diversion was a take-out diverted from Stewart Creek in T4N, R2E, Section 14 at an elevation (~3274 feet amsl) that carried water under gravity head to the Three Trees Diversion via the South Highline Ditch. Although the remains of this ditch and diversion are still visible it is also obvious that the upper part of the ditch (above Bogus Basin Road) and the dam diversion have not been used in a long time; probably since Bogus Basin Road was constructed in the early 1900s? When the high

gravity diversions were interrupted by the highway (road?), we speculate that water had to be pumped to the Three Trees Diversion (south side of Stewart Gulch Creek) via the shortest path from the Creek (current diversion at 7000 Bogus) with the minimum of ditch losses. A third creek diversion, below the original Bogus Basin Road diverted water to the north side of Stewart Creek was interrupted by the more recent realignment of Bogus Basin Road in 1995 and associated flood-control structures. This road project used the existing buried pipelines, but reconstructed the head-gates to fit with the floodway structures such the north side of the upper Terteling Ranch is still irrigated under gravity head.

Current Configuration:

The current, here-to-fore unclaimed, surface water diversions directly from the Stuart Gulch Creek are three:

1. Southside Pumping Station (to Three Trees Diversion, South Highline Ditch, and Upper and Lower Ridgeline Ditches.
2. North Highline Ditch (to 7000 Bogus Basin Road and surrounding area).
3. Sandstone Cliff Lateral (a gravity driven ditch directly off the Stewart Gulch Creek).

In addition, there are at least five springs in this area that are referred to, in the attached photographs and map, as:

1. "7000 Bogus" Springs.
2. Creek Bed Springs.
3. Stewart Creek Springbox.
4. North Pondrosa Springs
5. South Ponderosa Springs.

This memorandum is not intended to be a comprehensive beneficial use examination but, rather, a reconnaissance-type documentation of existing water diversions and use. It appears to me that the old original gravity irrigation system was at one time much more extensive than it is today and probably irrigated a lot more acreage and fields at lower elevations during the relatively short period of availability (typically through June?).

Southside Pumping Station

Water is pumped directly from Stewart Creek, at the Southside Pumping Station, via a buried pipeline, to a partially buried steel splash-tank (Three Trees Tank) located at the three locust trees (elevation 3,347 ft amsl) and the start of the South Highline Ditch. The 1,000-gallon tank is essentially a "splash-point" to prevent erosion on the sidehill because the amount of storage is insignificant. This tank has been half-buried in the South Highline Ditch, effectively blocking water from backing up the old abandoned portion of the ditch, possibly the reason the two locust trees east of the tank are dead while the tree at the tank alive? From the tank water can be diverted to the South Highline Ditch across the top of the Terteling "T" Field to the west or the East Terteling "T" dump downhill to

the north, The ditch across the top of the field is a relatively flat gradient and is dammed at various locations with plywood and rock dams while the water is diverted through ½" I.D. siphon tubes of which approximately 150 tubes were present in a pile at the west end of the trunk. A fair amount of water appears to leak from the ditch (sub-irrigates) downhill. On the west side of the sloping field the ditch encounters a small stock dam or splitter from which there are three diversions. The first diversion, through a 4-inch pipe and earthen ditch continues across the slope and conveys water to the Lower Fields or it can be dumped to the Ponderosa Homestead. The second outlet is via an overflow fashioned from a sheet metal slide gate to the West Terteling "T" Ditch. The third outlet is also an overflow to the Upper Ridgeline Ditch which runs directly down the spine of the ridge and spreads water across to both sides of the ridge where the water sub-wets all the way down to the West Terteling "T" Ditch, where the High Ridgeline Ditch eventually returns to.

A second diversion from the Three Trees Pipeline (exact route unknown) is at elevation 3,192 ft amsl. This marks the start of the Lower Ridgeline Ditch which conveys water to the Ponderosa Field and the old Homestead area.

The pump-performance curve and associated calculations for the trailer-mounted PTO-driven ditch pump (circa 1961) are attached below.

Upper Terteling Ranch Surface Water Diversion and Place of Use Map

T. 4 N. R. 2 E. Sec. 14

June 8, 2010

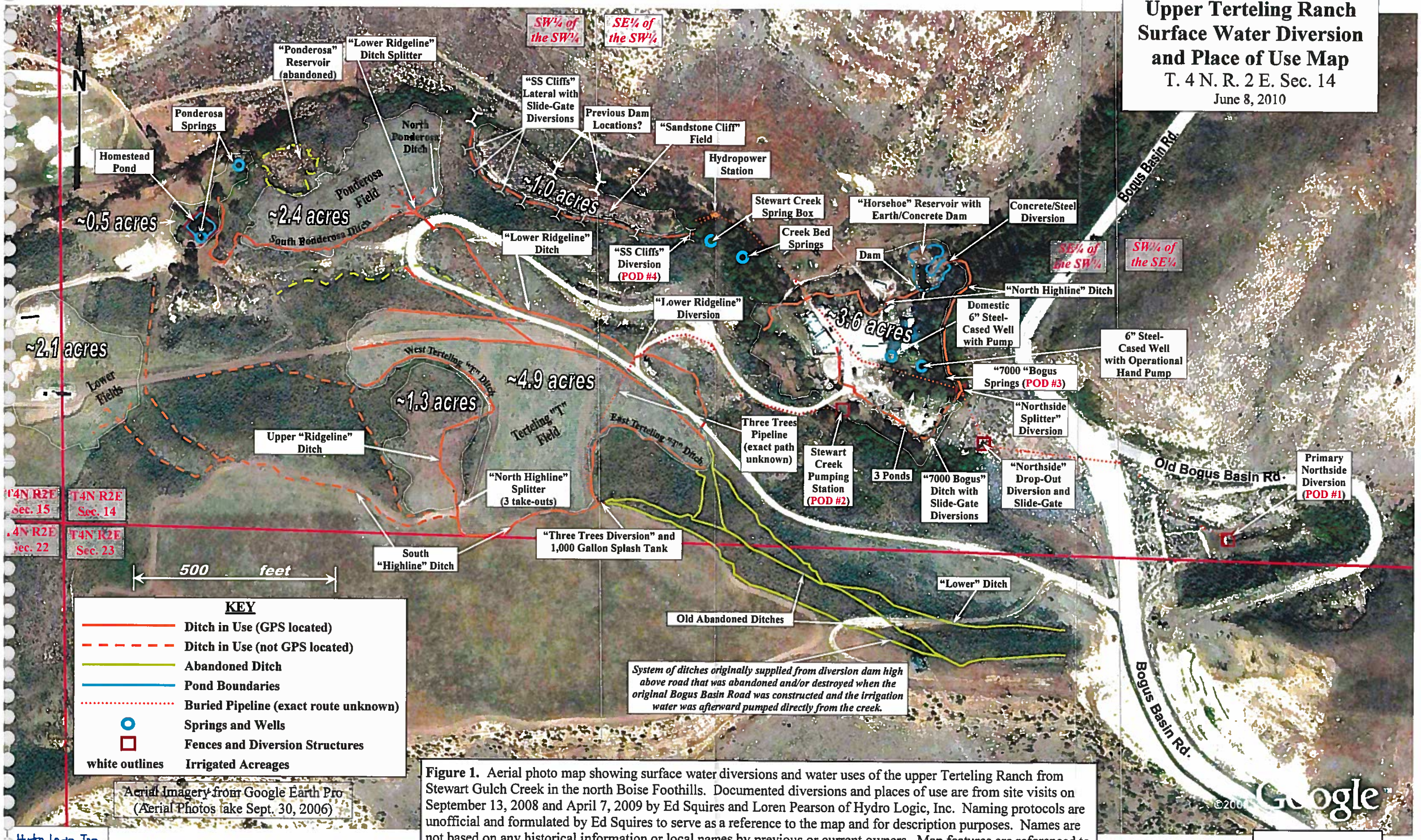
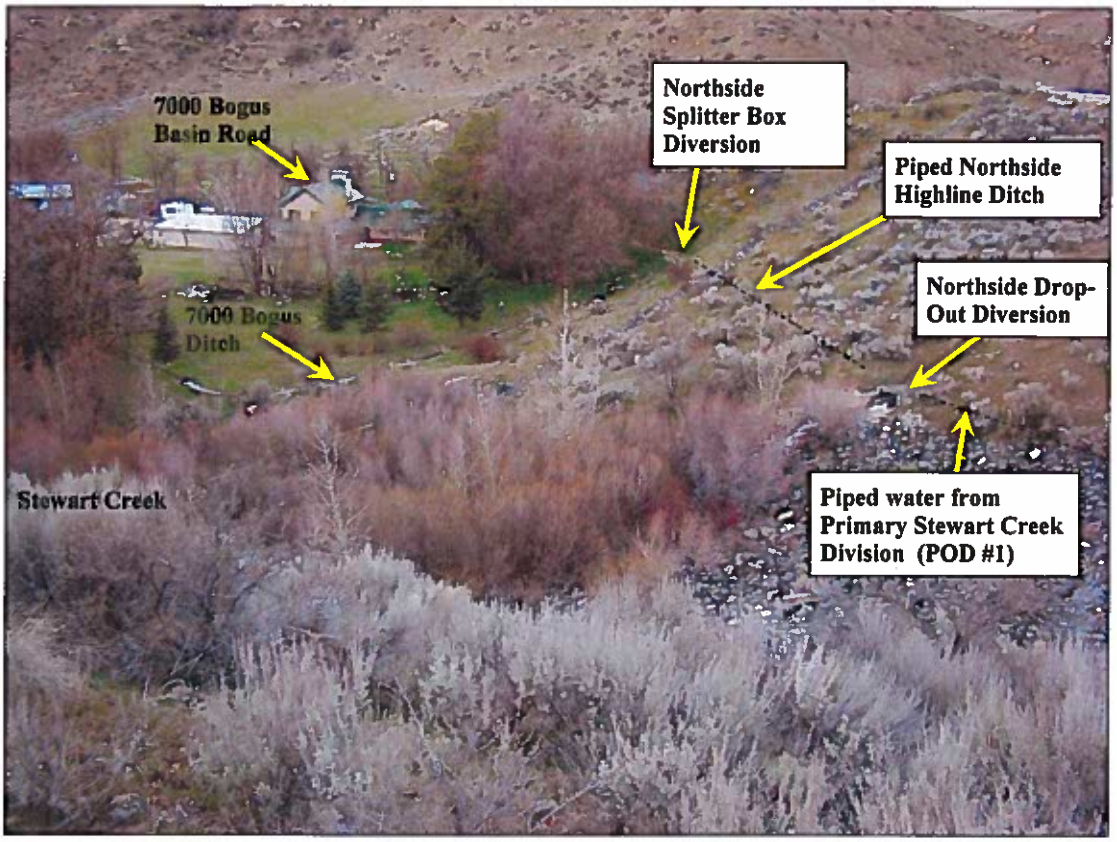


Figure 1. Aerial photo map showing surface water diversions and water uses of the upper Terteling Ranch from Stewart Gulch Creek in the north Boise Foothills. Documented diversions and places of use are from site visits on September 13, 2008 and April 7, 2009 by Ed Squires and Loren Pearson of Hydro Logic, Inc. Naming protocols are unofficial and formulated by Ed Squires to serve as a reference to the map and for description purposes. Names are not based on any historical information or local names by previous or current owners. Map features are referenced to an associated and annotated photographic journal and a short narrative Technical Memorandum describing the visits.

Figure 1.



6-13-2010 photograph of the Primary Stewart Gulch Creek surface water diversion to the upper Terteling Ranch (POD #1). This diversion is in the bottom of a 1995-constructed flood retention pond east of the realignment of Bogus Basin Road that diverts Stewart Gulch Creek to the Northside Drop-Out Diversion above 7000 Bogus Basin Road on the Terteling Ranch via a 24-inch pipeline.

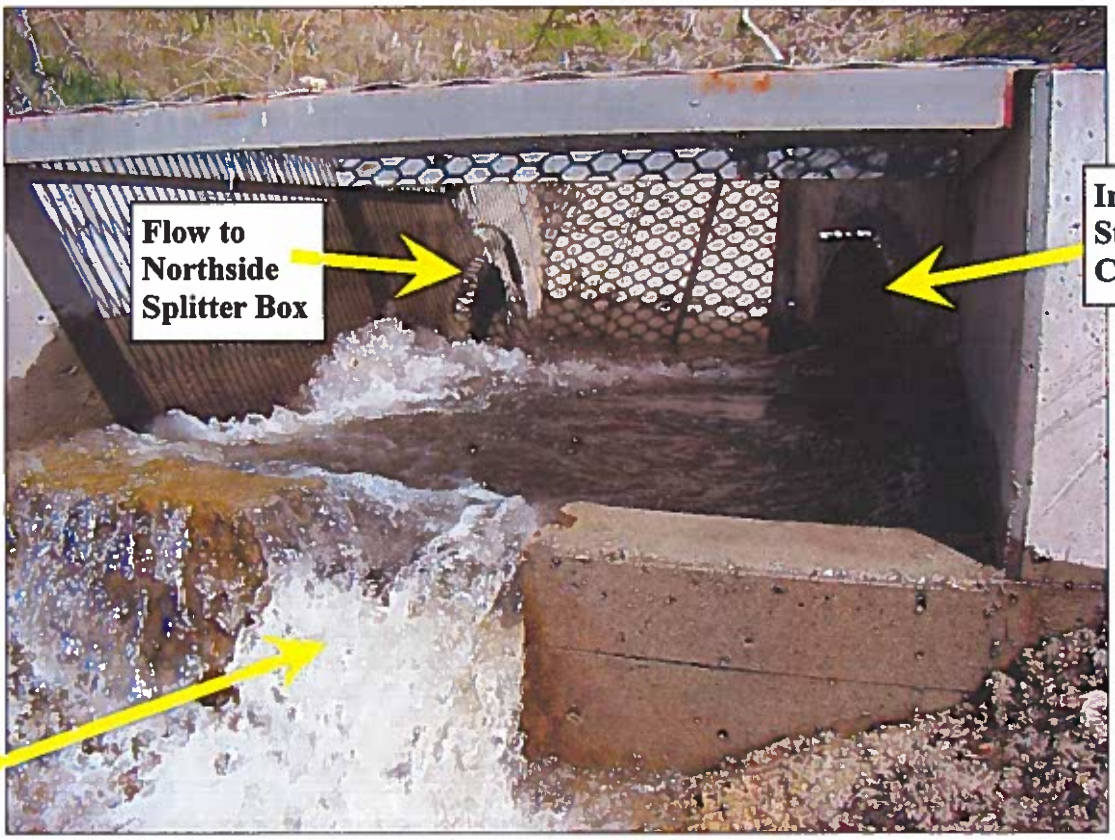


April 7, 2009 photograph looks north across Stewart Gulch Creek showing irrigation features around 7000 Bogus Basin Road.





April 7, 2009 "Northside Drop-Out Diversion" where Stewart Creek is first diverted to from its natural bed in the flood retention pond east of Bogus Basin Road. What water is not taken by Terteling to its Northside Splitter Box drops out of this overflow back in to Stewart Creek.



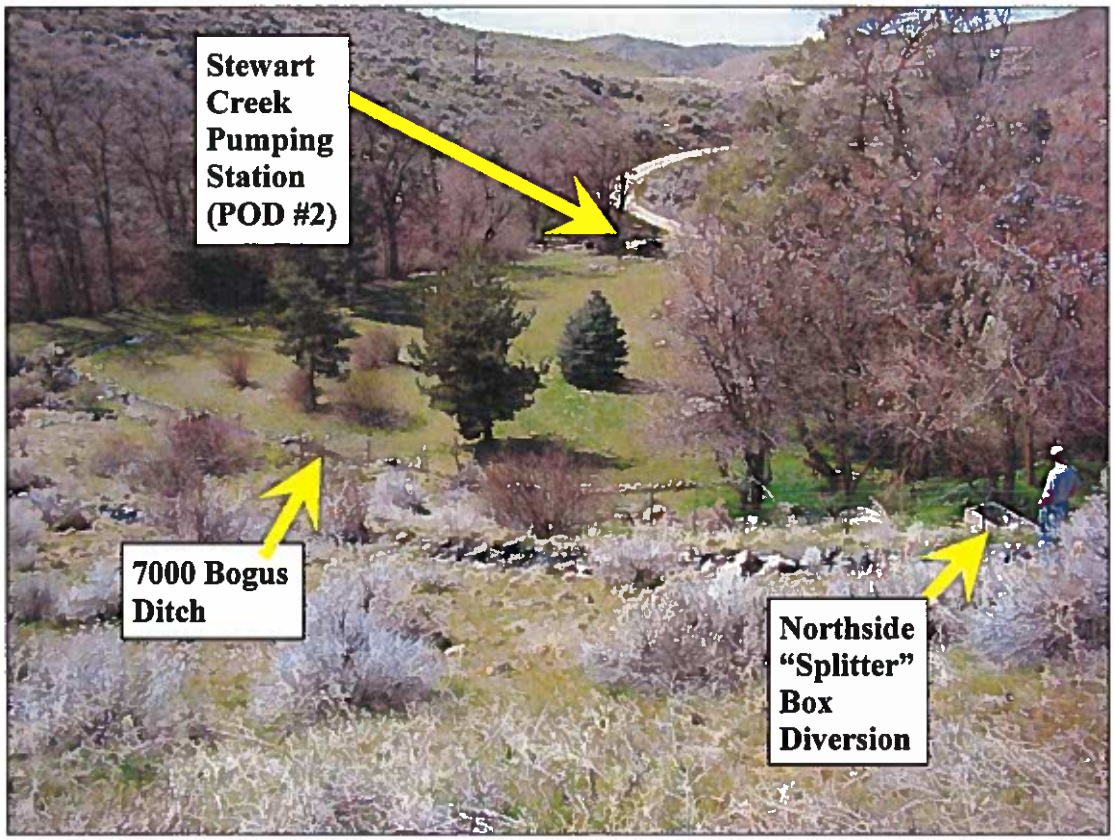
April 7, 2009 Northside Stewart Gulch Creek Drop-Out Diversion. This is a 4-foot deep X 6 ft wide X 12 ft long concrete vault with an 18-inch wide rectangular weir. The inlet pipe is newer ABS plastic at 20-inch diameter and the outlet pipe is older concrete at 24-inch diameter. A roughly finished concrete spillway directs the overflow to Stewart Gulch Creek (about 25 feet below and 50 feet away via a broken basalt rip-rapped slope.



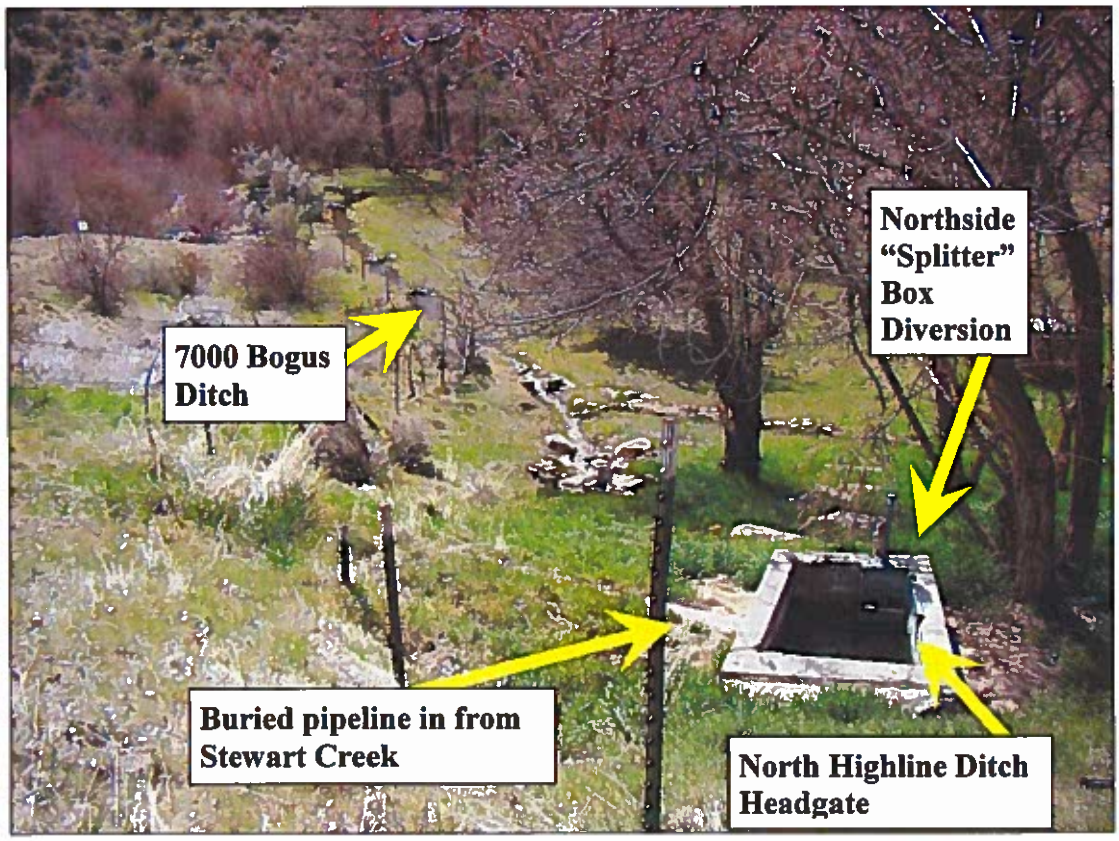
April 7, 2009 Photo looking south of the expanded-metal grate cover over the Northside Drop-Out Diversion



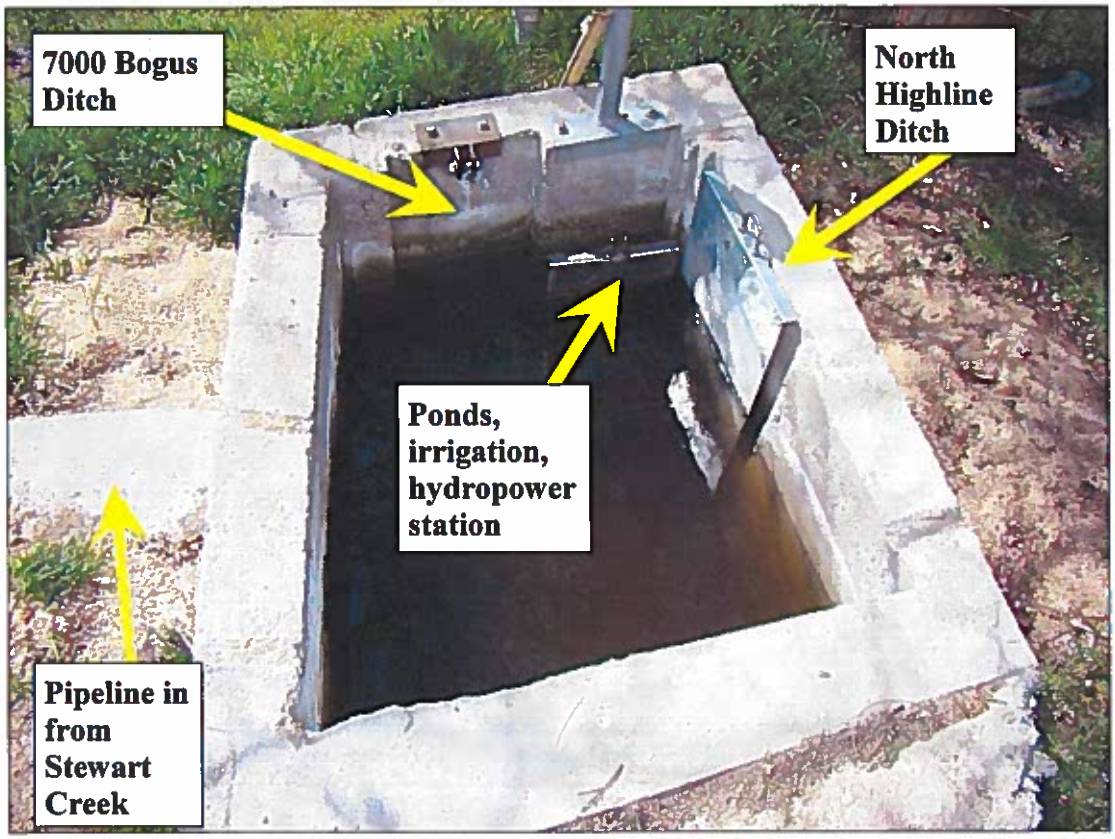
April 7, 2009 Headgate vault to the Terteling Northside Splitter Box controlling the creek flow to the splitter.



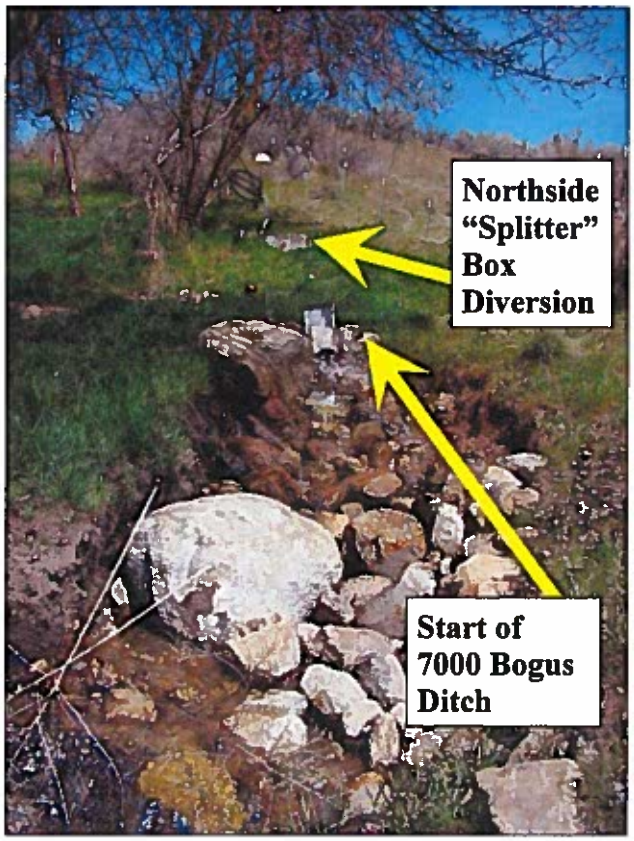
April 7, 2009 photograph looking south across the 7000 Bogus Ditch. The ditch has 8 concrete slide-gates to flood irrigate the field and lower stock corrals. The PTO-driven Stewart Creek pumping station is visible along the creek and near the access road off of Bogus Basin Road. The Northside Splitter Box receives water directly from Stewart Creek under gravity flow through a buried pipeline and diverts water to the west via the N. Highline Ditch, to ponds, irrigation, and a small hydropower station. Ditch is full in this photo.



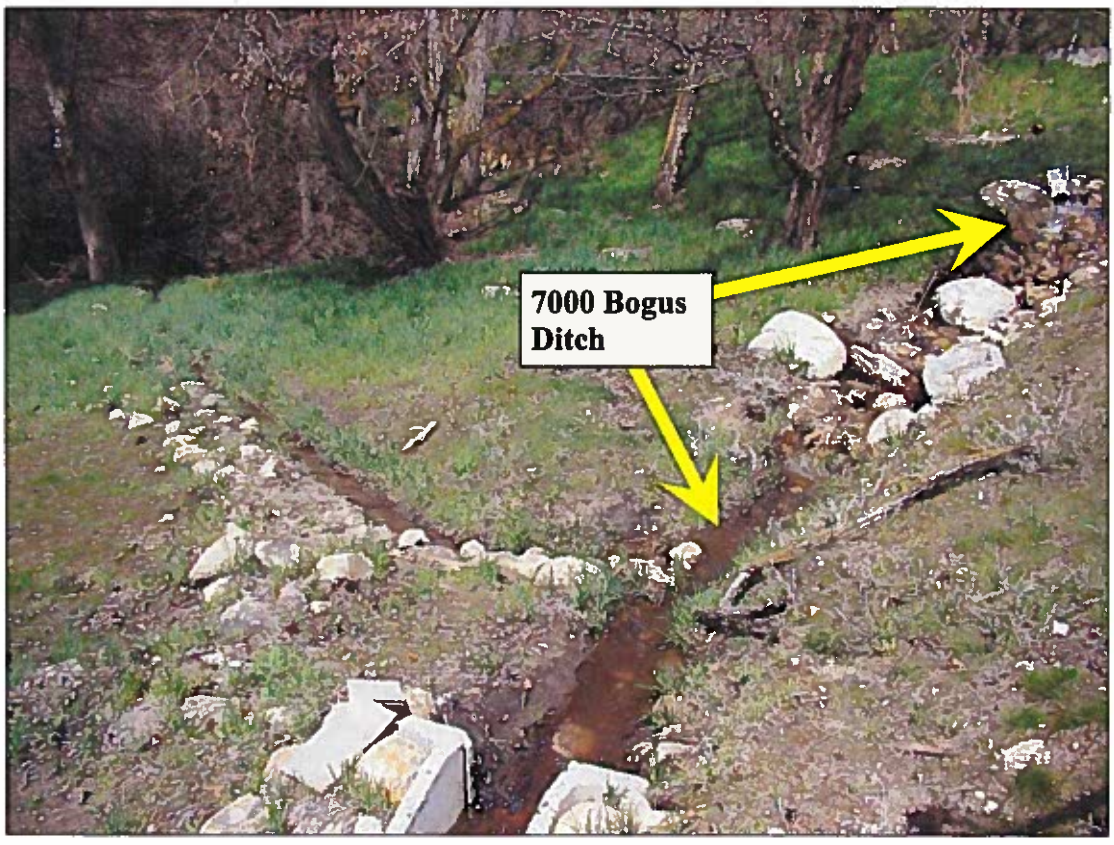
April 7, 2009 photograph looks south. Splitter box is 4 feet deep, 4½ ft long, 4 feet wide on the north side and 3feet wide on the south side. It is fed by a 24-inch diameter concrete pipe from Stewart Creek. There are three diversions from this box: 1) a 12-inch slide gate (10-inch pipe) out to south to 7000 Bogus Ditch, 2) a second 12-inch steel slide-gate (6-inch pipe) out to south to ponds, irrigation and hydro plant, and 3) an 18-inch steel slide-gate covering a 10-inch concrete pipe which discharged to the west to the North Highline Ditch which appears to be an old ditch that has been piped for 150 feet before emerging as a 2 ft wide X 3 ft deep earthen ditch contouring around the hillside above the 7000 Bogus Basin Road house.



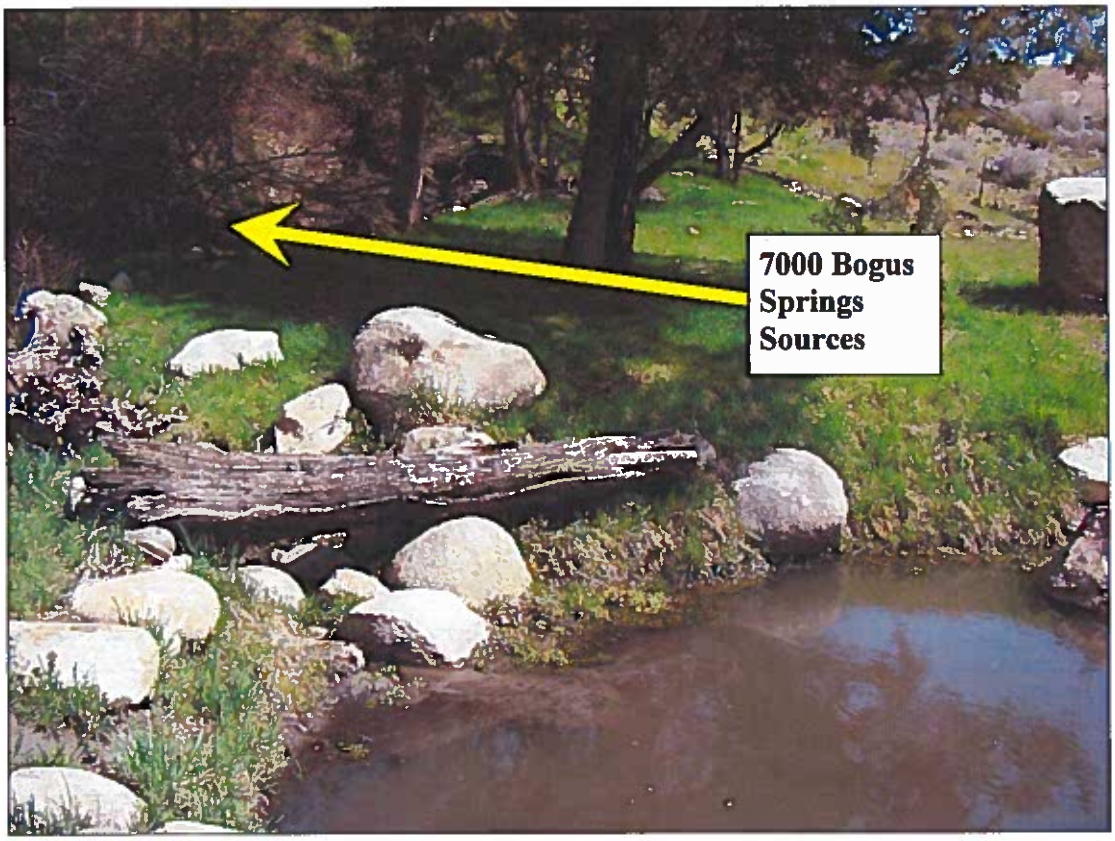
April 7, 2010 photograph showing the Terteling Northside Splitter Box Diversion annotated to show the three out-takes. This box is ~150 feet west of Northside Drop-Out Diversion



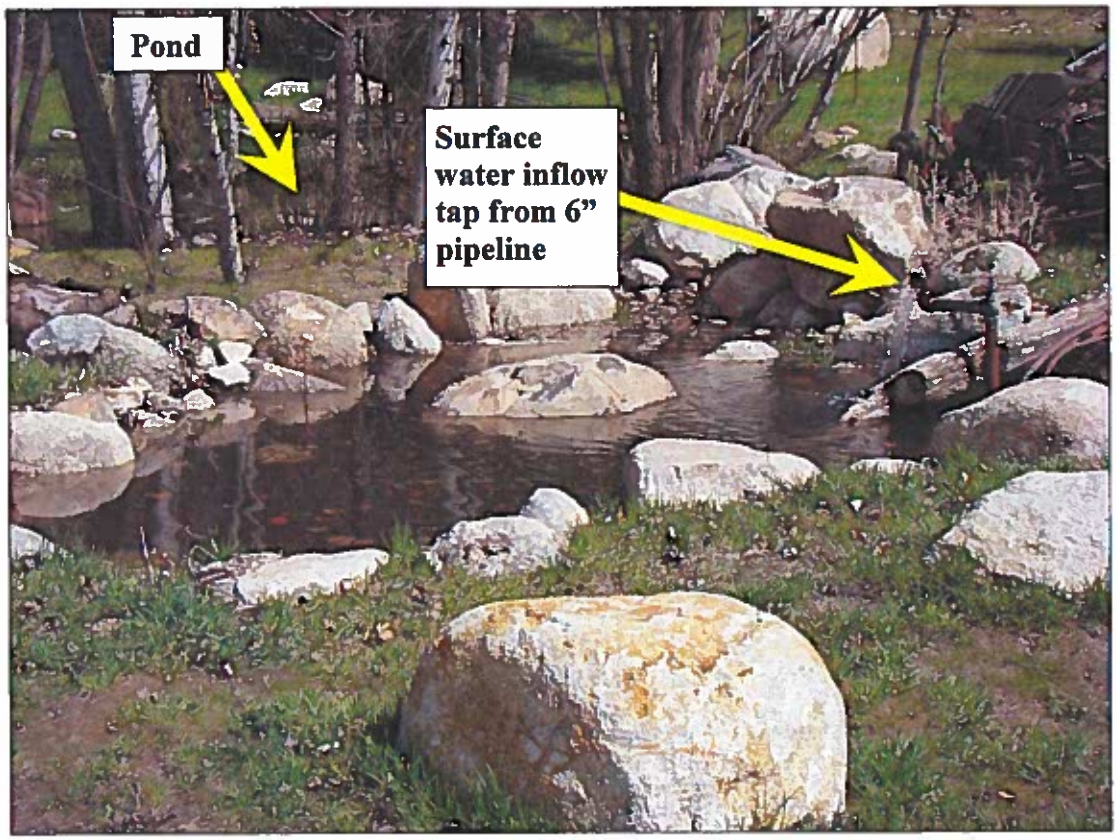
April 7, 2009 photograph looks north. 10-inch diameter discharge pipe and 6-inch concrete weir.



April 7, 2009 Photograph looks north.



April 7, 2009 photograph. Springs appear to issue forth from the base of a sandstone cliff face approximately 10 feet high. Springs form a small stream feeding the ponds. Upper pond is ~8 feet X 30 feet with an estimated depth of 3-4 feet. Second pond is 45-feet X 30-feet with an estimated depth of 3-4 feet.



April 7, 2009 photograph showing the lowest and smallest of three ponds in the foreground. While the two upper ponds are spring fed, this pond must be augmented by surface water diverted from Stewart Gulch as is shown from the riser pipe on right side of photo.



April 7, 2009 northwest-looking photograph of the Terteling 7000 Bogus Ditch



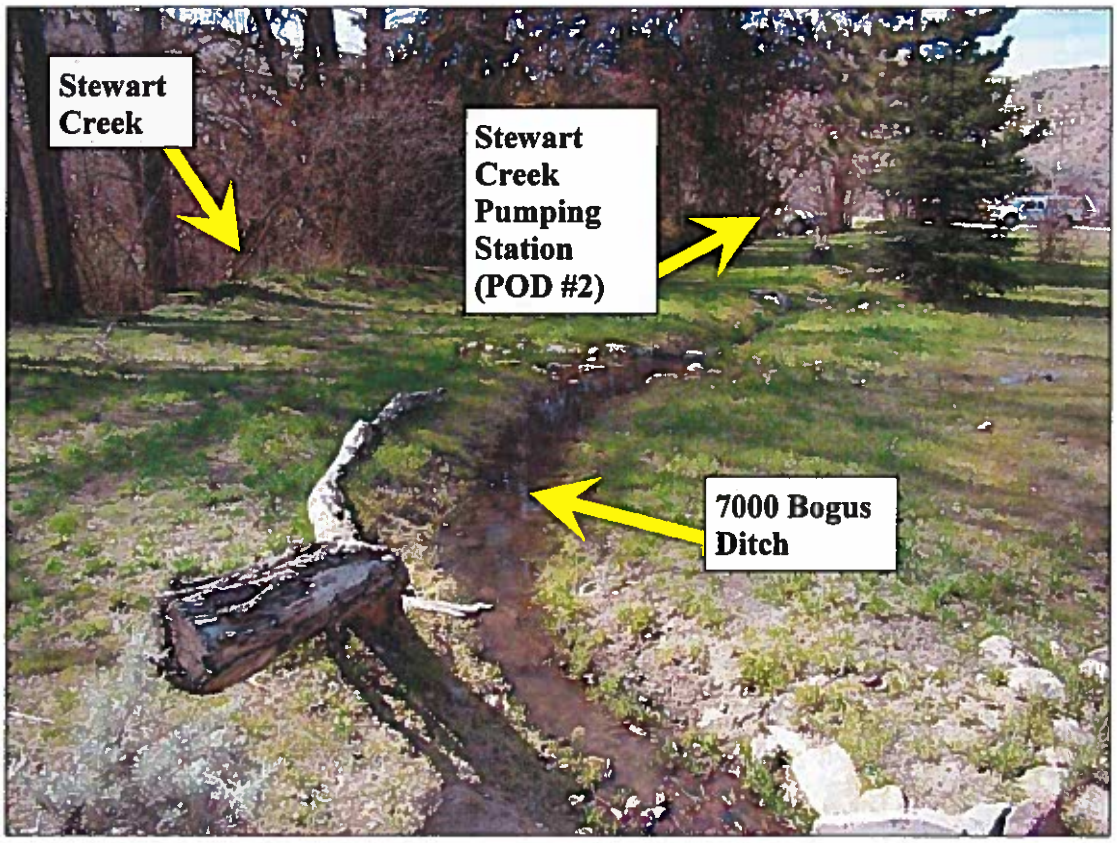
April 7, 2009 photograph of 7000 Bogus Ditch looking north. This is a 2-ft wide X 1-ft deep earthen ditch with eleven precast concrete weirs each with a 12-inch wide wooden slide-gate and an upstream flange. Each weir is rip-rapped against erosion by embedded cobbles.



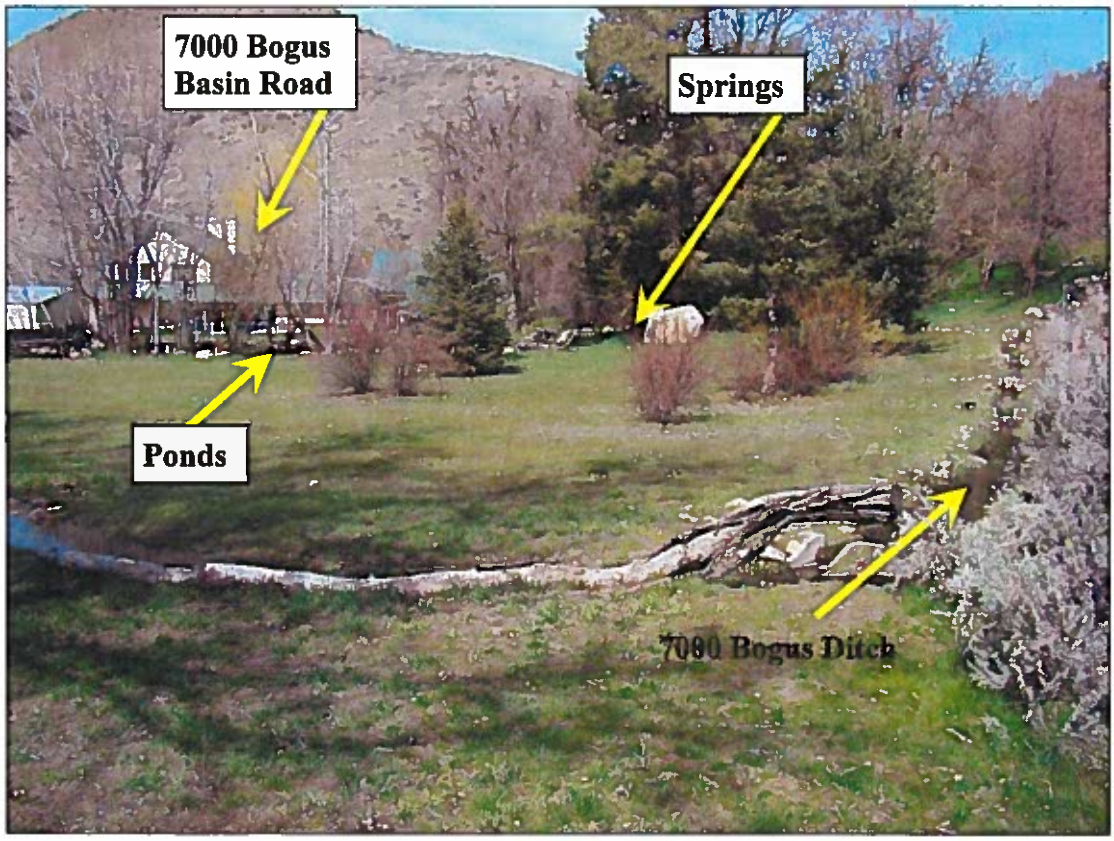
April 7, 2009 north-looking photograph of the upper portion (east leg) of the 7000 Bogus Ditch showing a series of concrete slide-gates used to flood irrigate the adjoining field and lower stock corals.



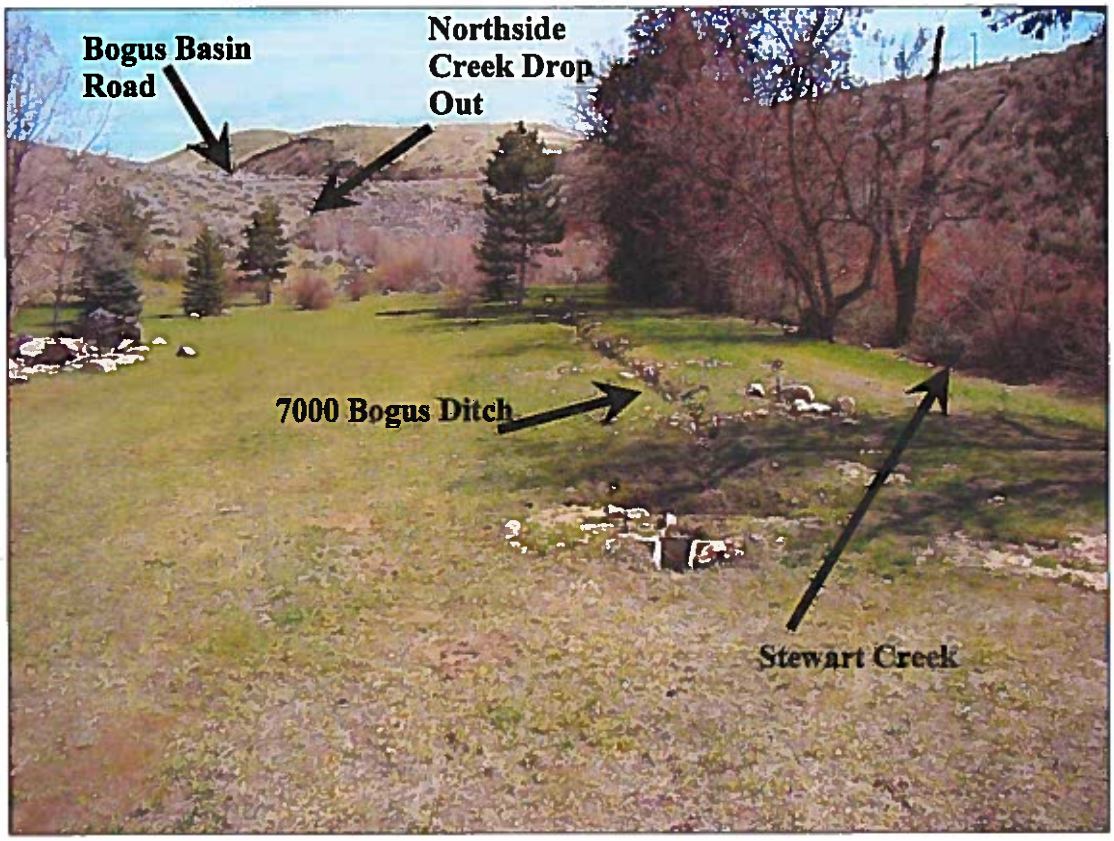
April 7, 2009 westerly-looking photograph of the lower portion (south leg) of the 7000 Bogus Ditch showing a series of concrete slide-gates used to flood irrigate the adjoining field and lower stock corals.



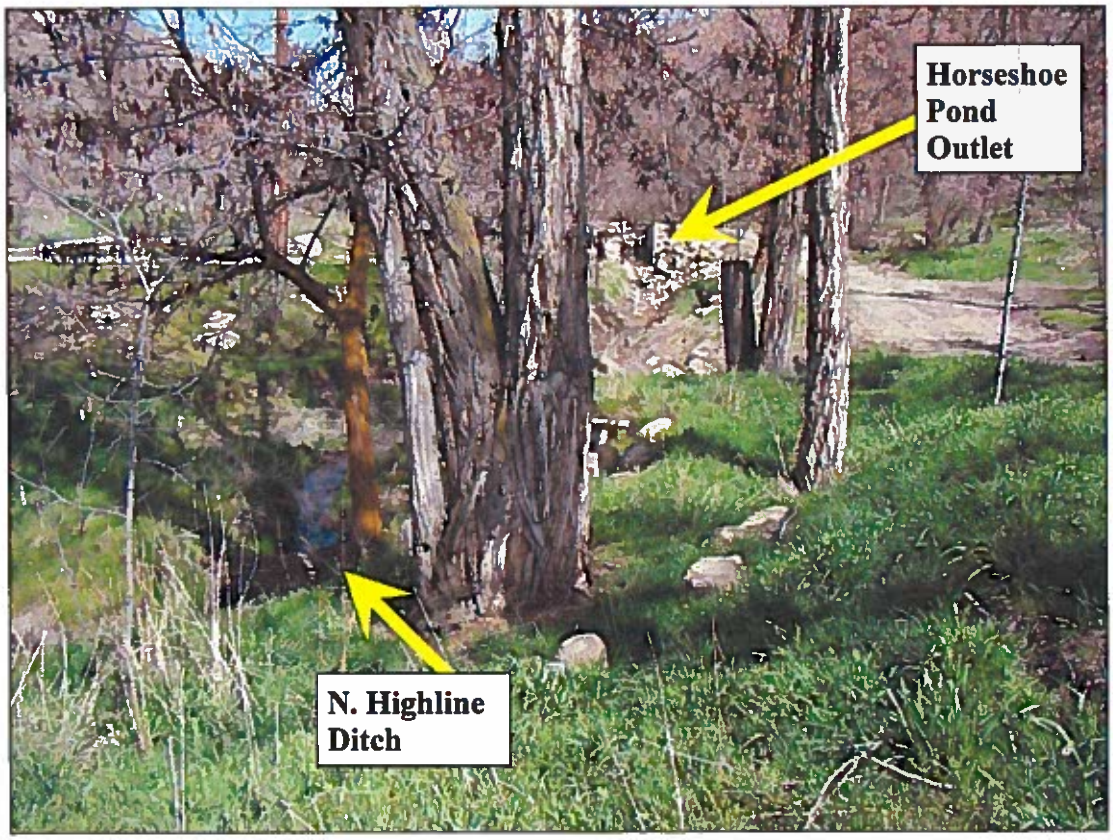
April 7, 2010 photograph looks west.



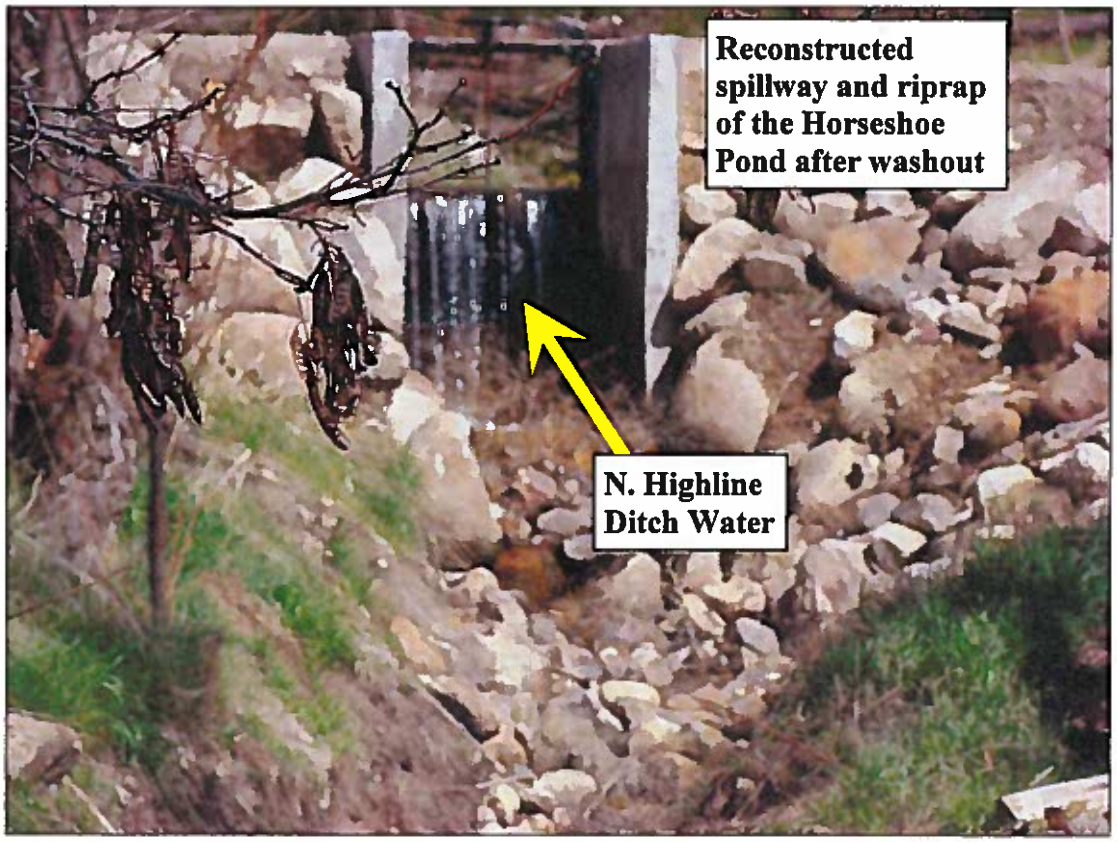
April 7, 2009 photograph looks north.



April 7, 2009 photograph looks east.



April 7, 2009 photograph looks north east.



April 7, 2009



April 7, 2009



South looking photograph showing Horseshoe Pond with 7000 Bogus Basin Road in back ground



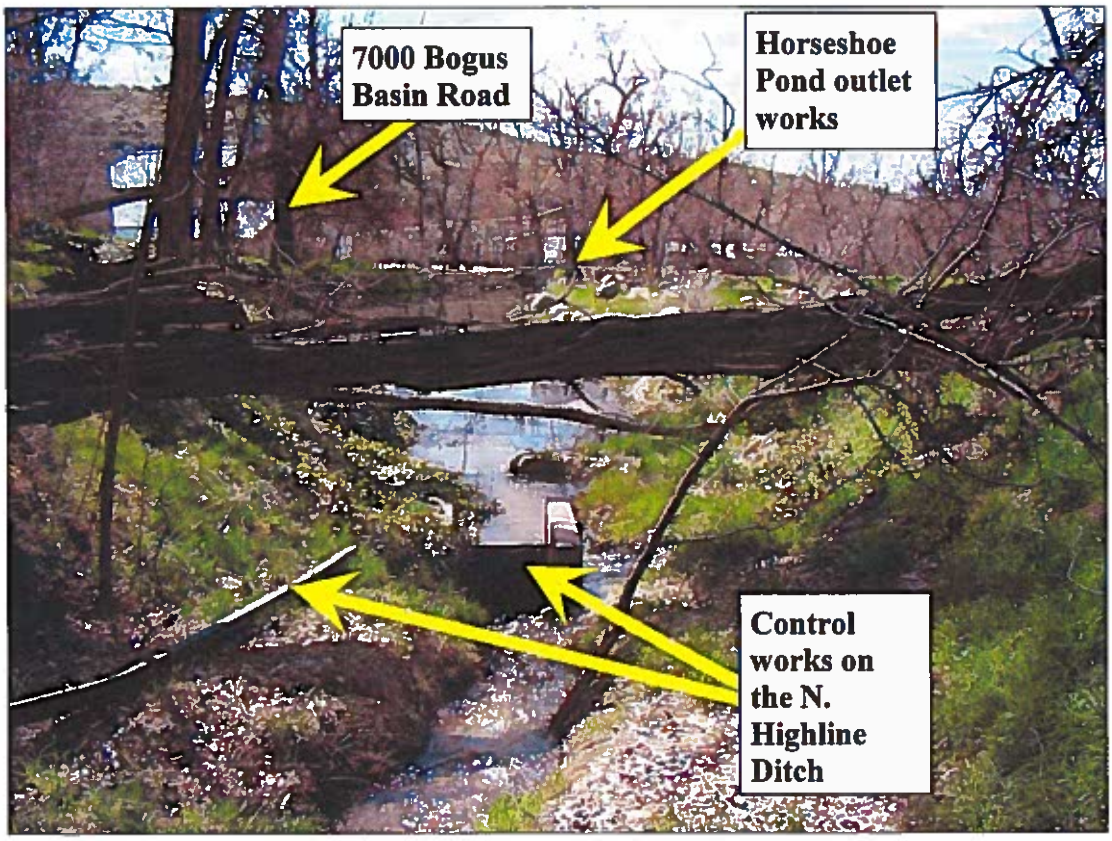
April 7, 2009 - Horseshoe Pond outlet and rising stem lift gate



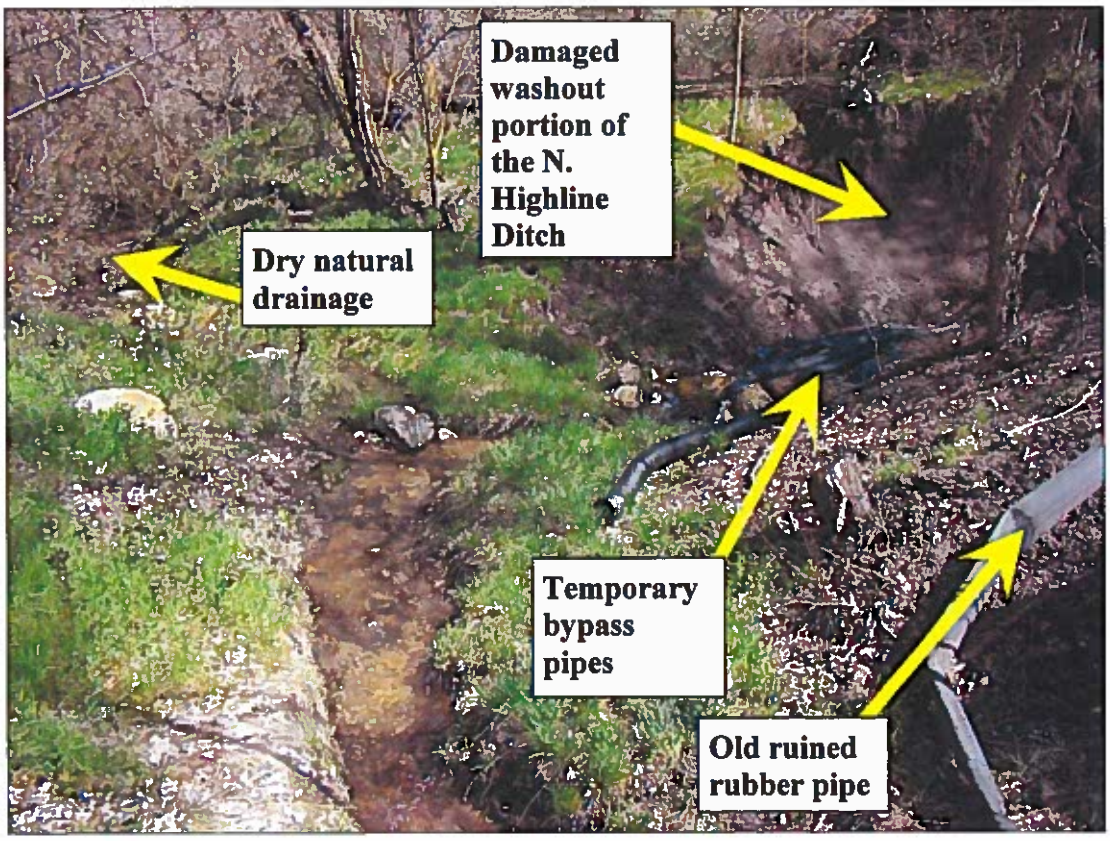
April 7, 2009 inlet to Horseshoe Pond from the N. Highline Ditch



April 7, 2009 north-looking photograph of concrete/steel diversion works on the portion of the N. Highline Ditch that runs through an unnamed drainage. Water can be impounded for pumping or forced to flow into an underground pipe bypassing the Horseshoe Pond. The grate also serves as an emergency flood relief overflow for Horseshoe Pond.



April 7, 2009 south-looking photograph of the N. Highline Ditch water at 7000 Bogus Basin Road Weir is of concrete/steel construction and 8-ft wide across stream w/ 6" thick walls. Weir is divided into two with 20" X 16" and 32" X 16" sections.



April 7, 2009 photograph showing the Terteling N. Highline Ditch where it enters a dry natural drainage from the east. The uphill portion of the ditch appeared to have washed out in the recent past and was variously "patched" with bypass pipes, tarps, and plastic sheeting.



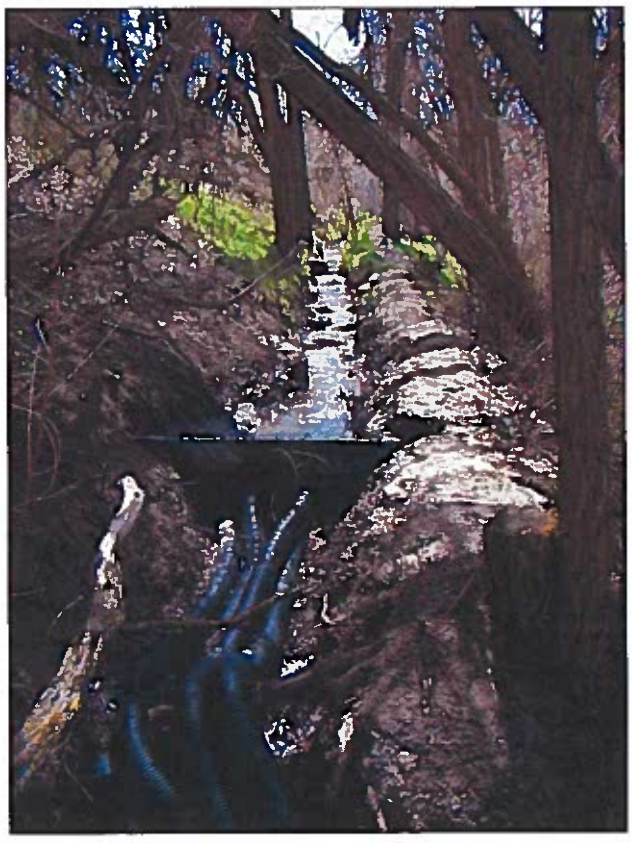
April 7, 2009 east-looking photograph showing the Terteling N. Highline Ditch where it appears to have washed out in the recent past and has been variously "patched" with bypass pipes, tarps, and plastic sheeting.



April 7, 2009 photograph looks east.



April 7, 2009 Temporary pipes bypassing a washed out section of the N. Highline Ditch and used to divert water to the places of use.



April 7, 2009 Temporary bulkhead and manifold of pipes across a washed out section of the N. Highline Ditch. North Highline Ditch is 2 ft wide X 3 ft deep at this location fed by a 12-inch diameter pipe from the Northside Splitter box.



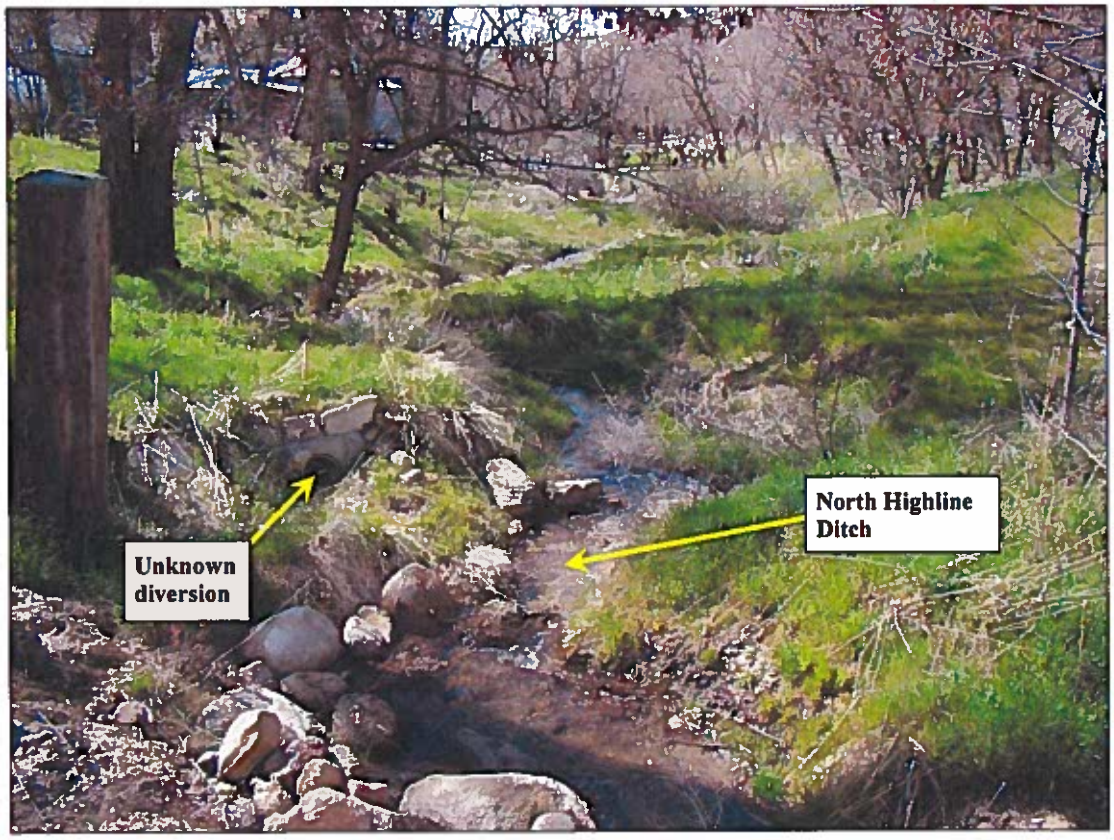
April 7, 2009 semi-successful attempts to divert surface water to the places of use using plastic piping after a portion of the North Highline Ditch washed out.



April 7, 2009 semi-successful attempts to divert surface water to the places of use using plastic piping after a portion of the North Highline Ditch washed out.



April 7, 2009 photograph looks west at Terteling Horseshoe Pond at 7000 Bogus Basin Road



April 7, 2009 photograph looks west along the tail end of the North Highline Ditch north of 7000 Bogus Basin Road prior to it re-entering Stewart Gulch Creek.



April 7, 2009 photograph looks west along the tail end of the North Highline Ditch north of 7000 Bogus Basin Road prior to it re-entering Stewart Gulch Creek.



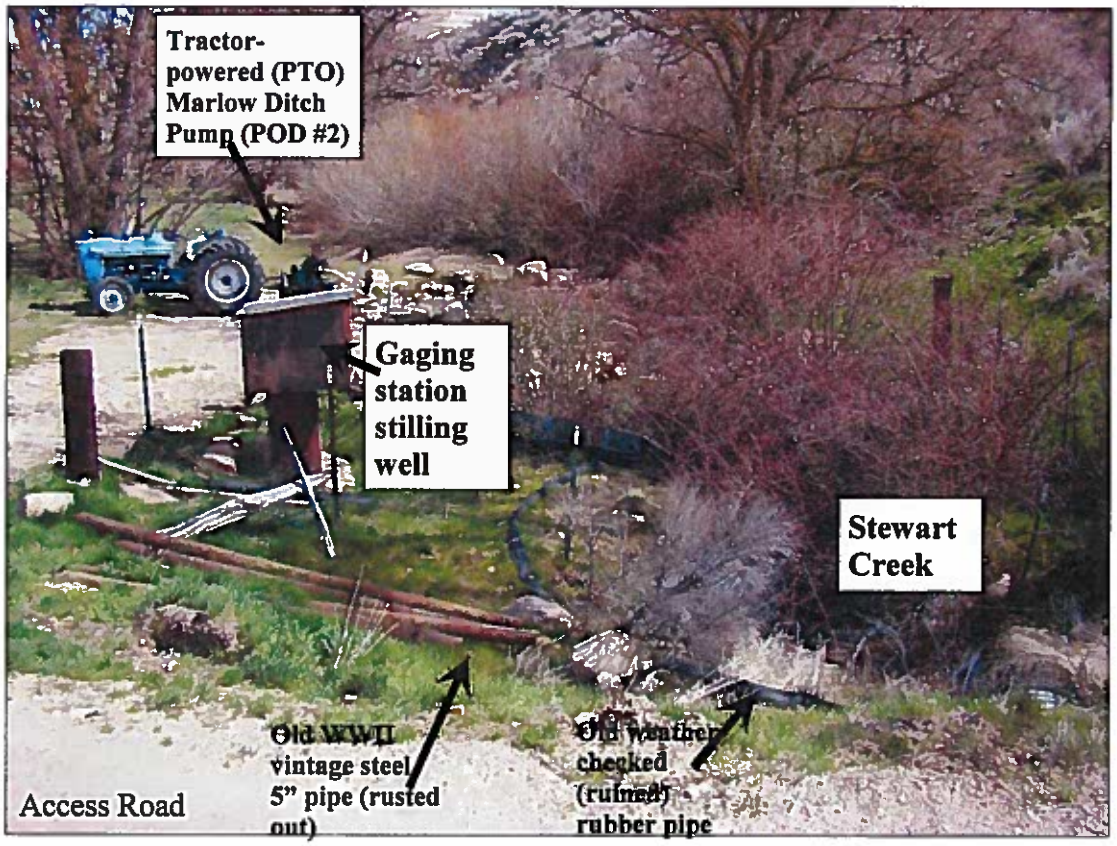
April 7, 2009 photograph showing charged pressure relief and control valves on the pipeline to the Terteling Sandstone Cliff Diversion from the Northside Splitter Box. Hydropower generating station enclosure, on same pipeline, is in background.



Terteling 7000 Bogus hydropower station.



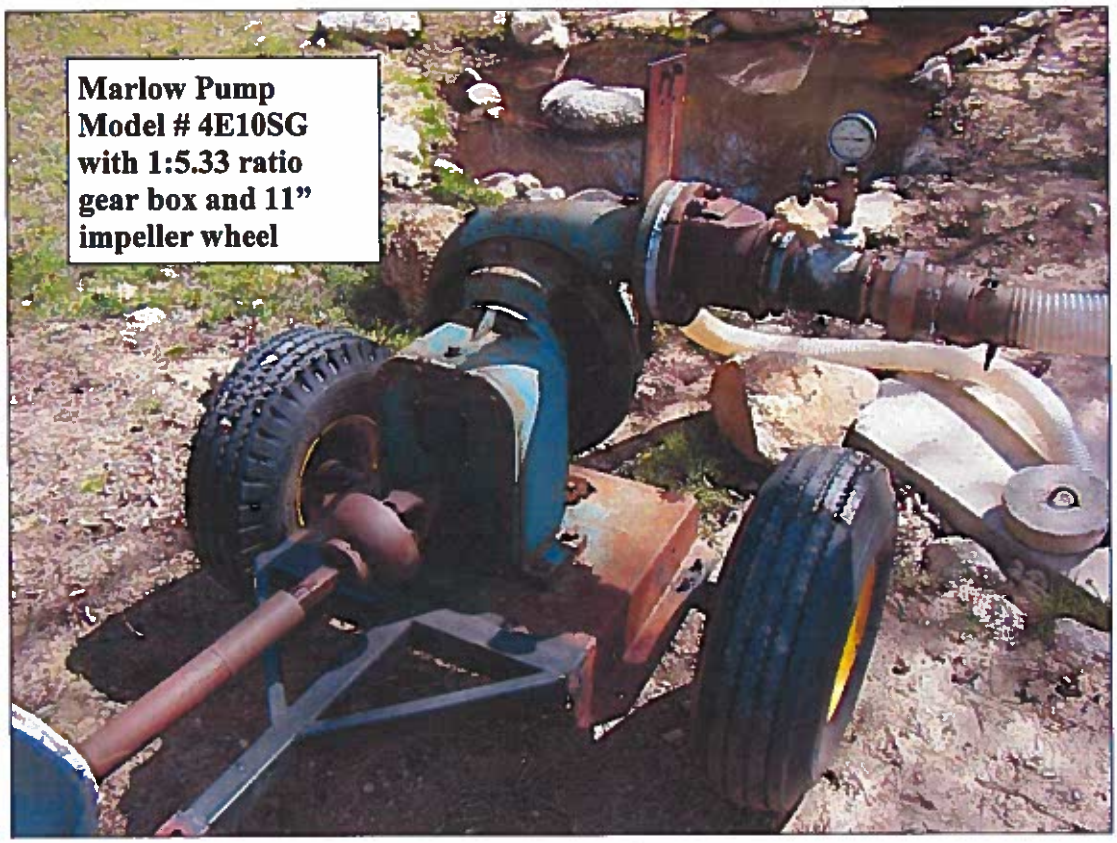
April 7, 2009 photograph looks southwest from the hydropower station just above where the 7000 Bogus Pipeline discharges back to Stewart Gulch Creek and the Sandstone Ditch Diversion.



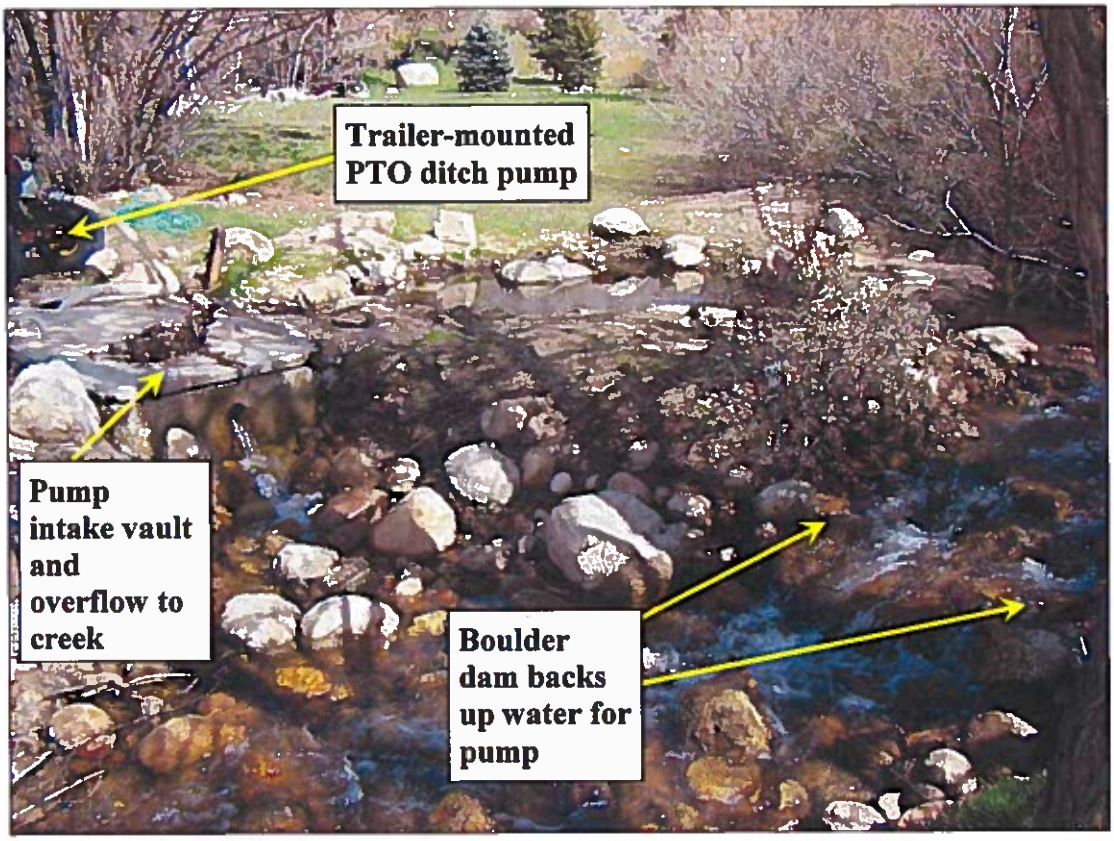
April 7, 2009 Terteling Stewart Creek pumping station at 7000 Bogus Basin Road. Stilling well of gaging station is equipped with a A-Type float-and-cable Stevens pen-and-ink chart recorder but was inoperative.



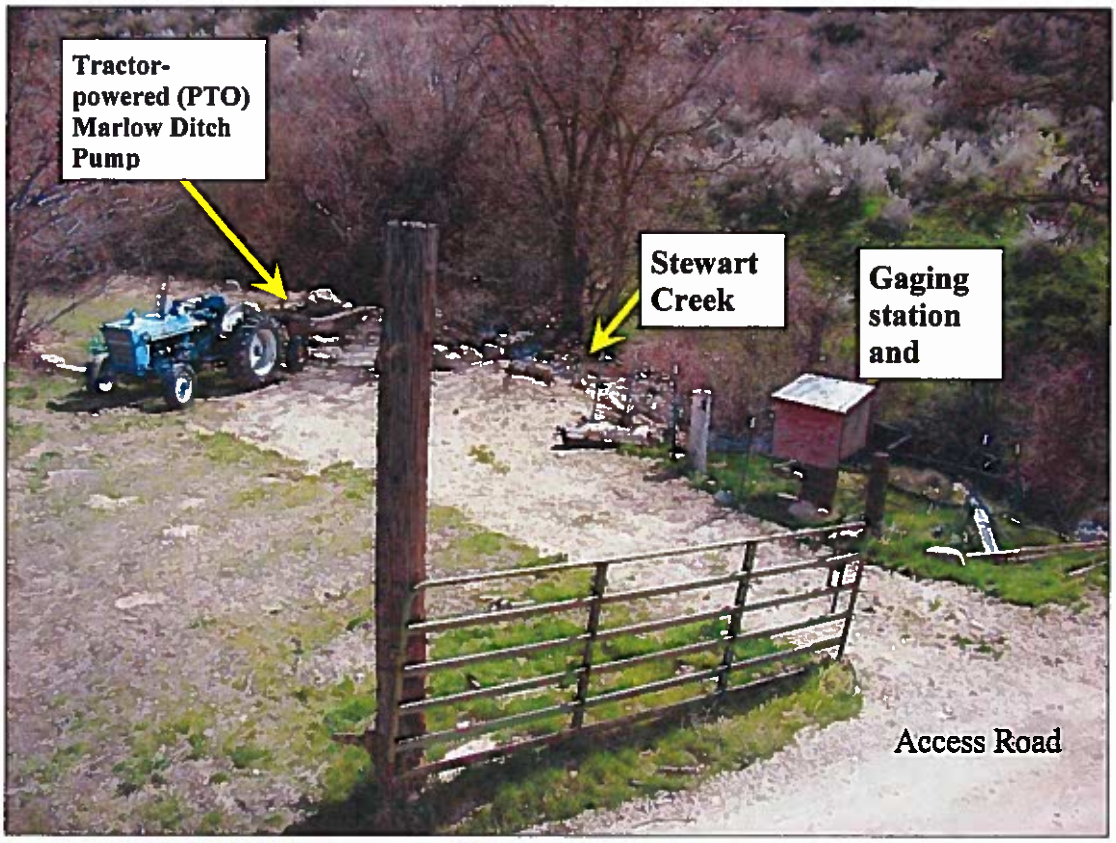
April 7, 2009 - Pressure observed during pumping on the Stewart Creek ditch pump.



April 7, 2009 photograph of the Stewart Creek Pumping Station which was operating at the time.



April 7, 2009 looks northeast at Stewart Creek Pumping Station.



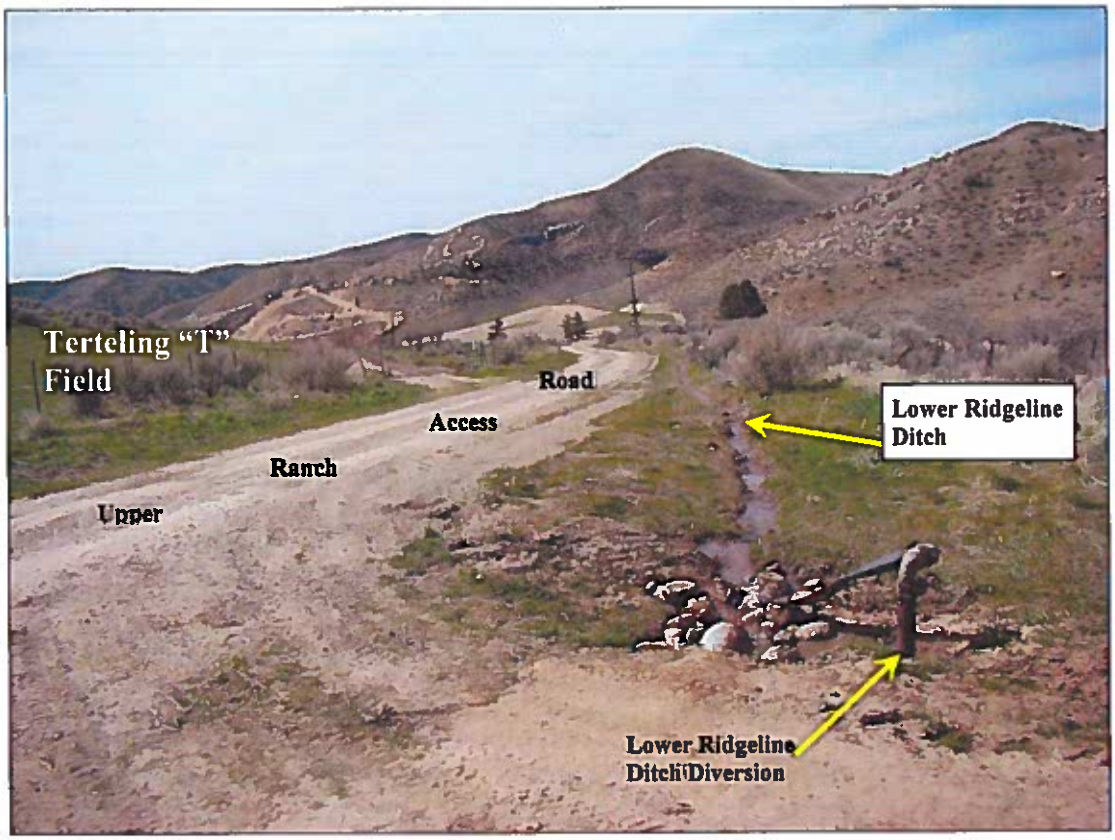
April 7, 2009 photograph looks south east at the Stewart Creek Pumping Station at 7000 Bogus Basin Road.



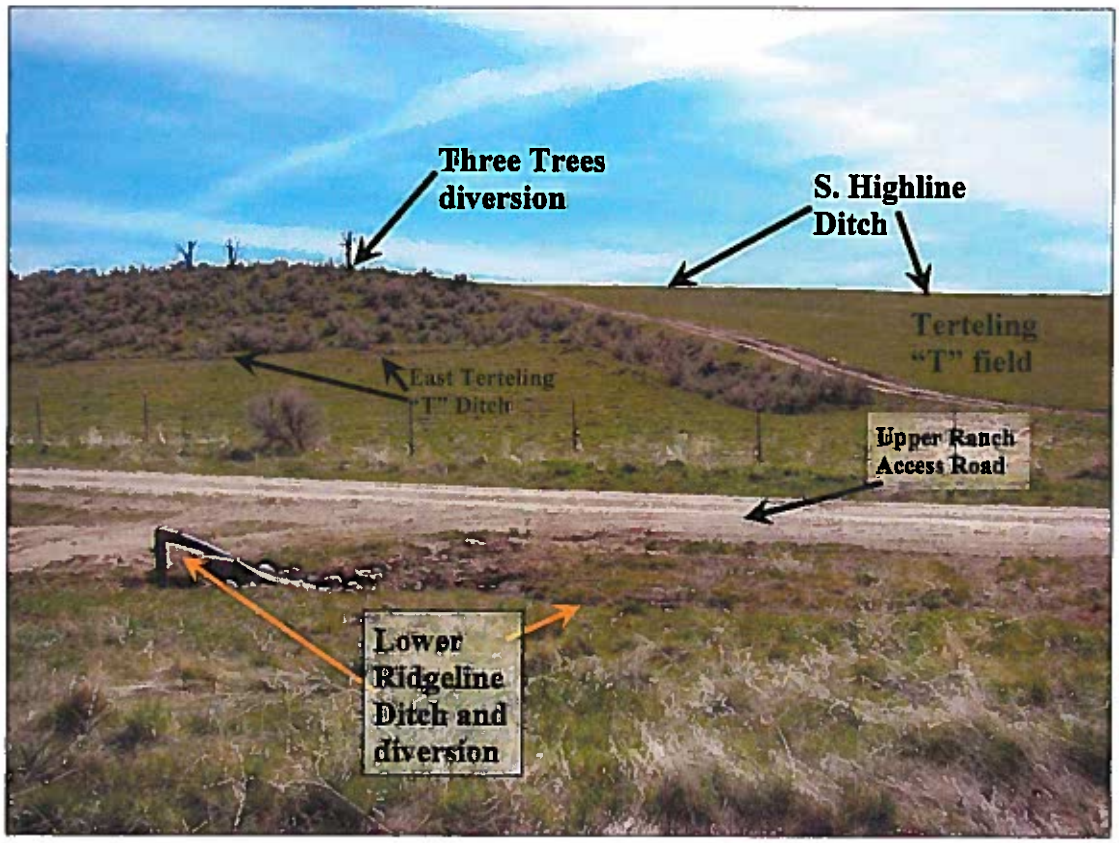
April 7, 2009 photograph looks east showing irrigated fields and stock pens below the barn and sheds of 7000 Bogus Basin Road.



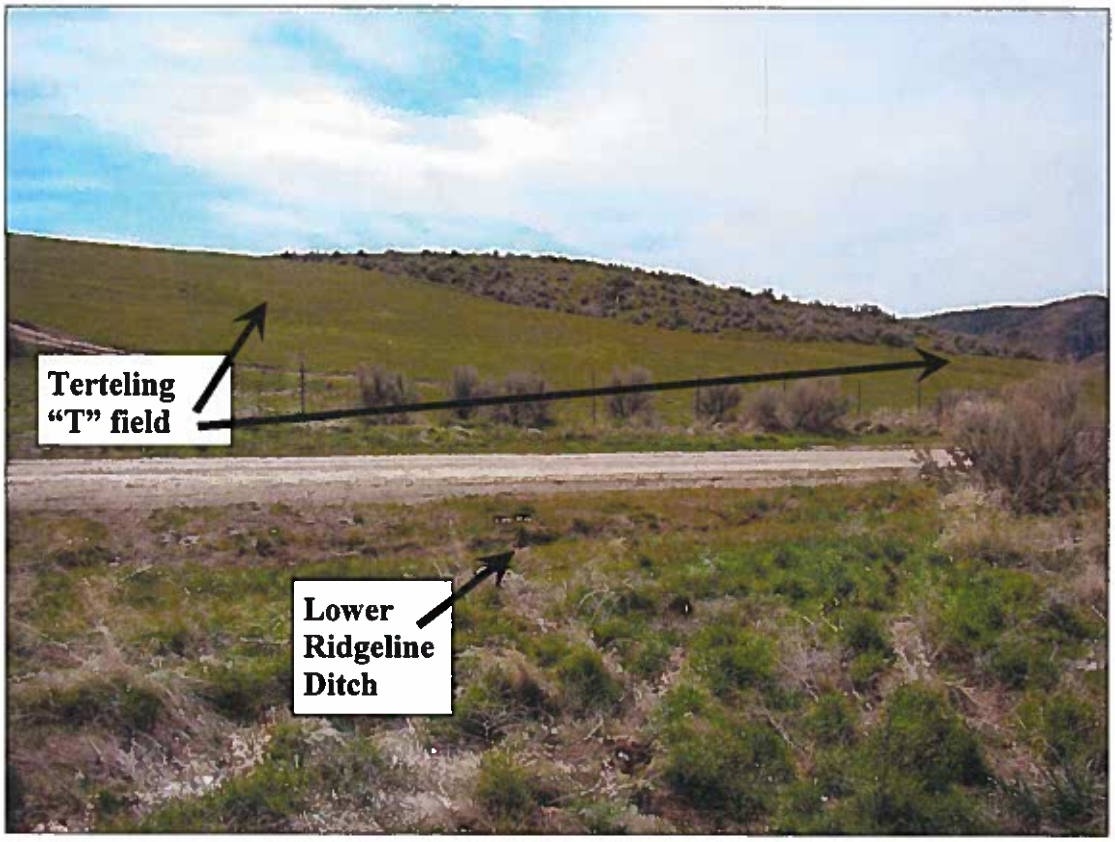
April 7, 2009 northeast-looking photograph shows irrigated fields and stock pens below the barn and sheds of 7000 Bogus Basin Road.



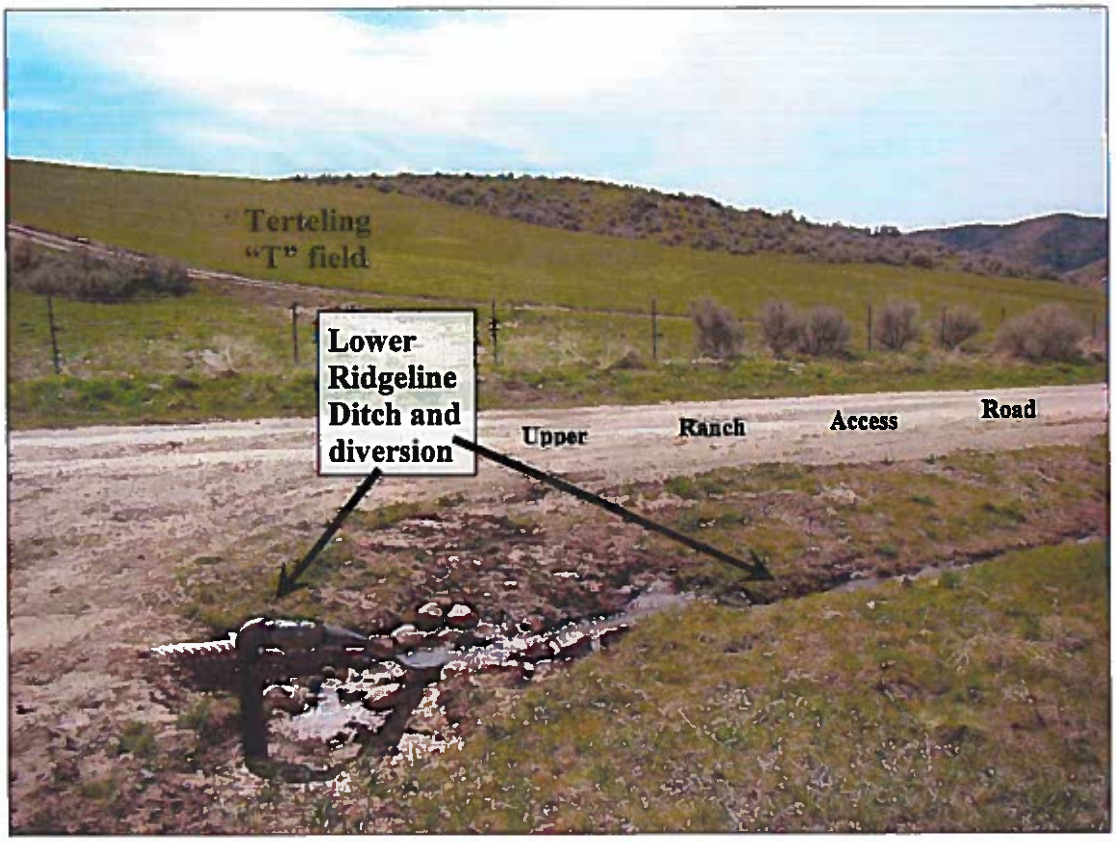
April 7, 2009 photograph looks west along the Lower Ridgeline Ditch from its diversion point on the Tree Trees Pipeline from the Stewart Creek Pumping Station.



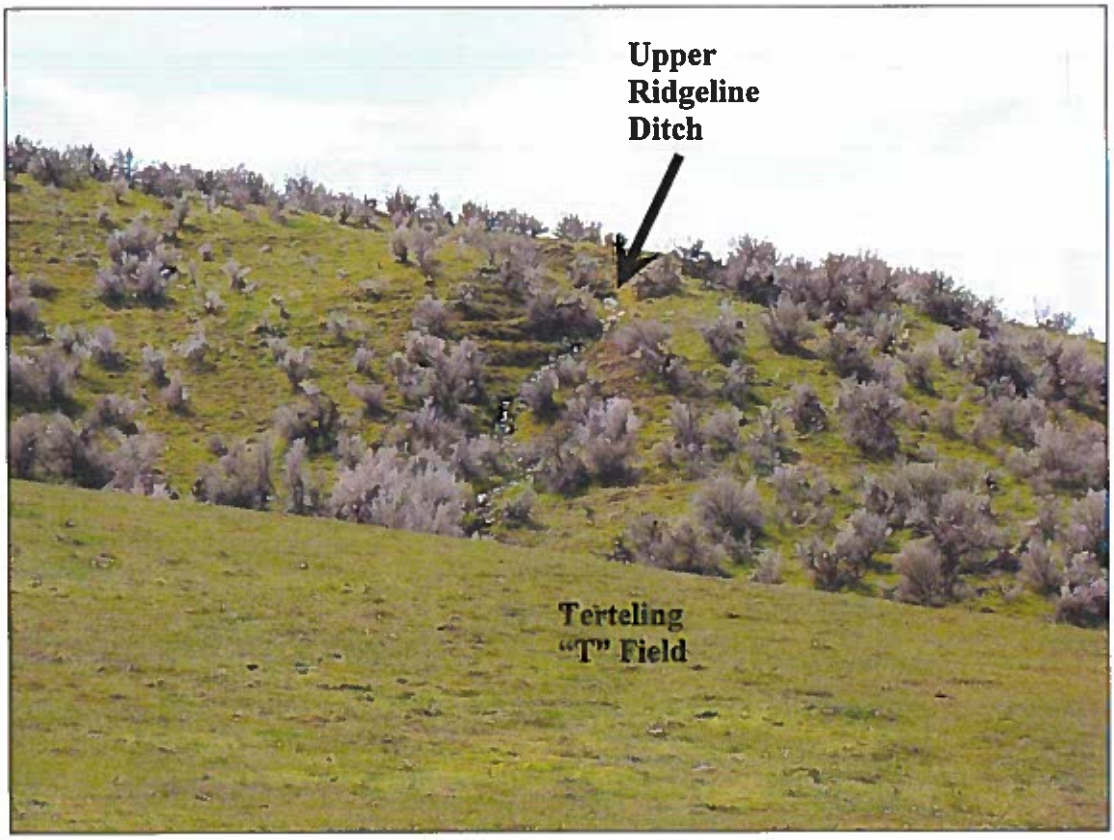
April 7, 2009 southward looking annotated photograph showing fields and irrigation features of the upper Terteling Ranch



April 7, 2009 photograph looks south west.



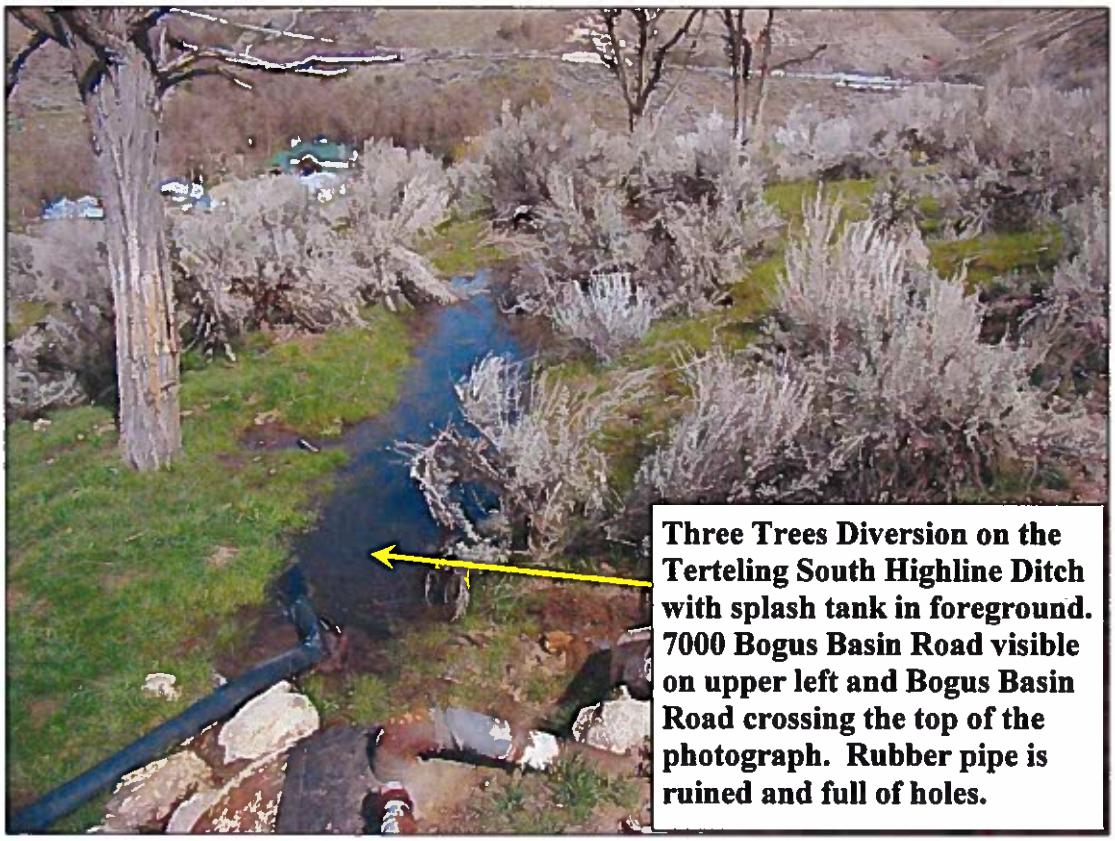
April 7, 2009 photograph looks southwest.



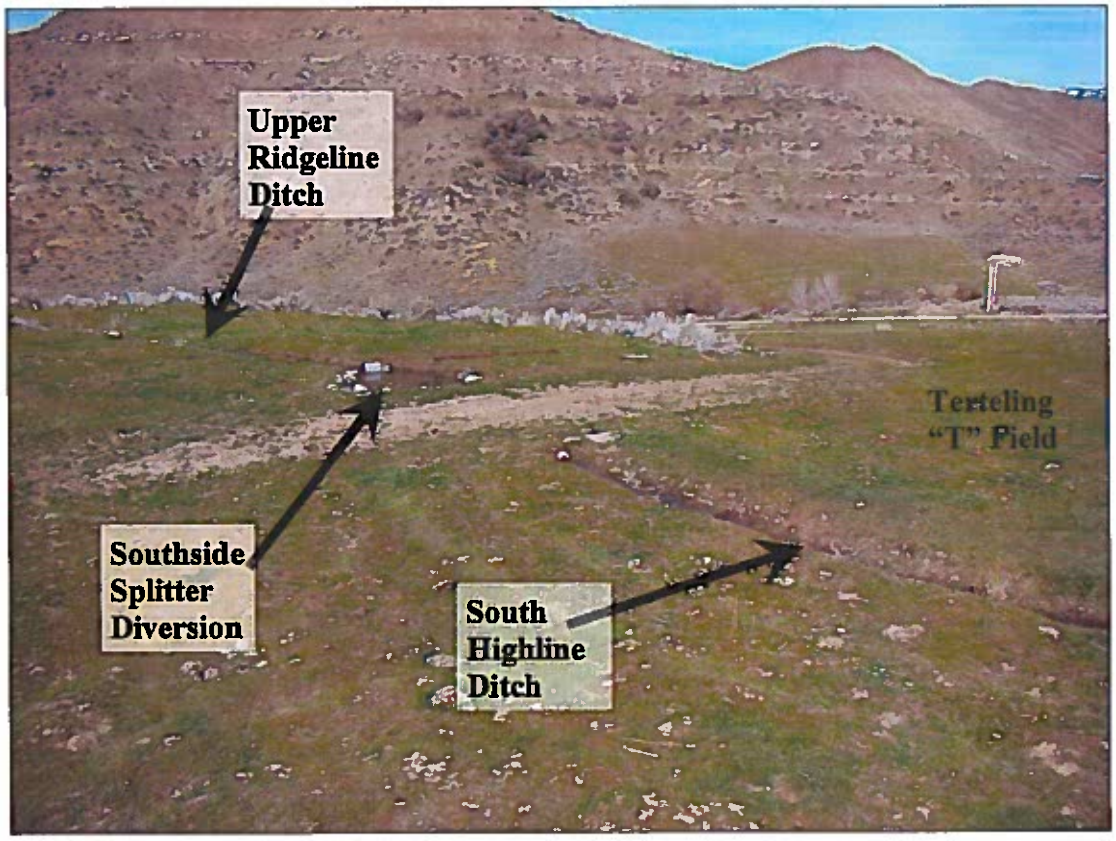
April 7, 2009 photograph looks southwest.



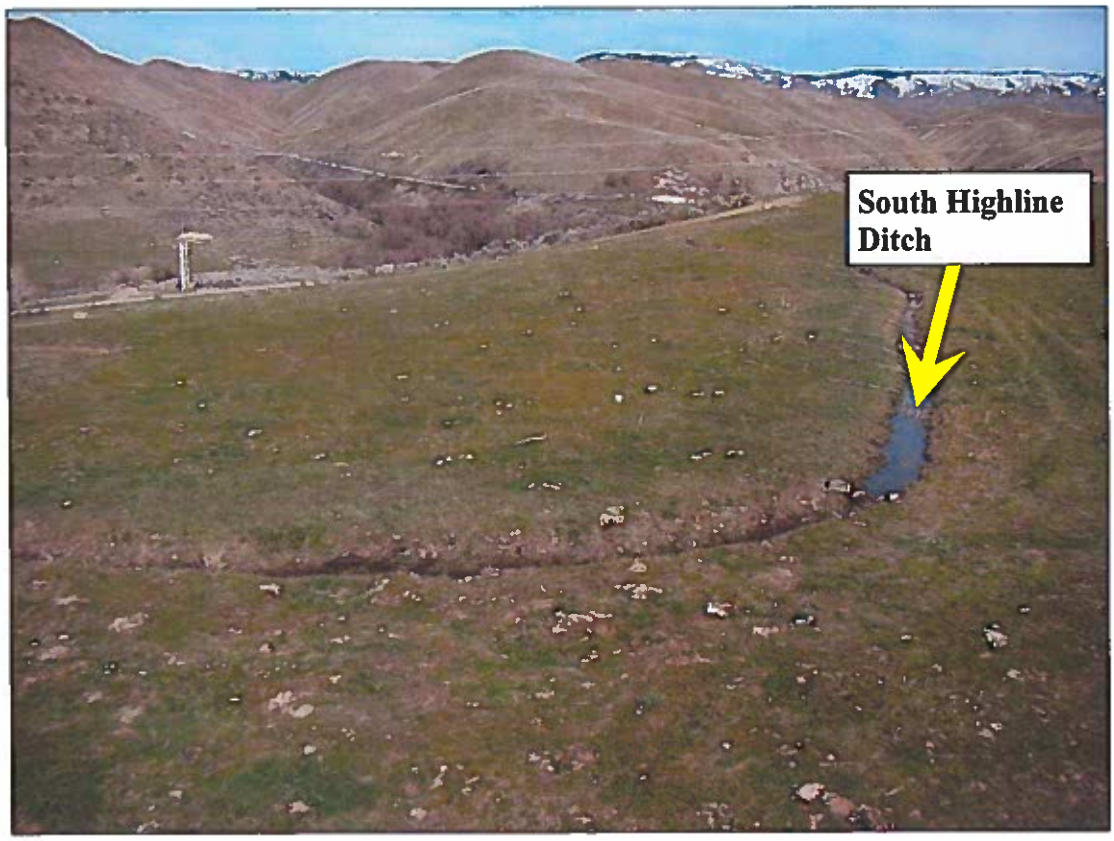
April 7, 2009 – Photograph showing the old (now abandoned) South Highline Ditch with water backing up it from the Tree Trees Diversion



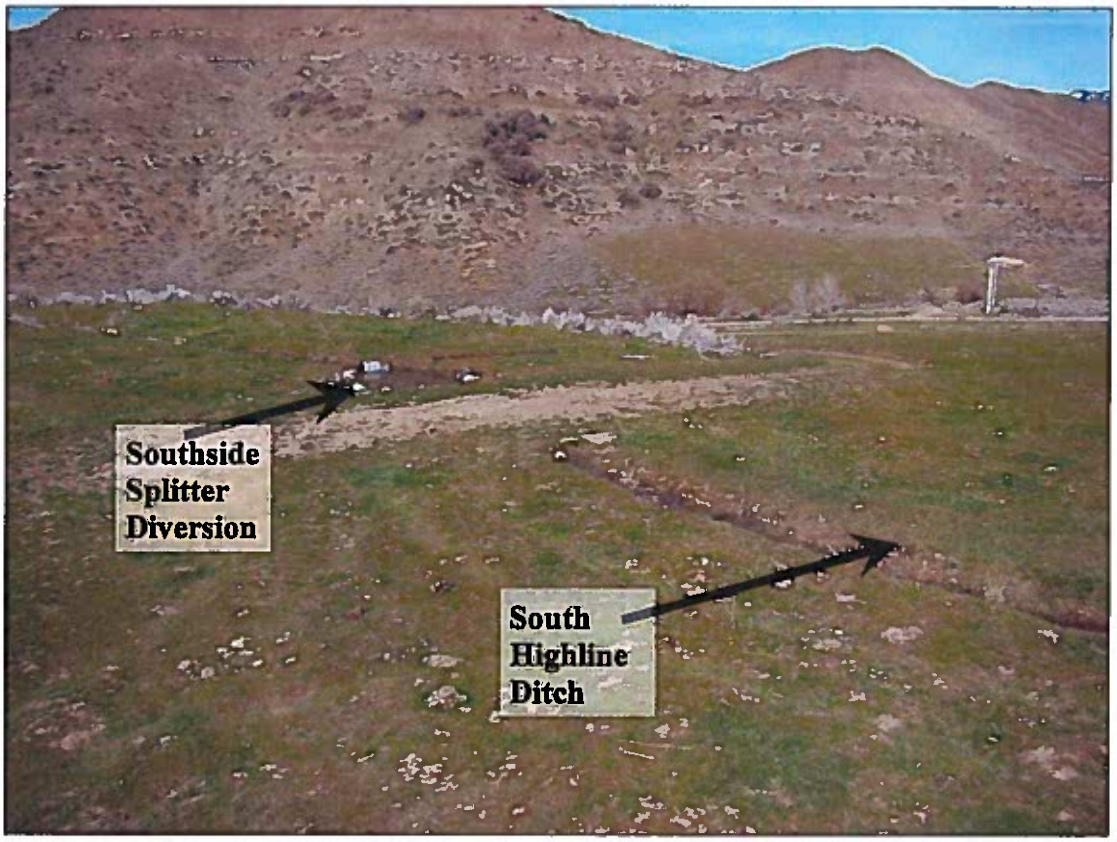
April 7, 2009 photograph looks northeast.



April 7, 2009 north-looking photograph shows the Southside Splitter Diversion which can divert water from the South Highline Ditch three ways: 1) to the north west Upper Highline Ditch, 2) to the east and down the west side of the Terteling "T" Field to the West Terteling "T" Ditch, and 3) to the west to the Lower Field.



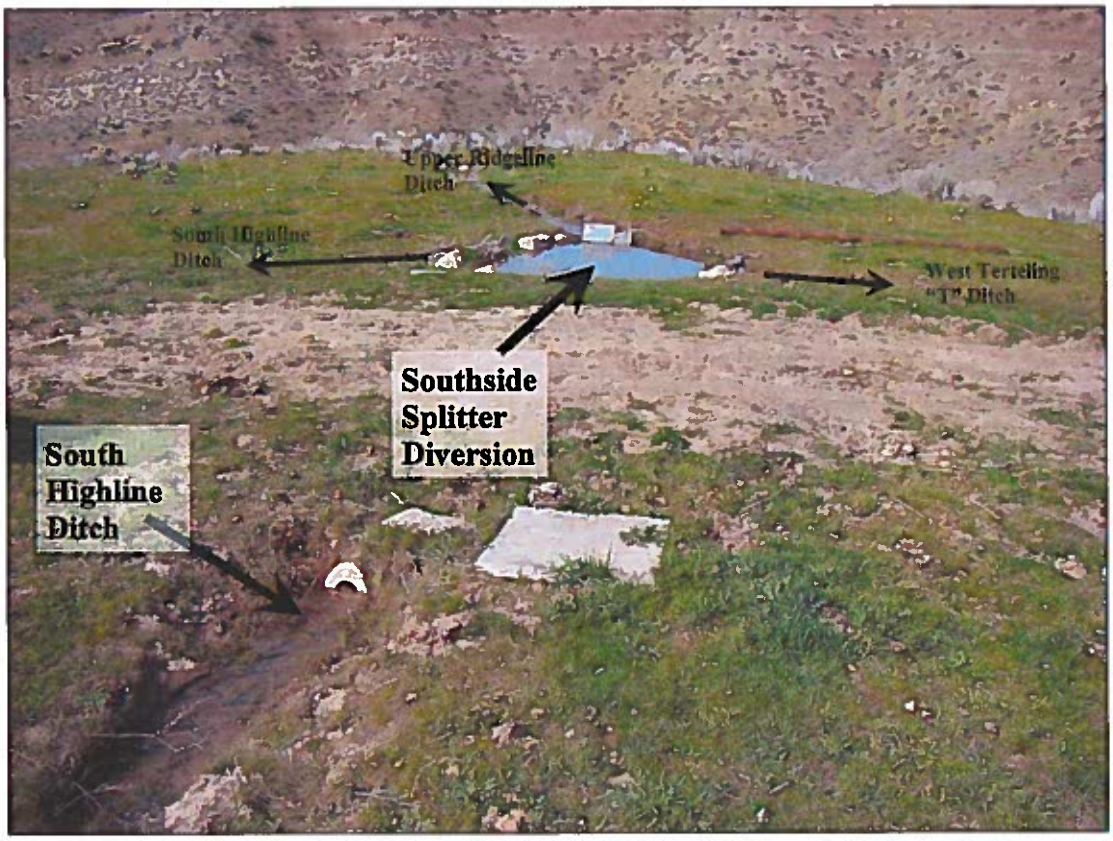
April 7, 2009 photograph looks northeast.



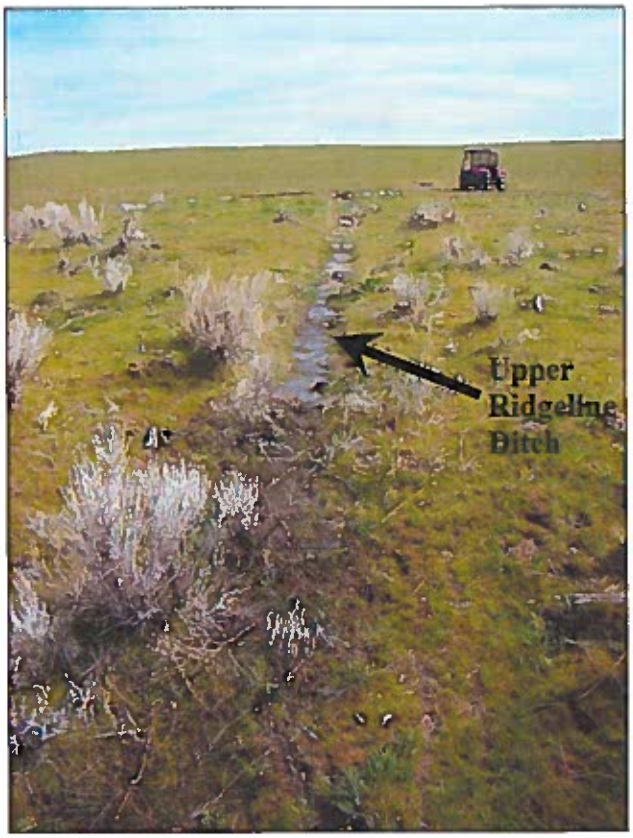
April 7, 2009 north-looking photograph shows the Southside Splitter Diversion which can divert water from the South Highline Ditch three ways: 1) to the north west Upper Ridgeline Ditch, 2) to the east and down the west side of the Terteling "T" Field to the West Terteling "T" Ditch, and 3) to the west to the Lower Field via the South Highline Ditch.



April 7, 2009 northwest-looking photograph of the South Highline Ditch flowing west towards the Lower Field.



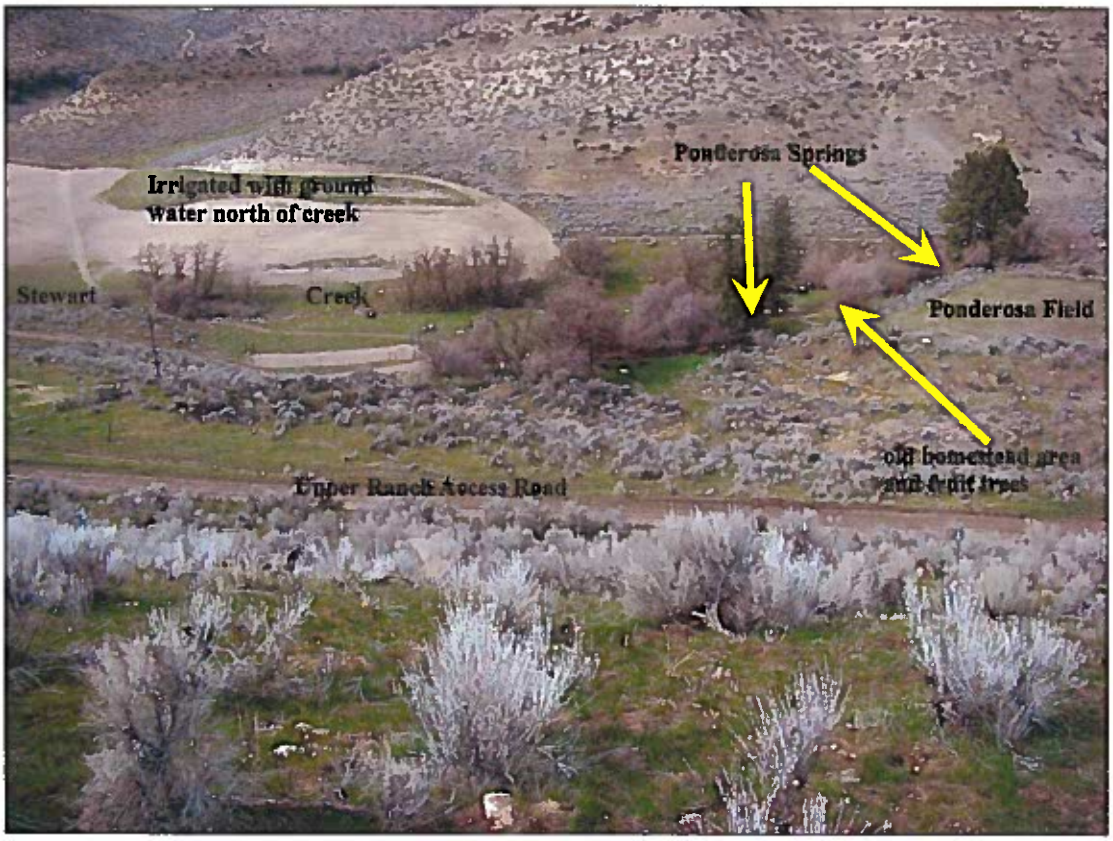
April 7, 2009 photograph looks north.



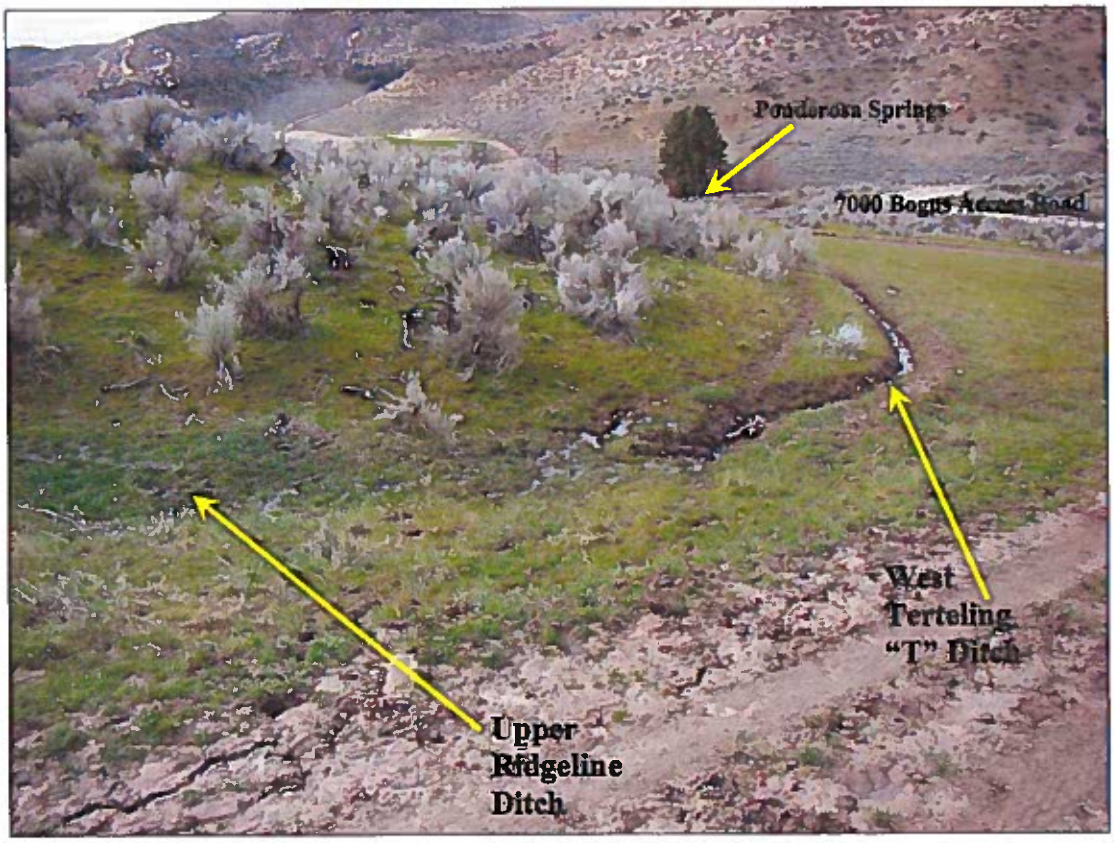
April 7, 2009 photograph looks southeast along the upper ridgeline Ditch.



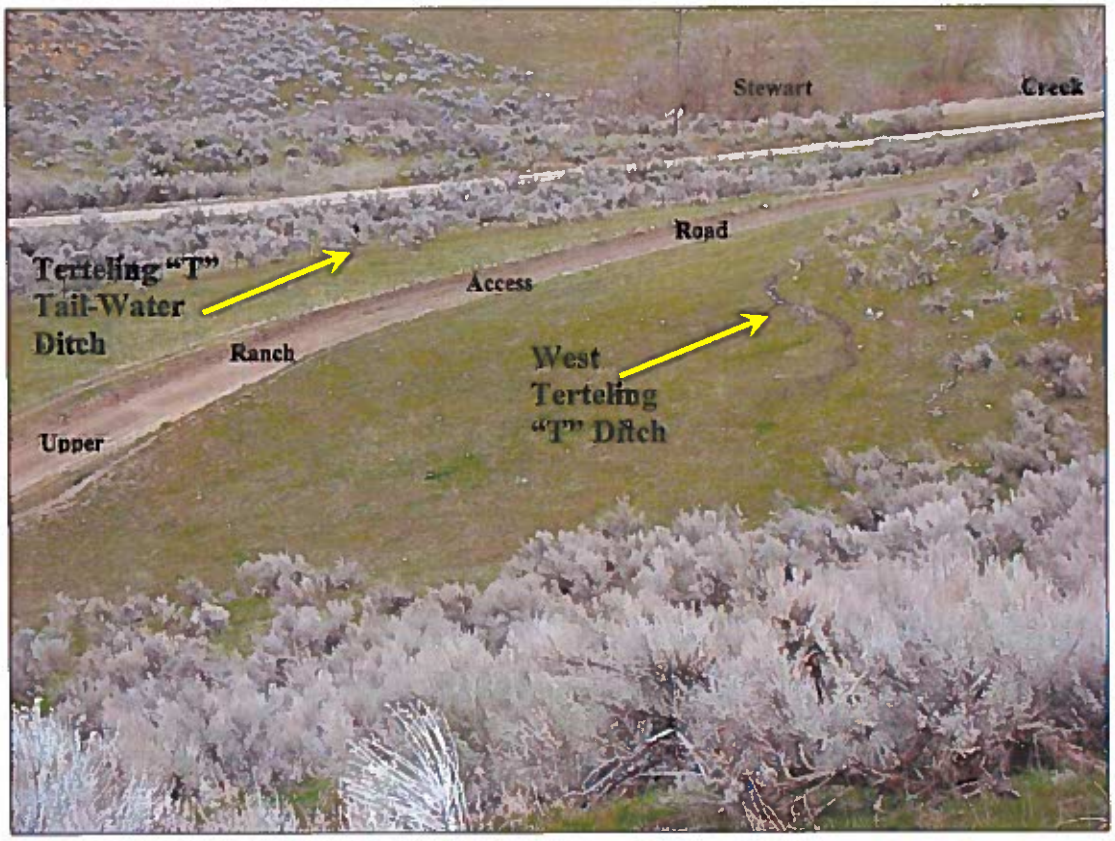
April 7, 2009 photograph looks northeast from the Upper Ridgeline Ditch.



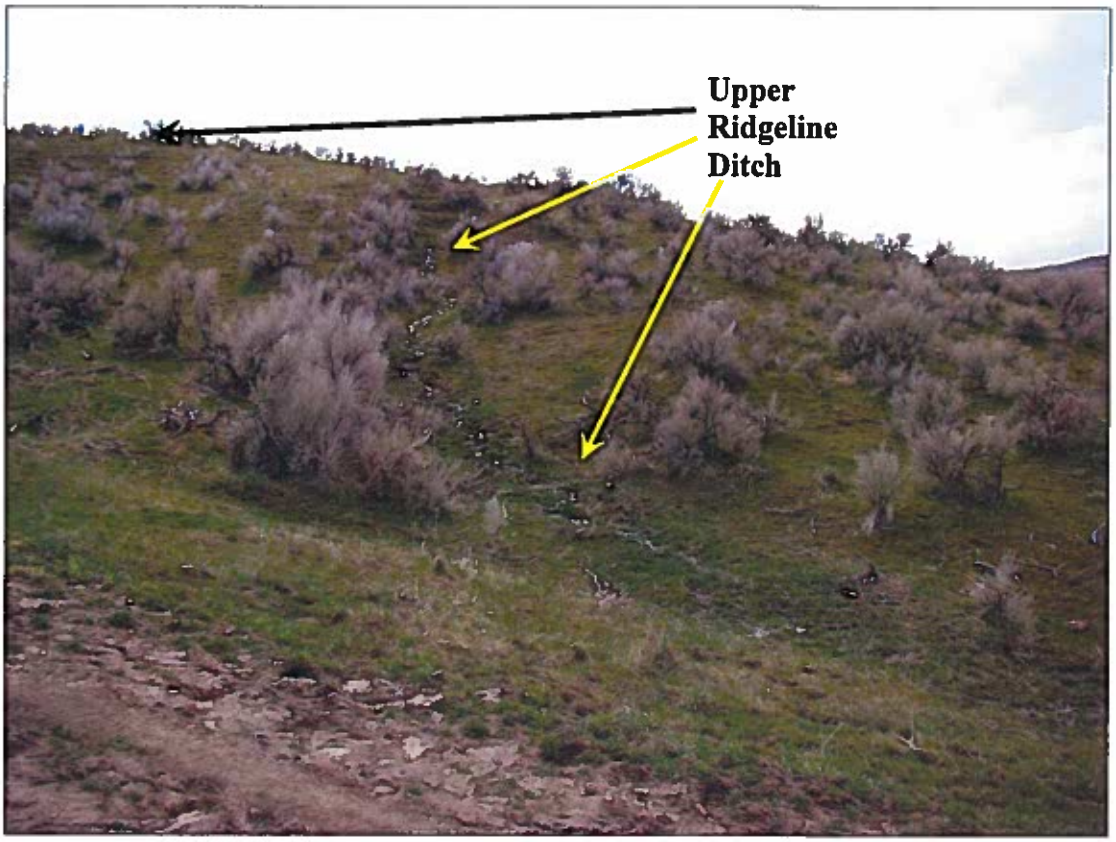
April 7, 2009 photograph looks north.



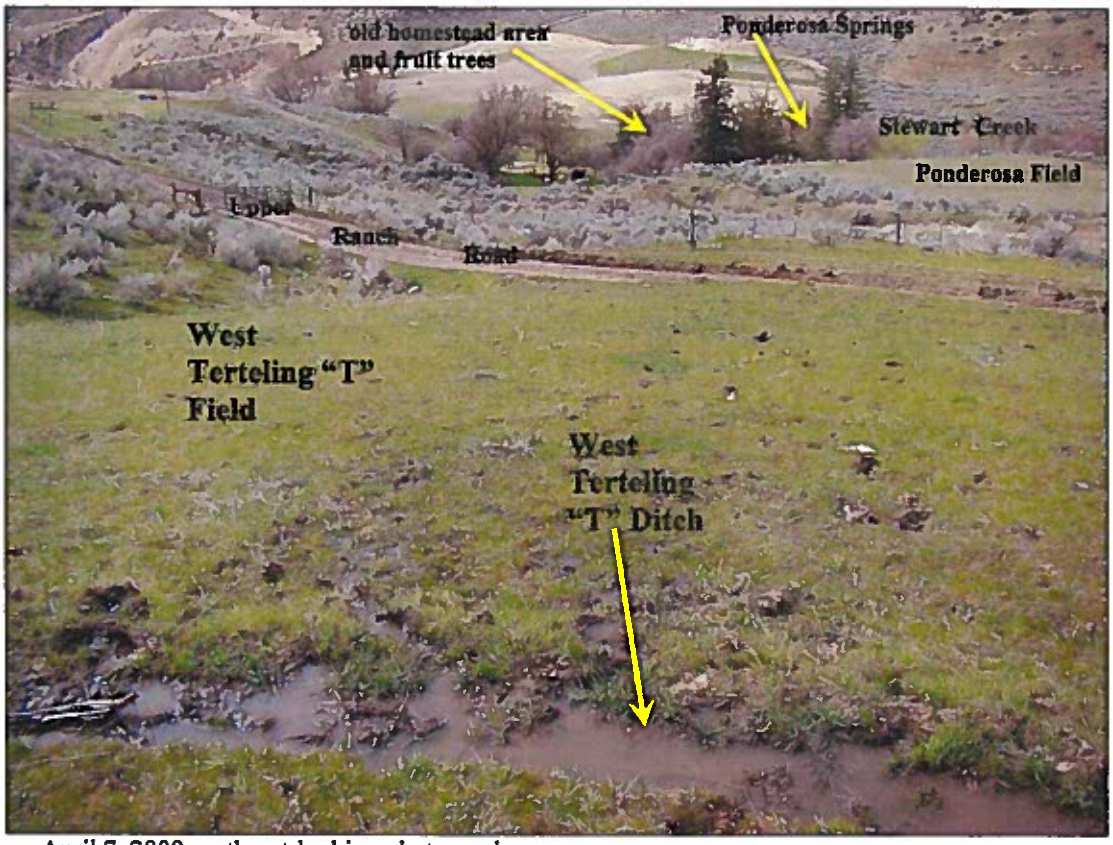
April 7, 2009 Northeast-looking photograph showing the western arm of the Terteling "T" field and the West Terteling "T" Ditch which is fed by the Upper Ridgeline Ditch shown coming in from the middle left of photo. 7000 Bogus access road in upper right.



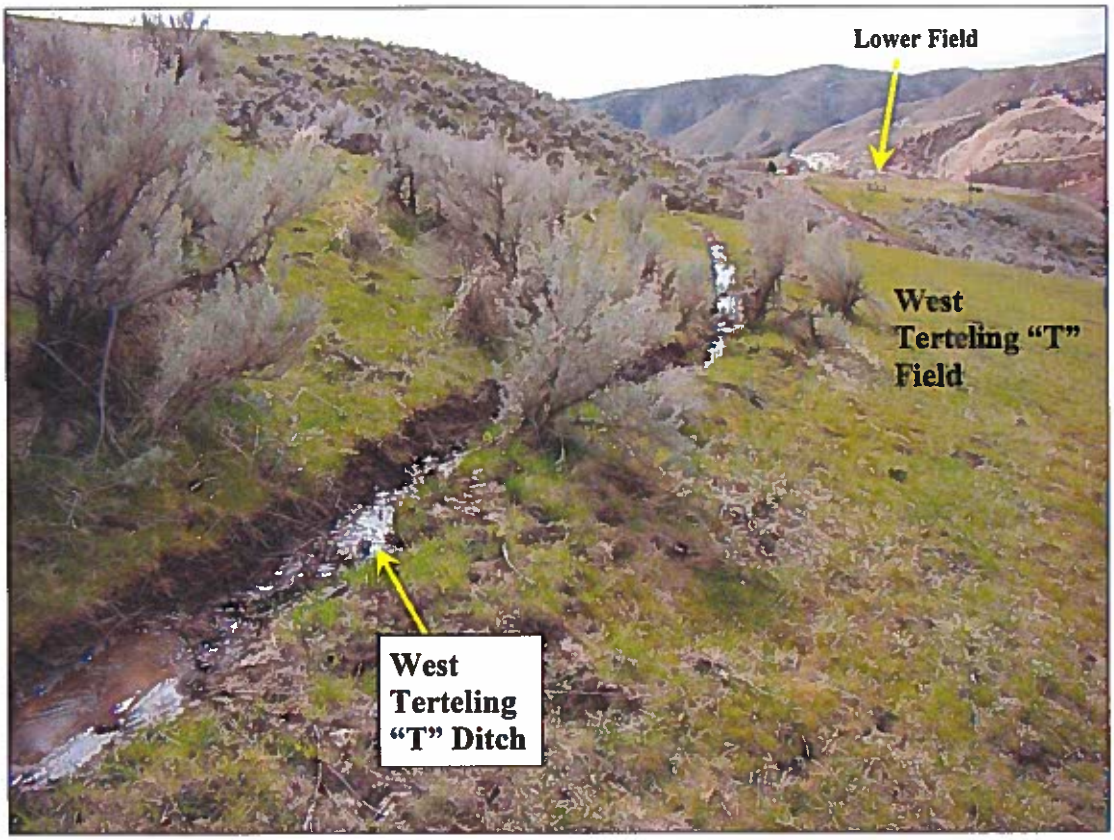
April 7, 2009 Northeast-looking photograph showing the western arm of the Terteling "T" field and the West Terteling "T" Ditch (fed by the Upper Ridgeline Ditch).



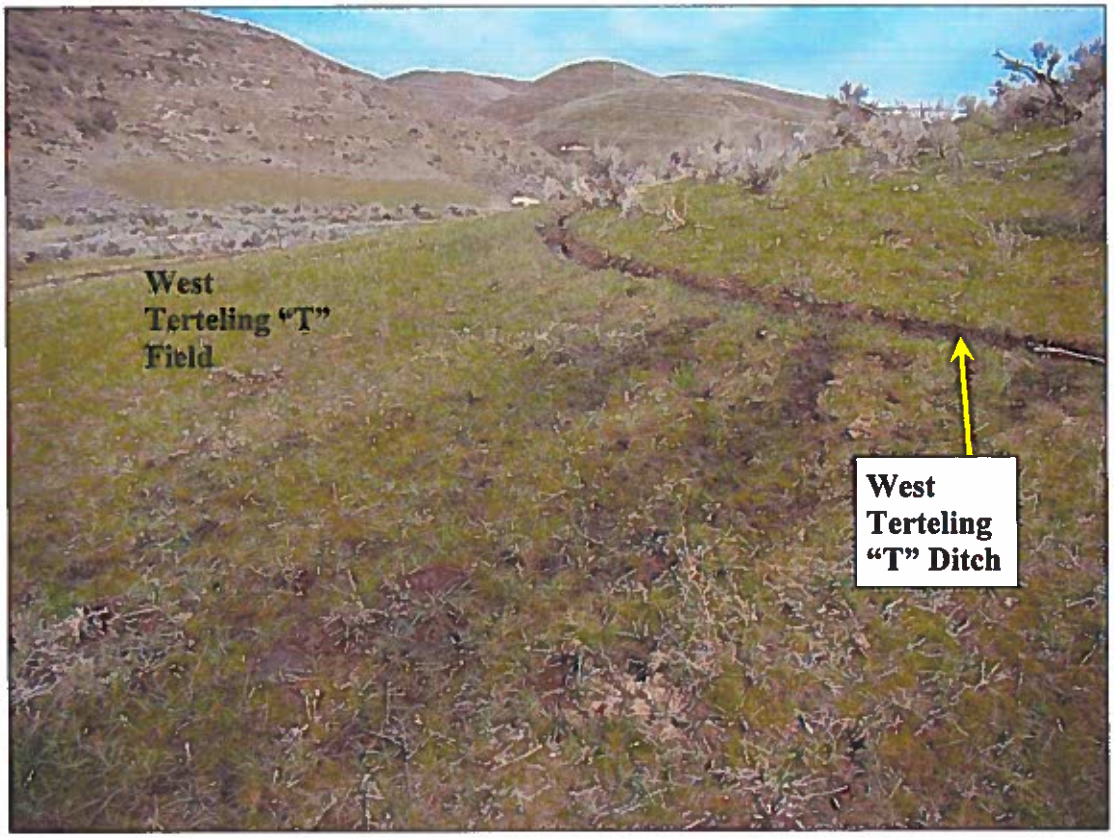
April 7, 2009 westward-photograph showing the bottom of the Upper Ridgeline Ditch west of the Terteling "T" Field



April 7, 2009 northeast-looking photograph.



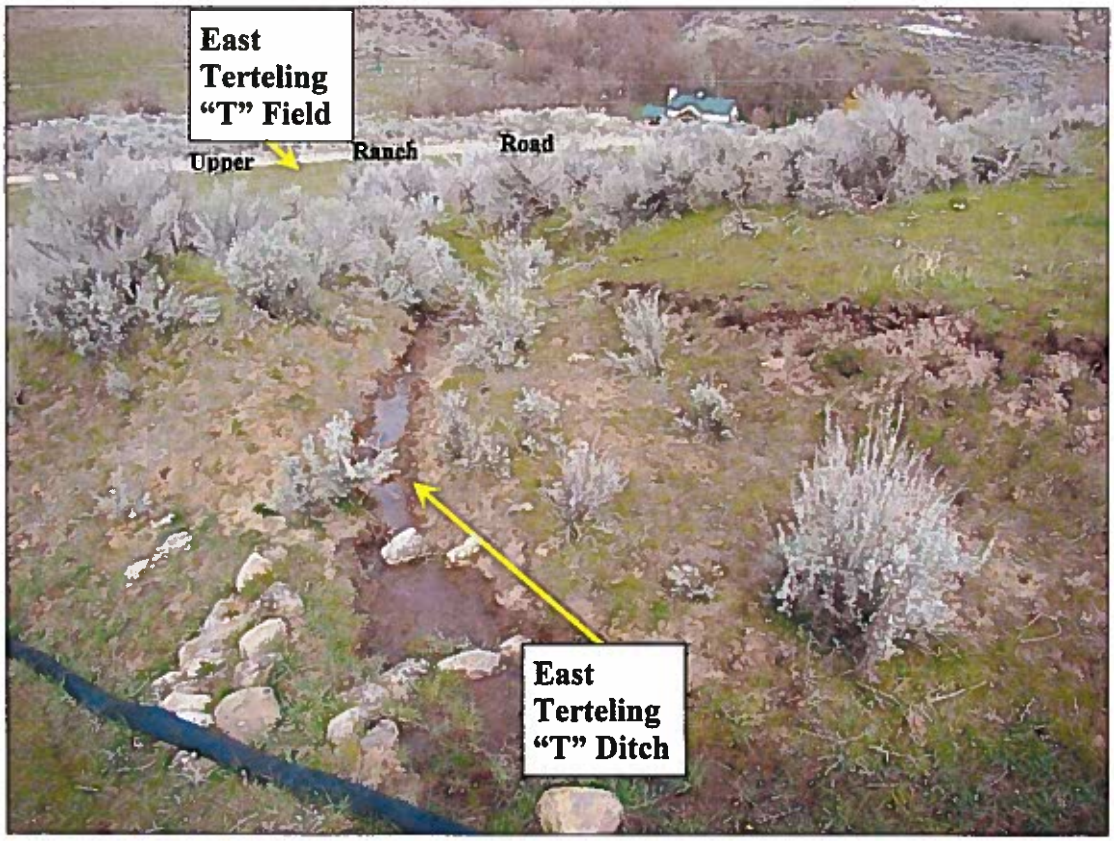
April 7, 2009 westward-looking photograph across the West Terteling "T" Ditch with the "Lower Field" in the background irrigated by the South Highline Ditch.



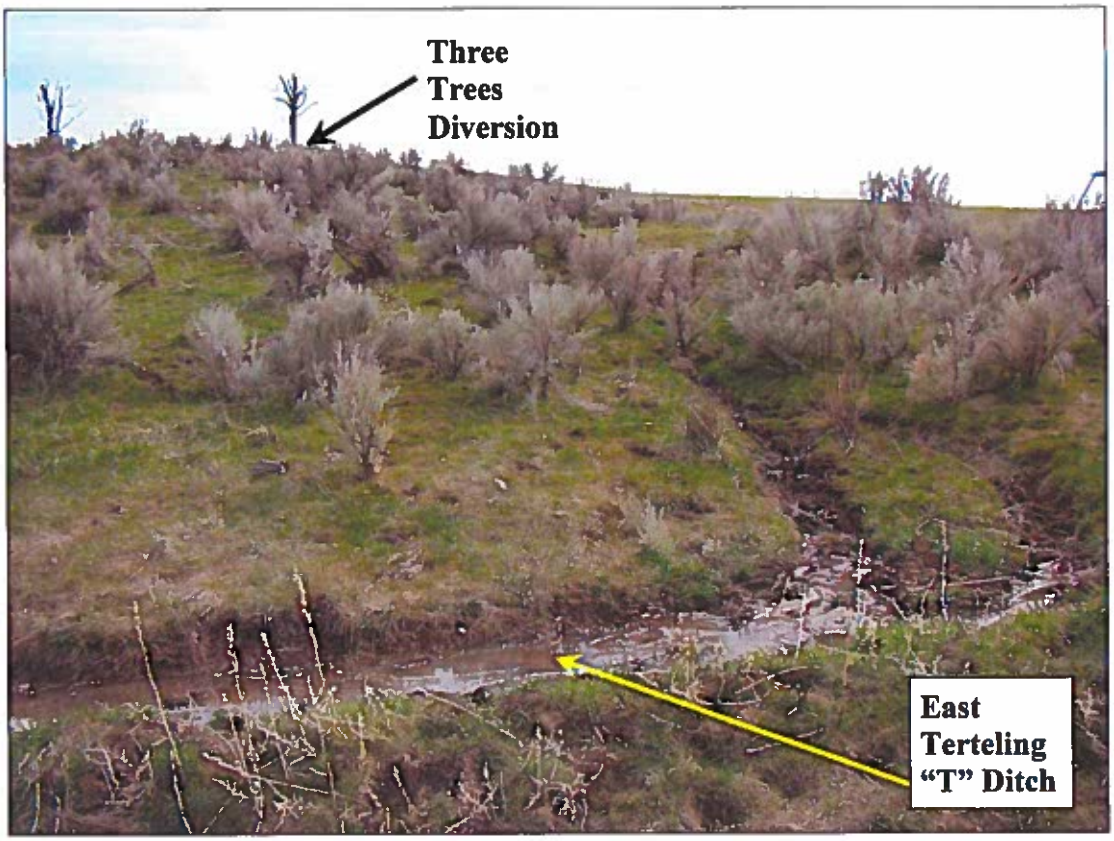
April 7, 2009 northeastward-looking photograph.



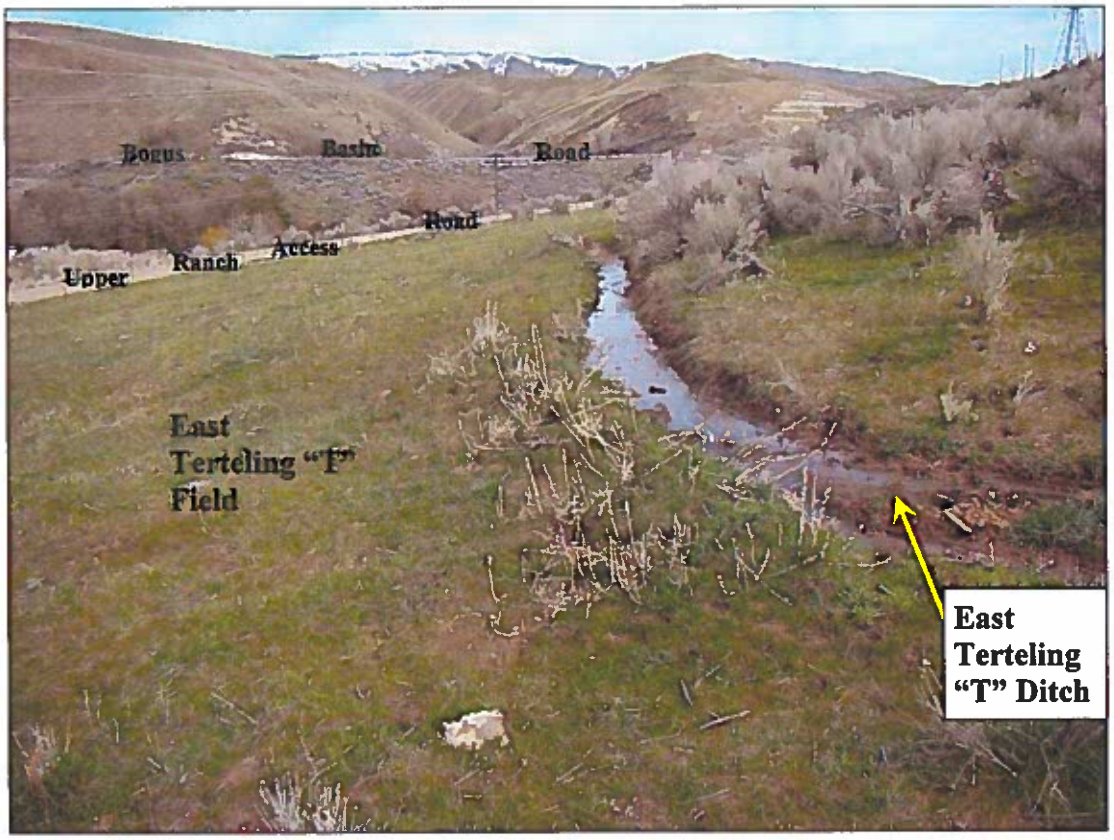
April 7, 2009 photograph of the upper portion of the East Terteling "T" ditch with the Three Trees Diversion in the background. Rubber pipe is very old weather-checked pipe with some holes and no longer serviceable.



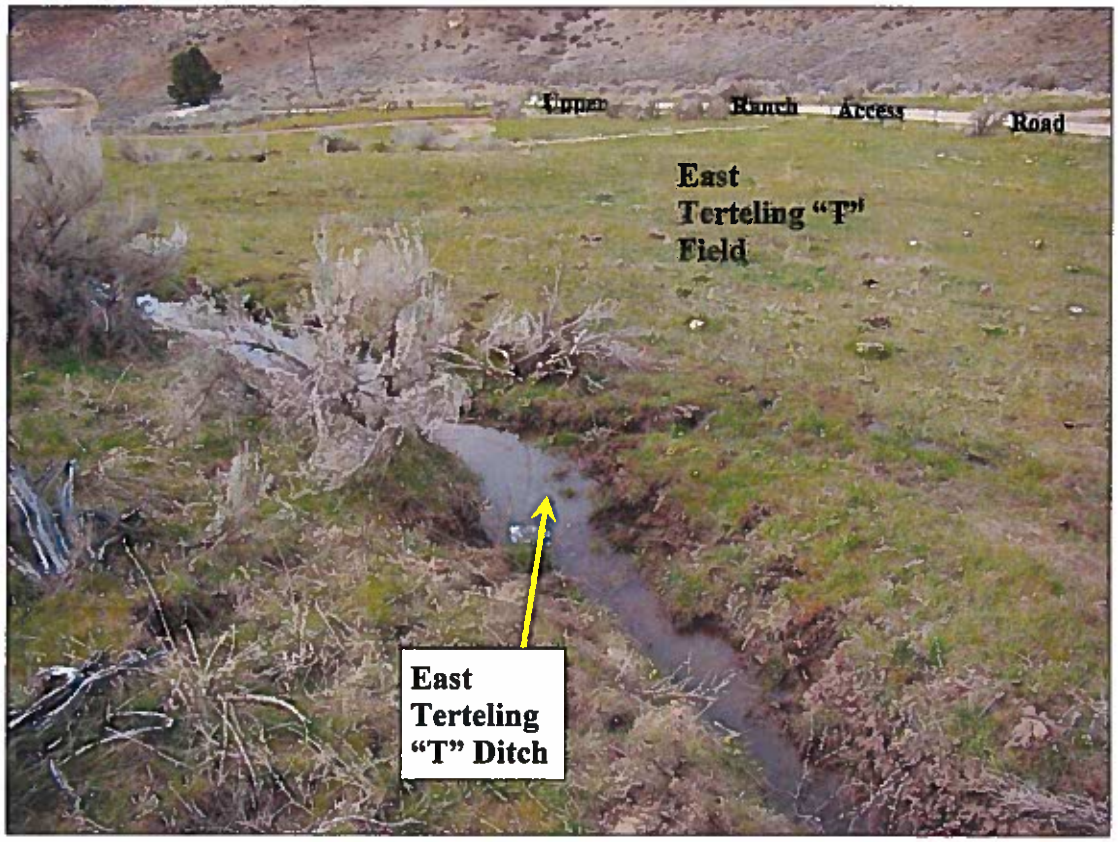
April 7, 2009 east-looking photograph looking along the East Terteling "T" Ditch with the flood retention spillway for Stewart Gulch Creek on Bogus Basin Road visible in the upper middle of photo.



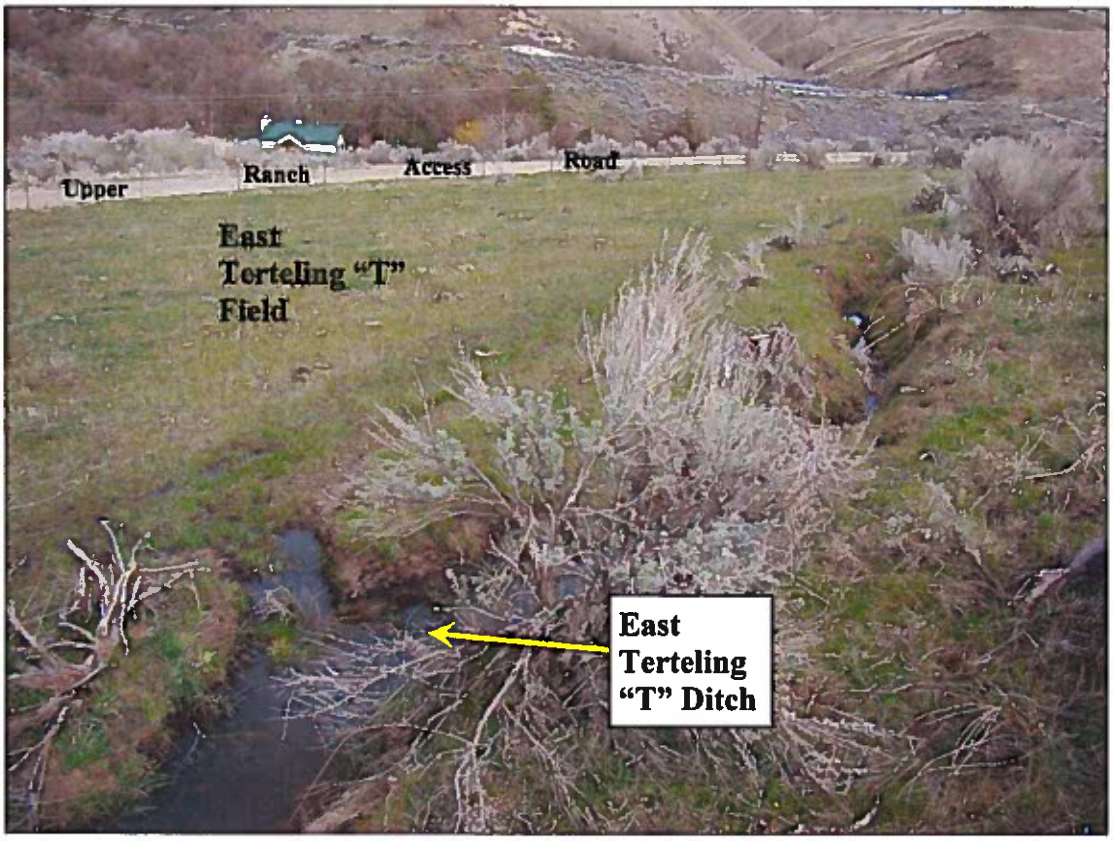
April 7, 2009 photograph looks south showing the East Terteling "T" Ditch coursing down the east side of the Terteling "T" Field from the Three Trees Diversion and turning east across the top of the East Terteling "T" Field.



April 7, 2009 photograph looks northeast.



April 7, 2009 photograph looking northwest.



April 7, 2009 photograph looks east.



April 7, 2009 photograph looks east along the Upper Ranch Access Road and the Lower Ridgeline Ditch as it carries water to the Ponderosa Field and the old homestead area of the Terteling Ranch. The Terteling "T" Field is on the extreme right of photo.



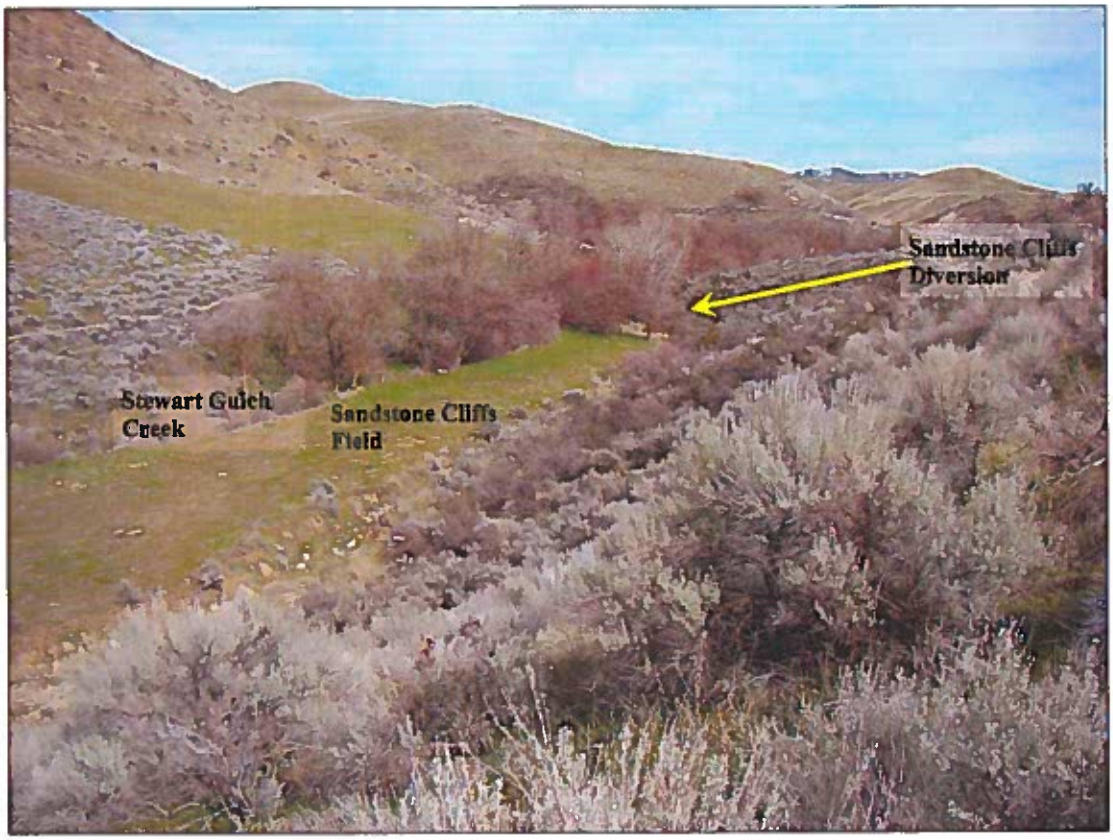
April 7, 2009 photograph looks northwest along the Upper Ranch Access Road and the Lower Ridgeline Ditch as it carries water to the Ponderosa Field and the old homestead area of the Terteling Ranch.



April 7, 2009 photograph looks east along the lower reach of the Lower Ridgeline Ditch just above the Ponderosa Field. 7000 Bogus access road is visible on left.



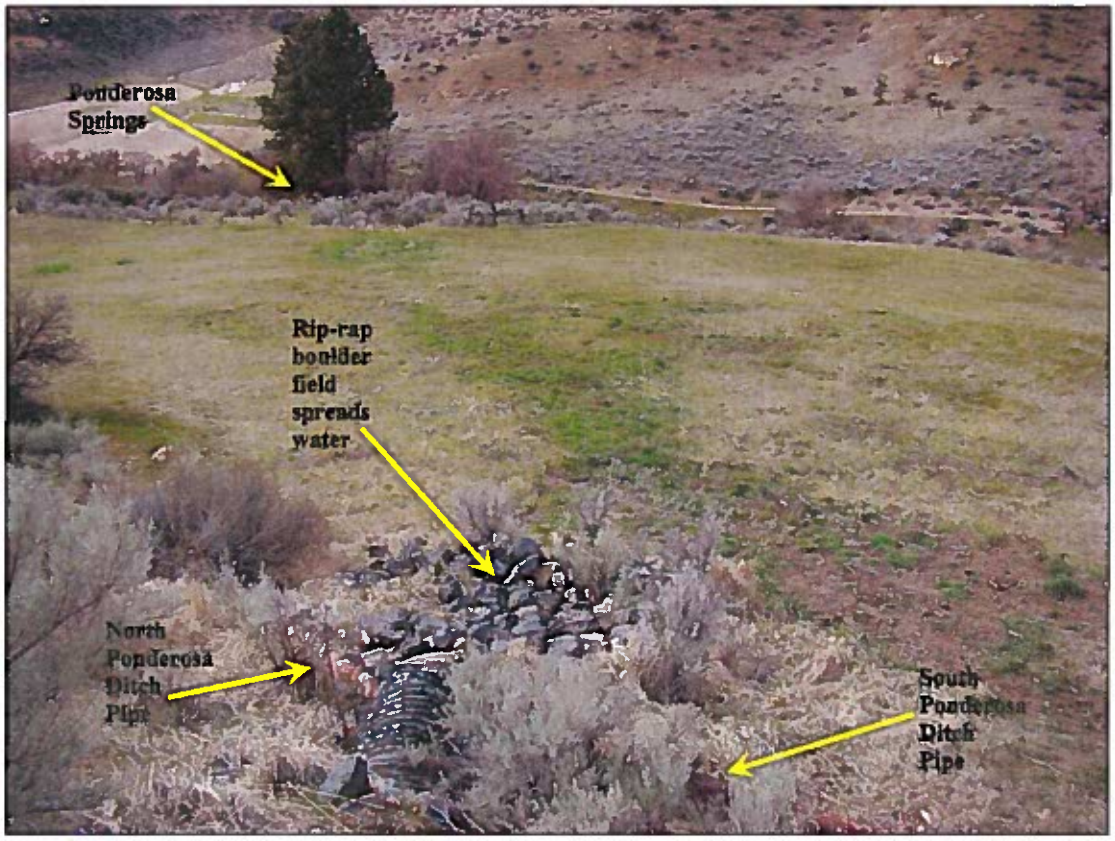
April 7, 2009 photograph looks northwest along the lower reach of the Lower Ridgeline Ditch just above the Ponderosa Field. 7000 Bogus access road splits view.



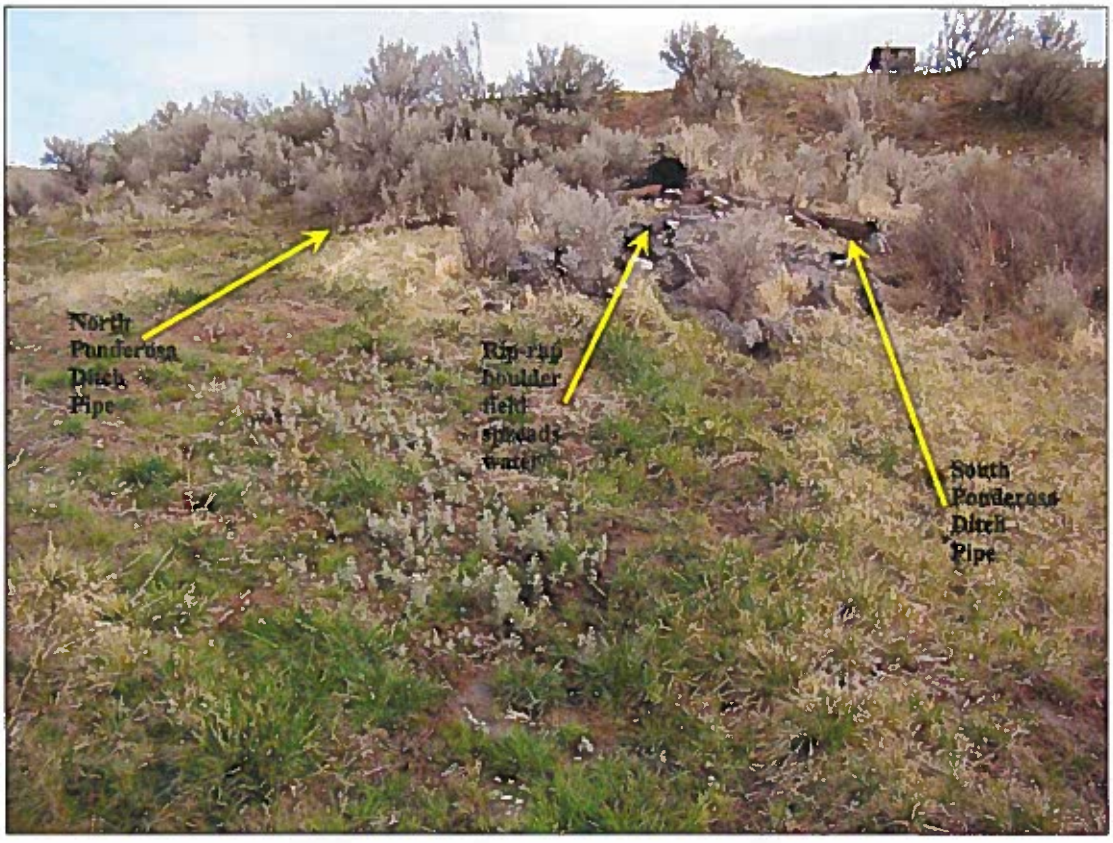
April 7, 2009 photograph looks northeast.



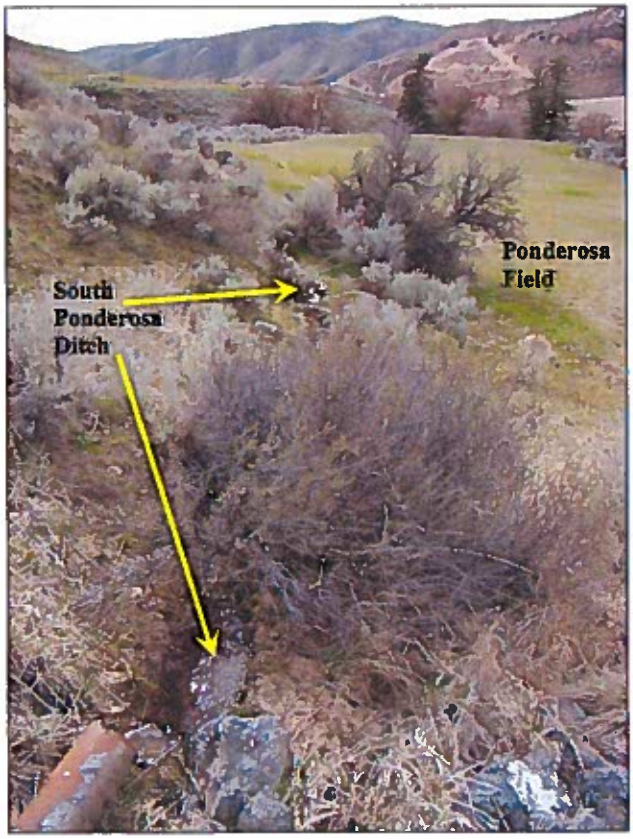
April 7, 2009 Ponderosa Field diversion. The Lower Ridgeline Ditch water is split into three parts at the downhill side of the 7000 Bogus culvert (18-inch diameter). Two 6-inch diameter steel pipes capture portions of the flow to send the water to the north Ponderosa Ditch and the south Ponderosa Ditch. These pipes are held in place by the angular basalt rip-rap and they divert the water surprisingly well. The water not captured by the pipes (which just lay under the culvert) is dumped onto an angular rip-rap of basalt boulders that effectively spreads the water at the head of the field.



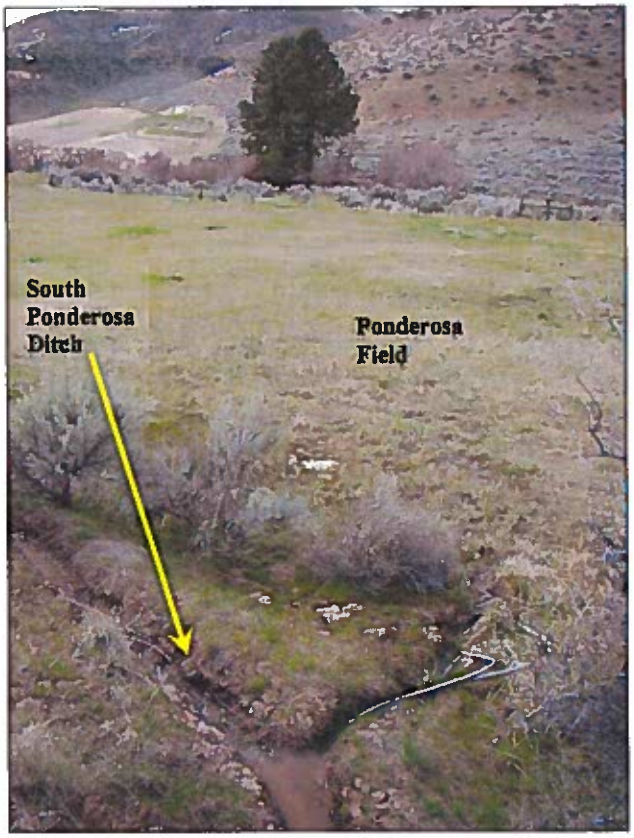
April 7, 2009 photograph looks northwest over the Ponderosa Field Diversion where The Lower Ridgeline Ditch water is split into three parts at the downhill side of the 7000 Bogus culvert. Two 6" diameter steel pipes capture portions of the flow to send the water to the north Ponderosa Ditch and the south Ponderosa Ditch. The water not captured by the pipes (which just lay under the culvert) is dumped onto an angular rip-rap of basalt boulders that effectively spreads the water at the head of the field.



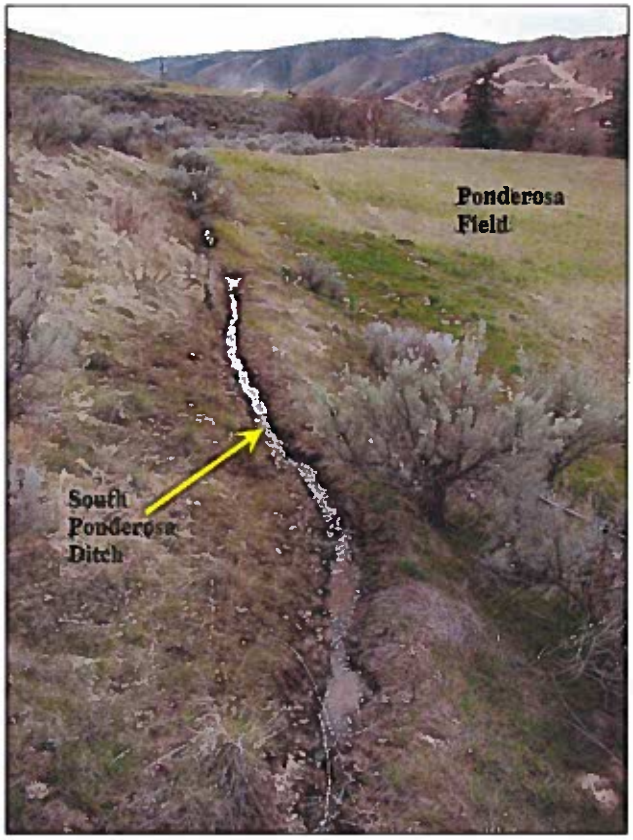
April 7, 2009 photograph looks southeast.



April 7, 2009 photograph looks west along the South Ponderosa Ditch from the 6-inch diameter discharge pipe. The Ponderosa Field in center right of view.



April 7, 2009 photograph looks northwest.



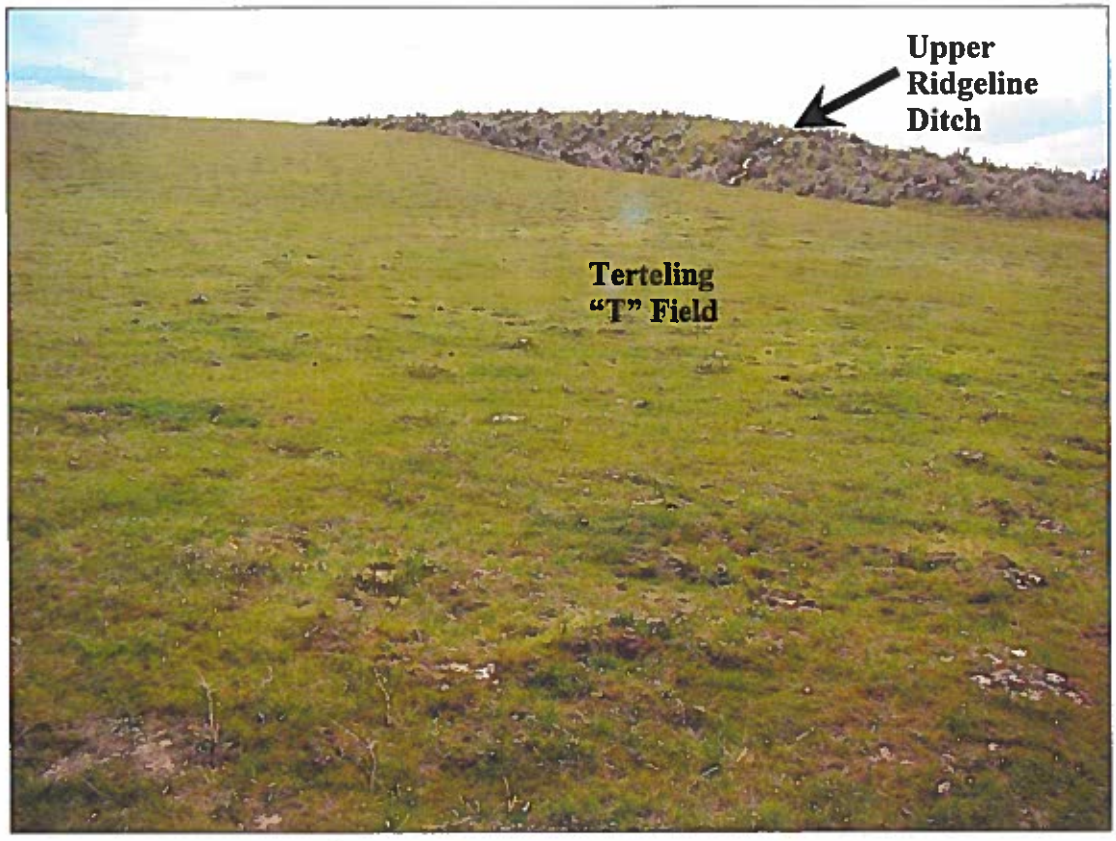
April 7, 2009 photograph looks west along the South Ponderosa Ditch with the Ponderosa Field in center right of view.



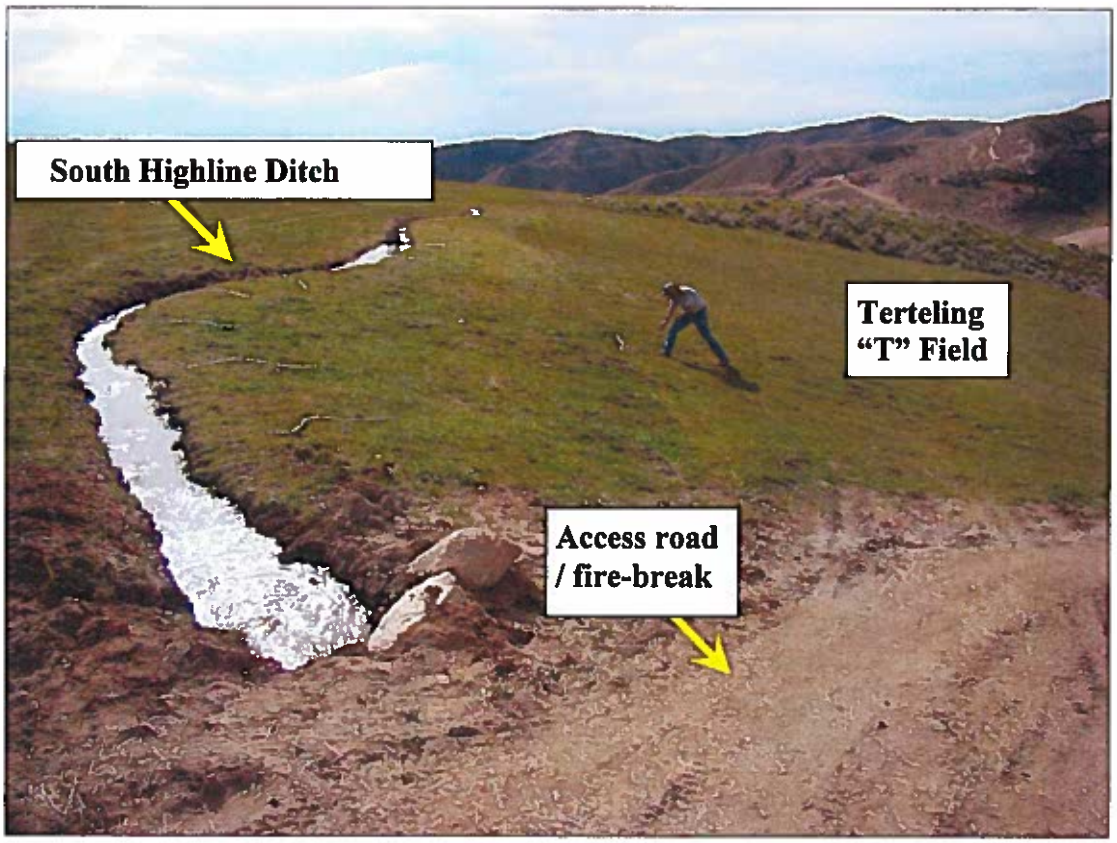
April 7, 2009 Stewart Gulch Creek below the old homestead at Ponderosa Springs.



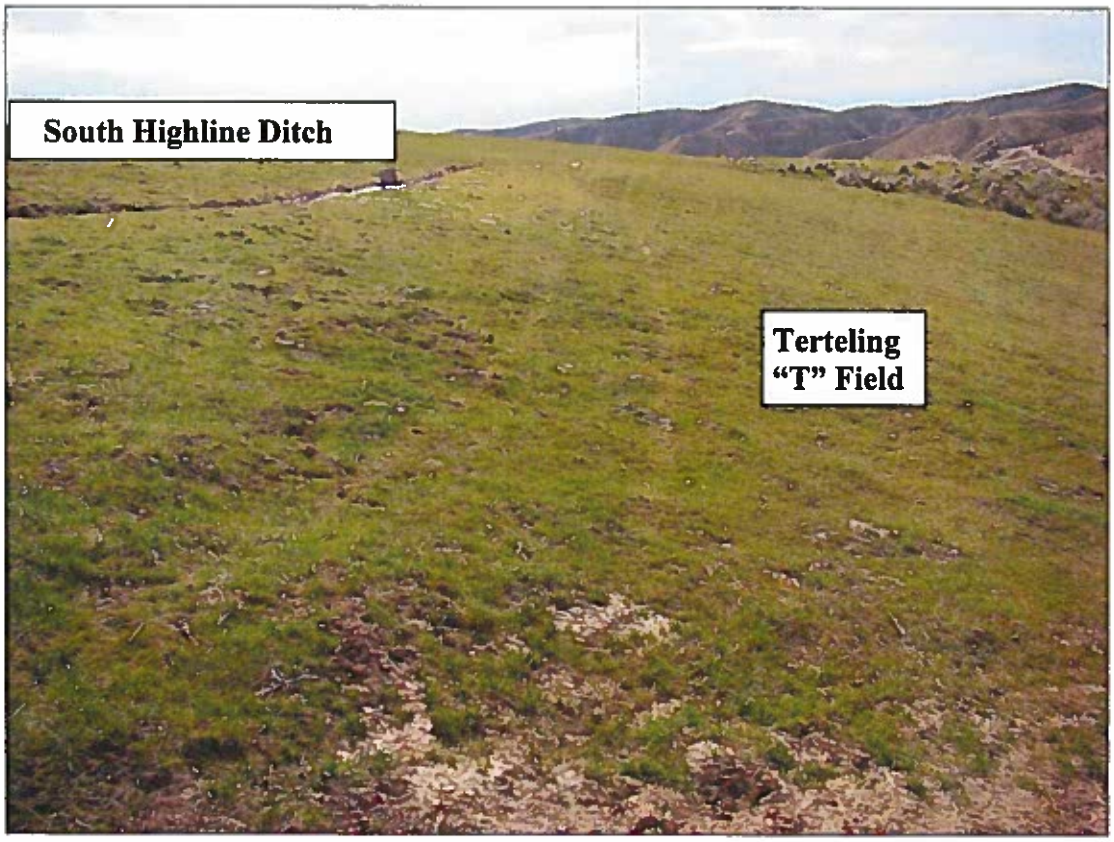
April 7, 2009 Stewart Gulch Creek below the old homestead at Ponderosa Springs.



April 7, 2009 photograph looks southwest.



April 7, 2009 - South Highline Ditch across the top of the Terteling "T" field looking west.



April 7, 2009 - South Highline Ditch across the top of the Terteling "T" field looking west.



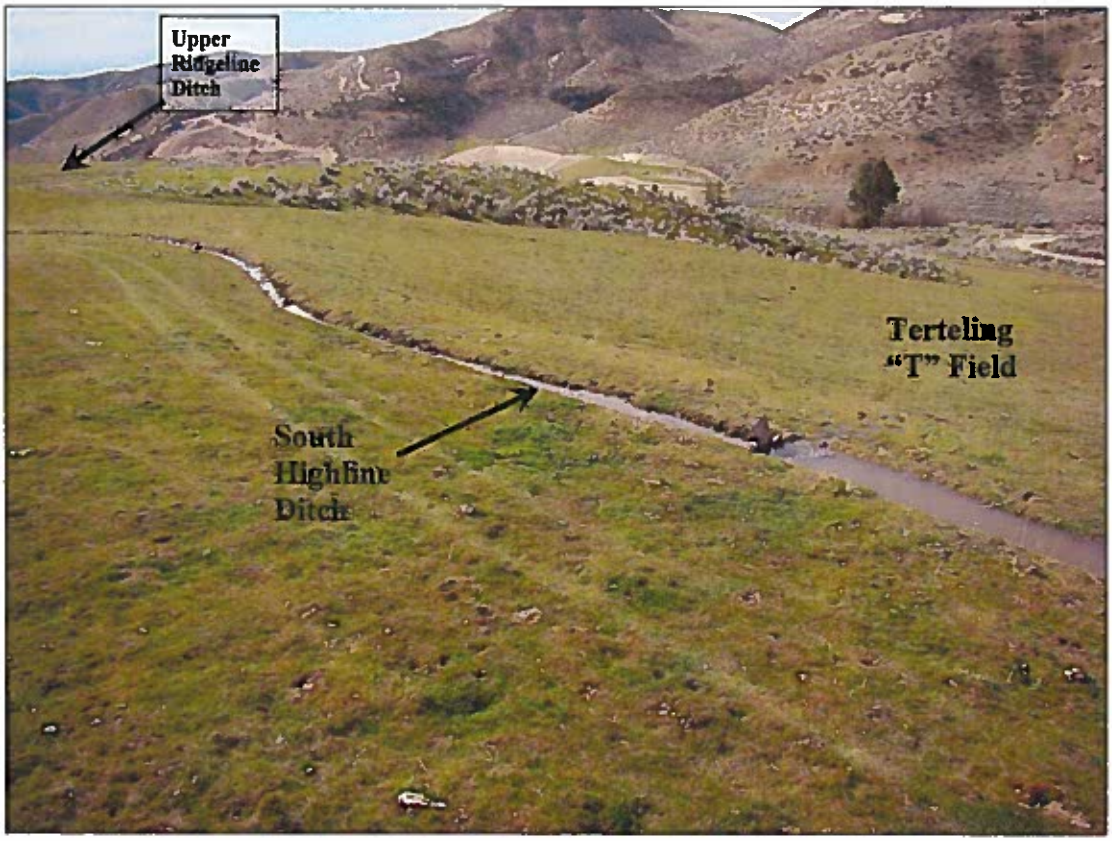
April 7, 2009 - South Highline Ditch across the top of the flooded Terteling "T" field looking southwest.



April 7, 2009 - South Highline Ditch across the top of the flooded Terteling "T" field looking southwest.



April 7, 2009 – Looking north across the South Highline Ditch and Terteling "T" field looking southwest.



April 7, 2009 photograph looks northwest.



April 7, 2009 southwest-looking photograph showing flooded field at 7000 Bogus Basin Road.



April 7, 2009 west-looking photograph showing flooded field at 7000 Bogus Basin Road.



April 7, 2009 southwest-looking photograph showing flooded field at 7000 Bogus Basin Road.



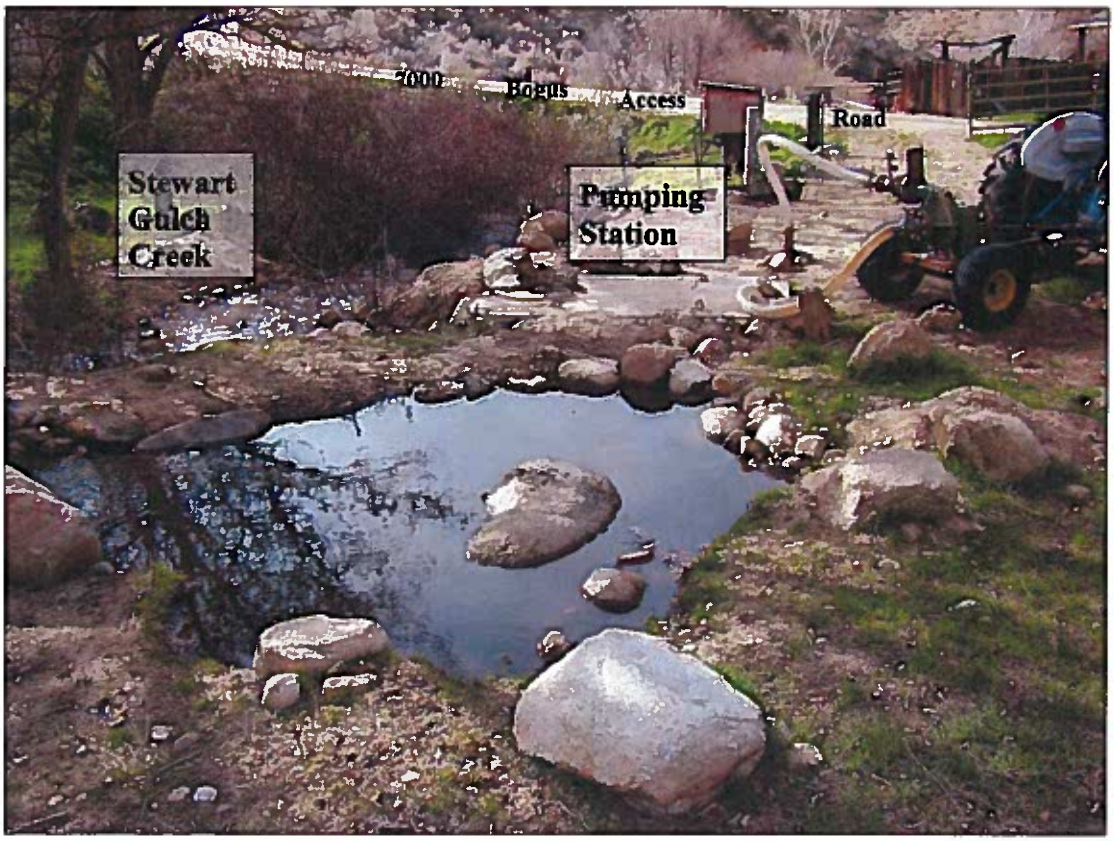
April 7, 2009 southwest-looking photograph showing flooded field at 7000 Bogus Basin Road.



April 7, 2009 southwest-looking photograph showing flooded field and spring-fed ponds at 7000 Bogus Basin Road.



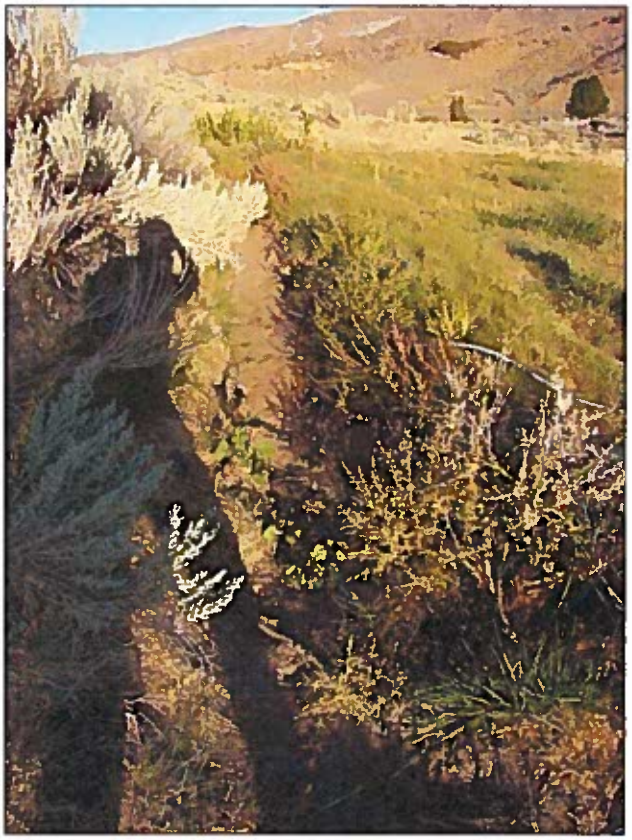
April 7, 2009 photograph looks west along the 7000 Bogus Ditch showing the concrete slide-gate diversions used to flood-irrigate the field.



April 7, 2009 photograph looks southwest.



April 7, 2009 Boulder dam and backwater across Stewart Gulch Creek that ponds water into the Stewart Creek Northside Pumping Station at 7000 Bogus Basin Road



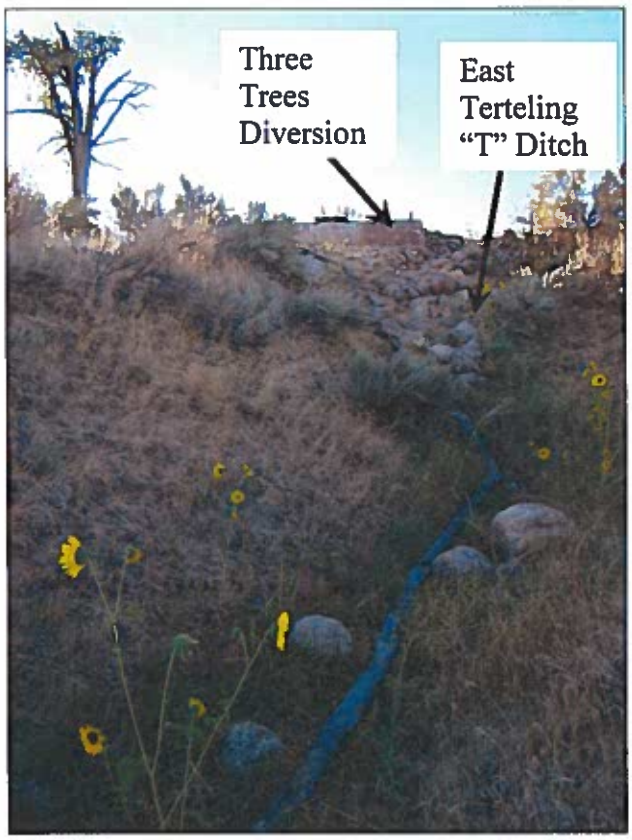
9-13-2008 East Terteling "T" Ditch and field.



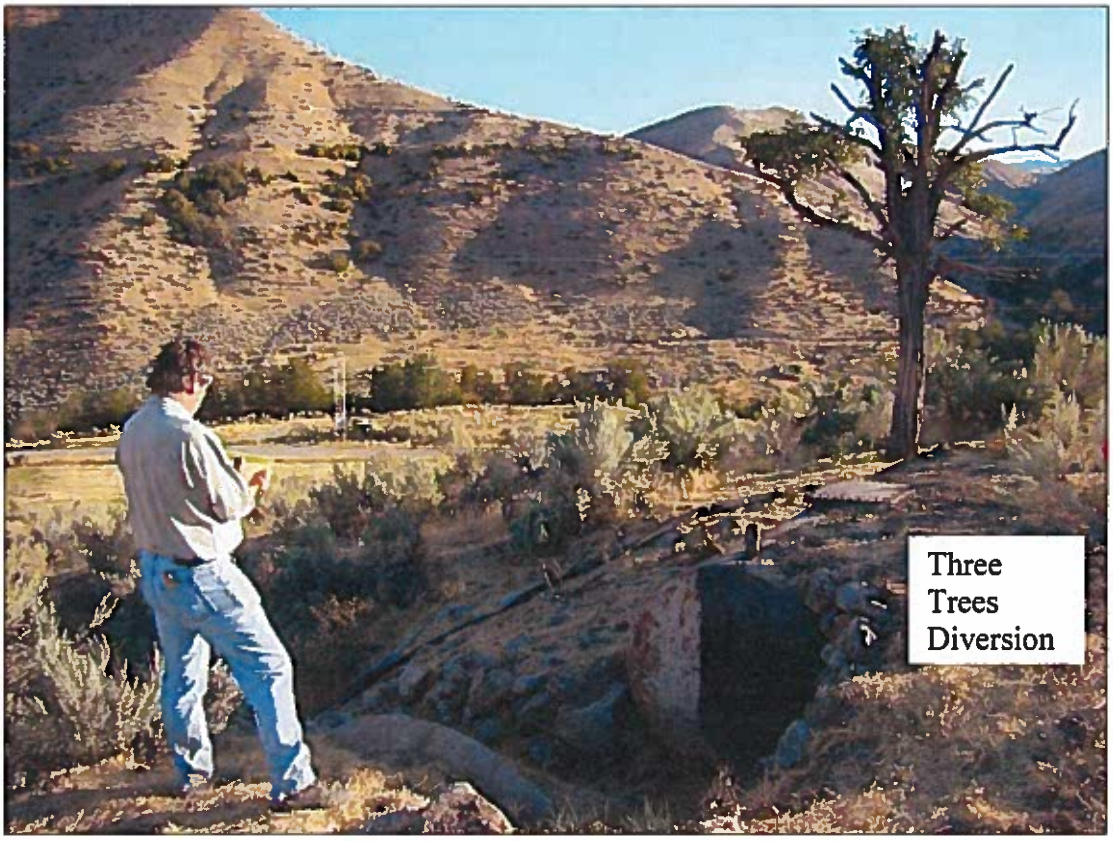
9-13-2008 East Terteling "T" Ditch and field.



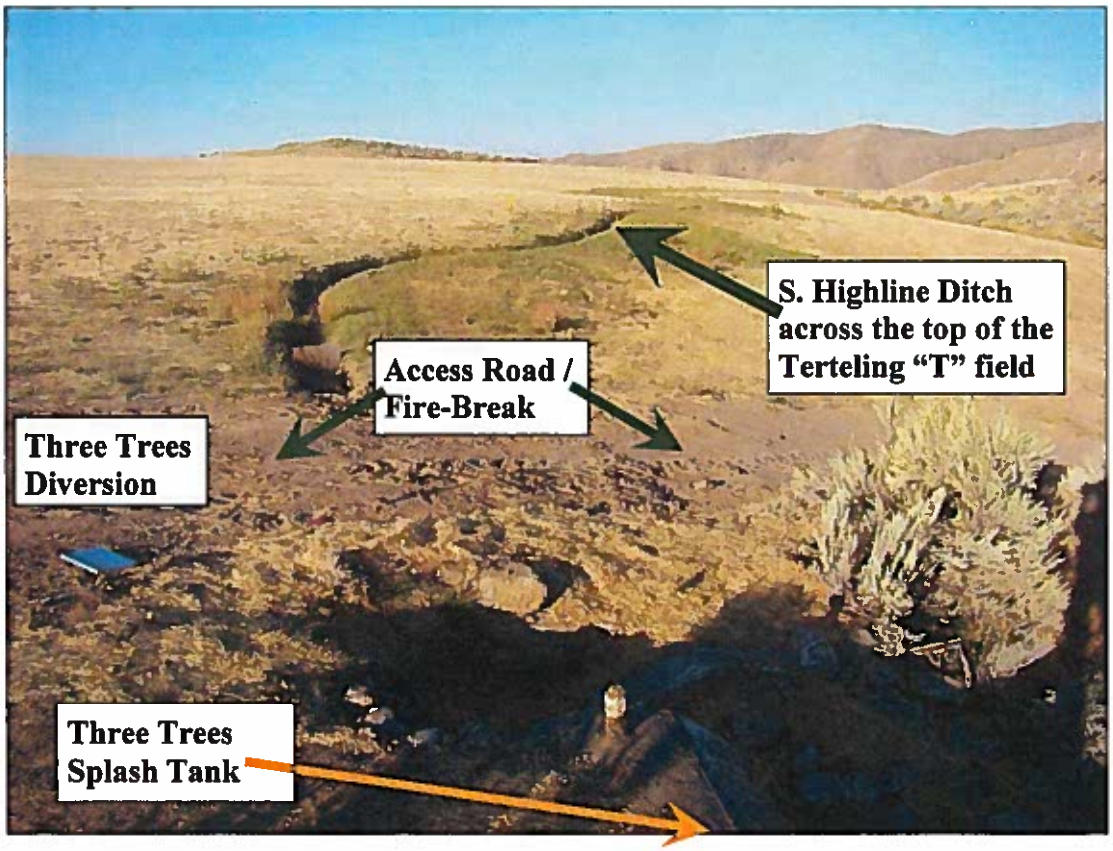
9-13-2008 East Terteling "T" Ditch and field.



9-13-2008 photo looks south.



9-13-2008



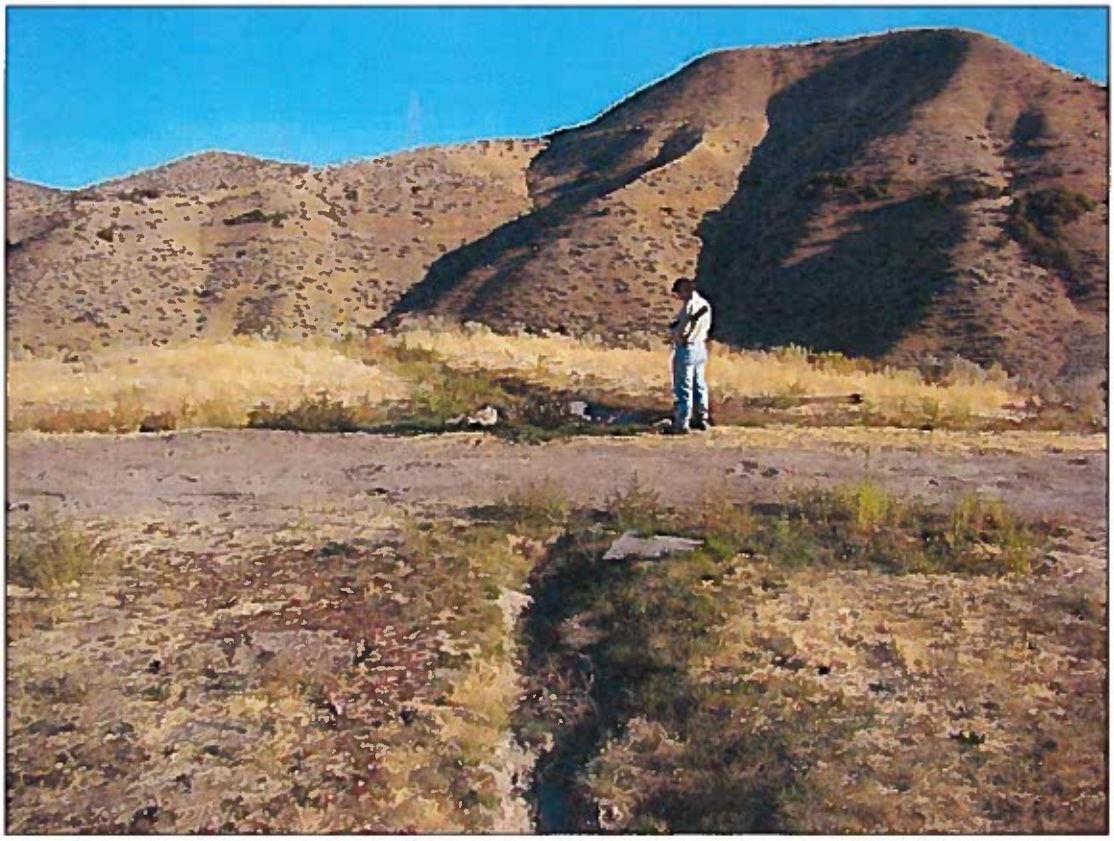
September 13, 2008 photograph looking west along the S. Highline Ditch across the top of the Terteling "T' field.



9-13-2008



9-13-2008



9-13-2008 Upper Ridgeline Ditch and Southside Splitter



9-13-2008 Southside Splitter.



9-13-2008 Upper Ridgeline Ditch.



9-13-2008 West Terteling "T" Ditch



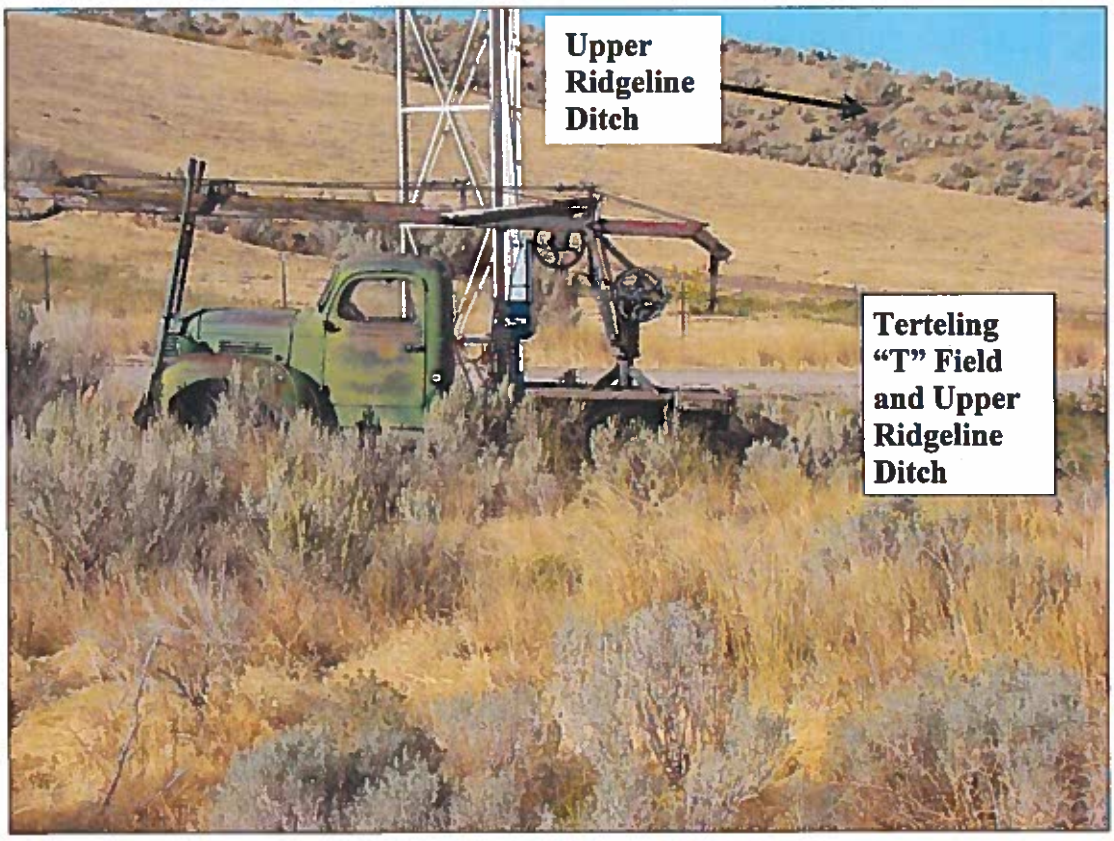
9-13-2008 Upper Ridgeline Ditch looking south.



9-13-2008 West Terteling "T" Ditch.



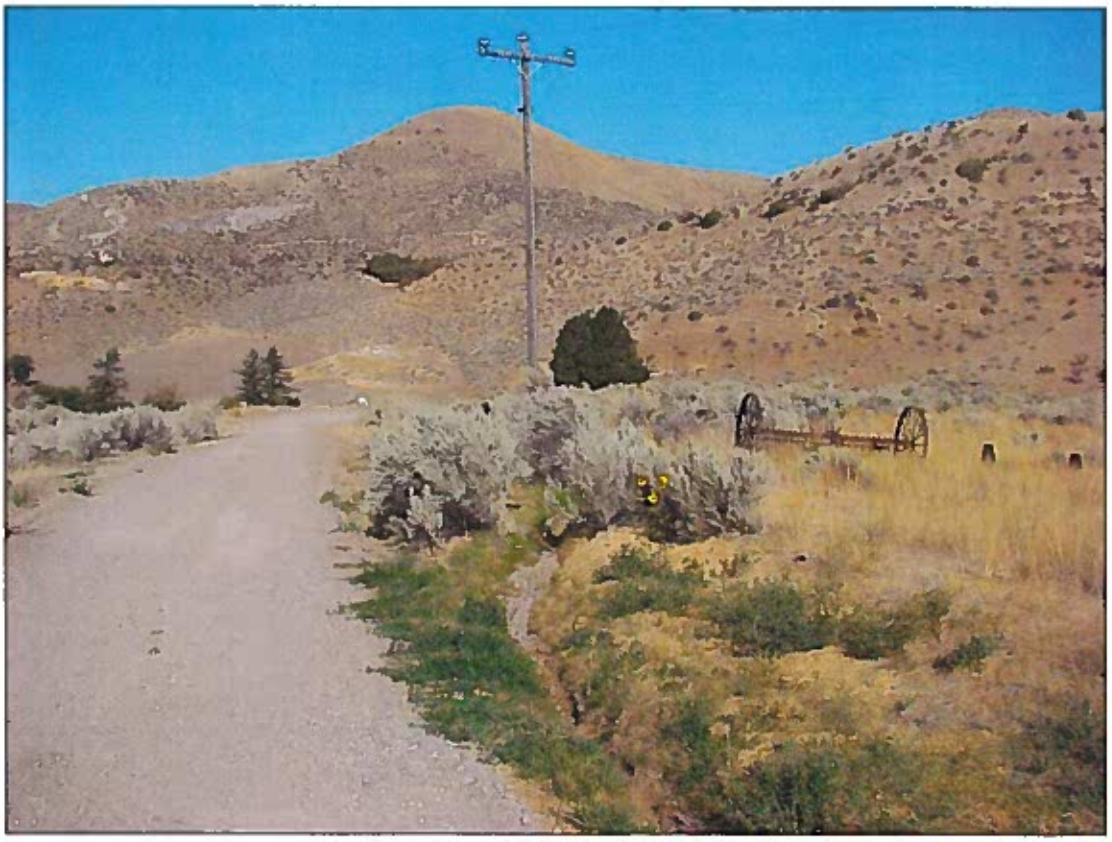
9-13-2008



9-13-2008



9-13-2008 7000 Bogus Basin Road



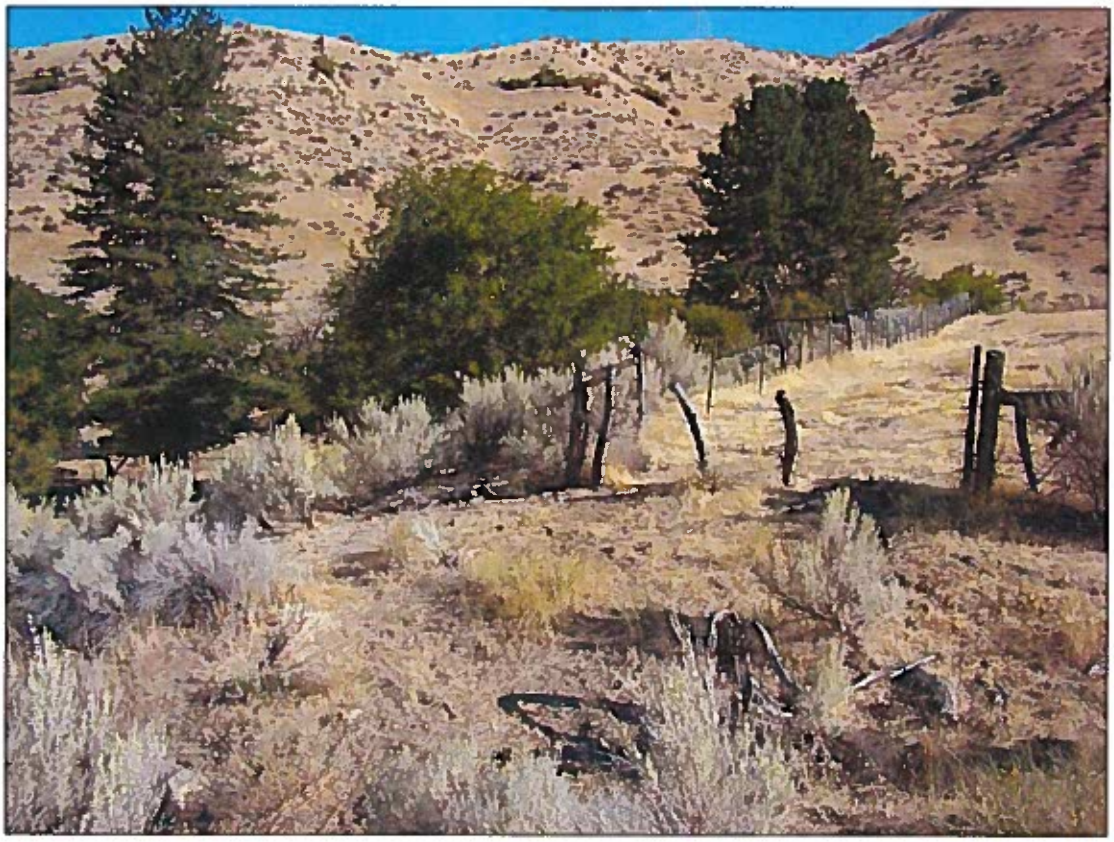
9-13-2008 Lower Ridgeline Ditch looking northwest.



9-13-2008 Lower Ridgeline Ditch looking northwest.



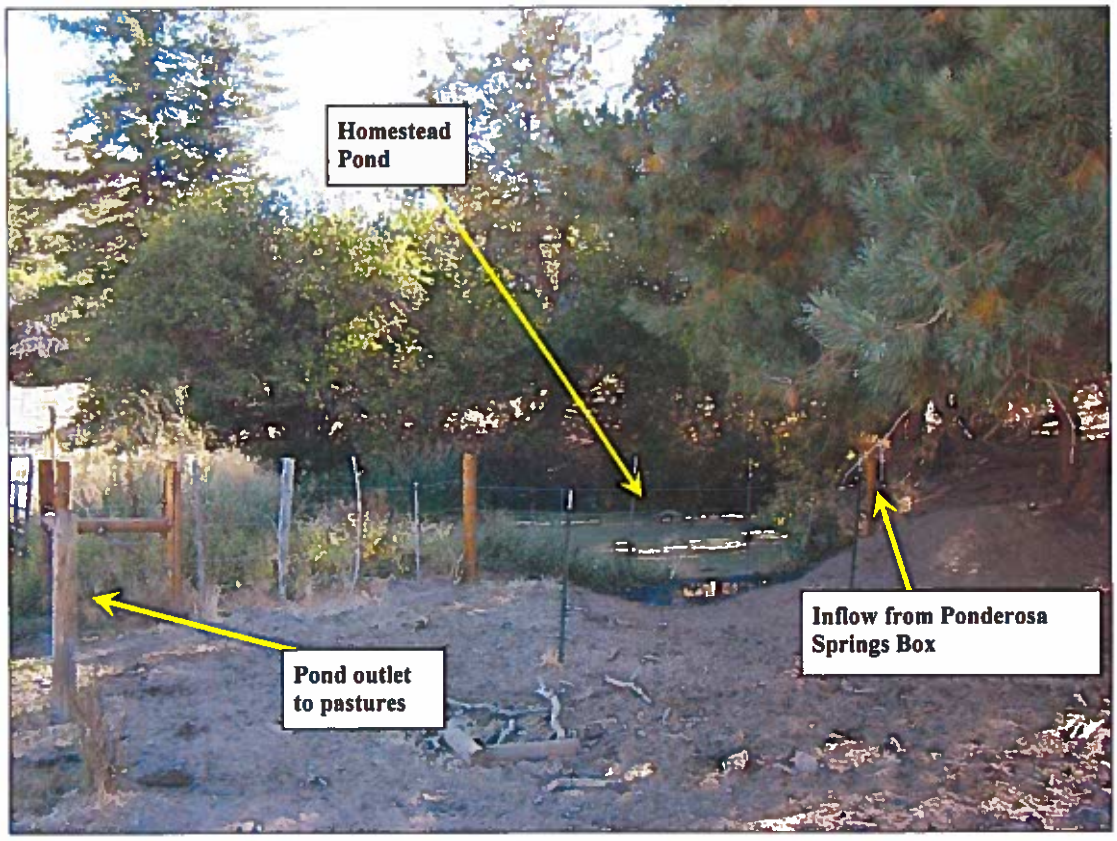
9-13-2008 Ponderosa Field looking west.



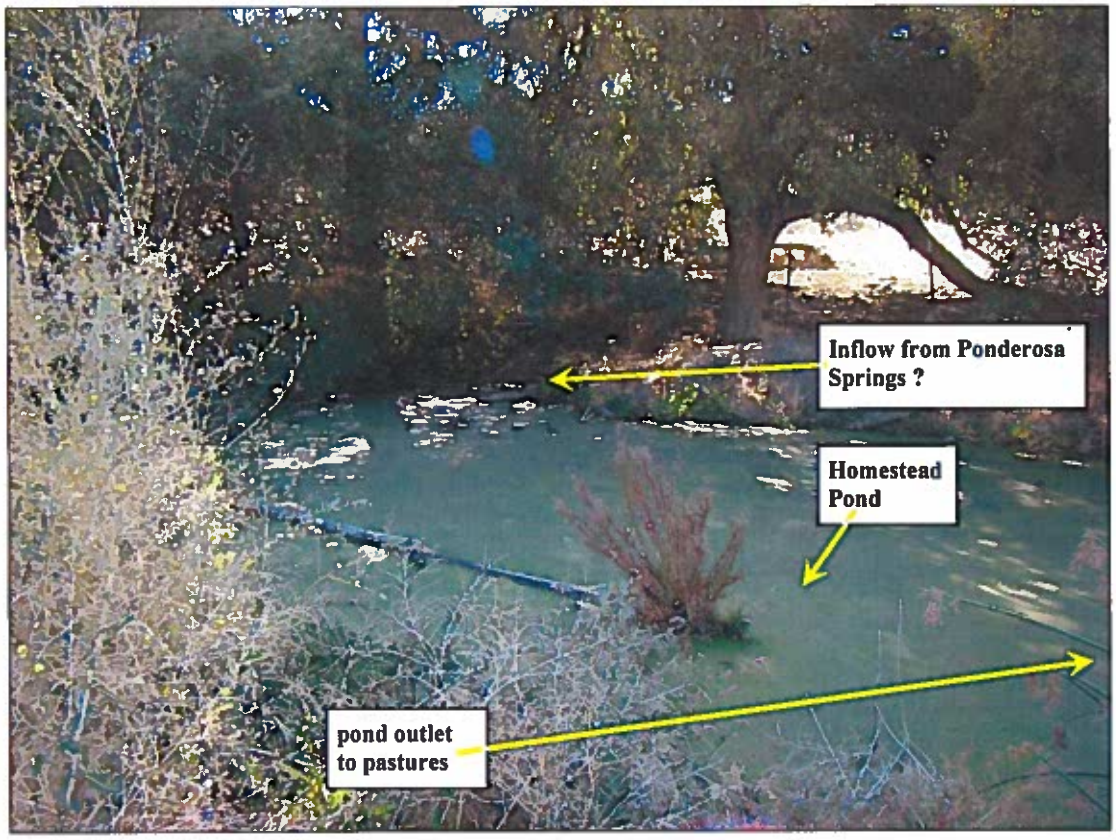
9-13-2008 Bottom end of Ponderosa Field above Ponderosa Springs and the old homestead.



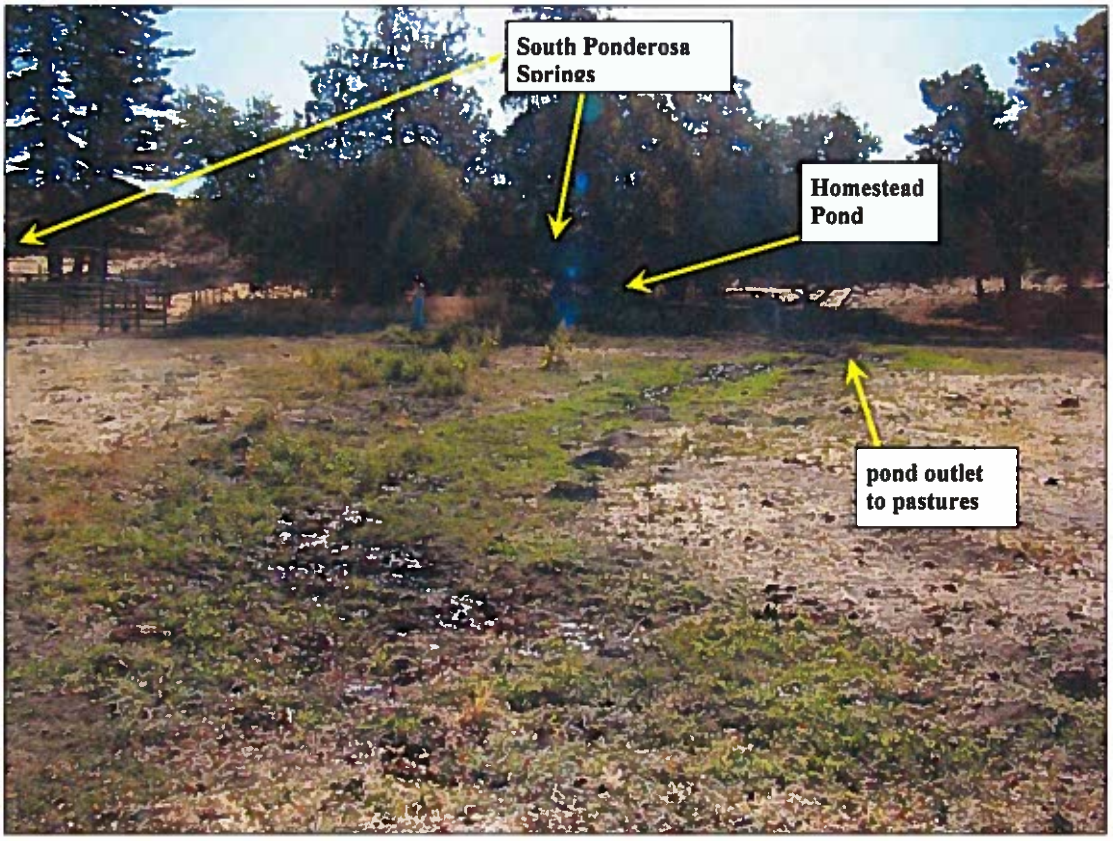
9-13-2008 Homestead Pond and older concrete diversion works



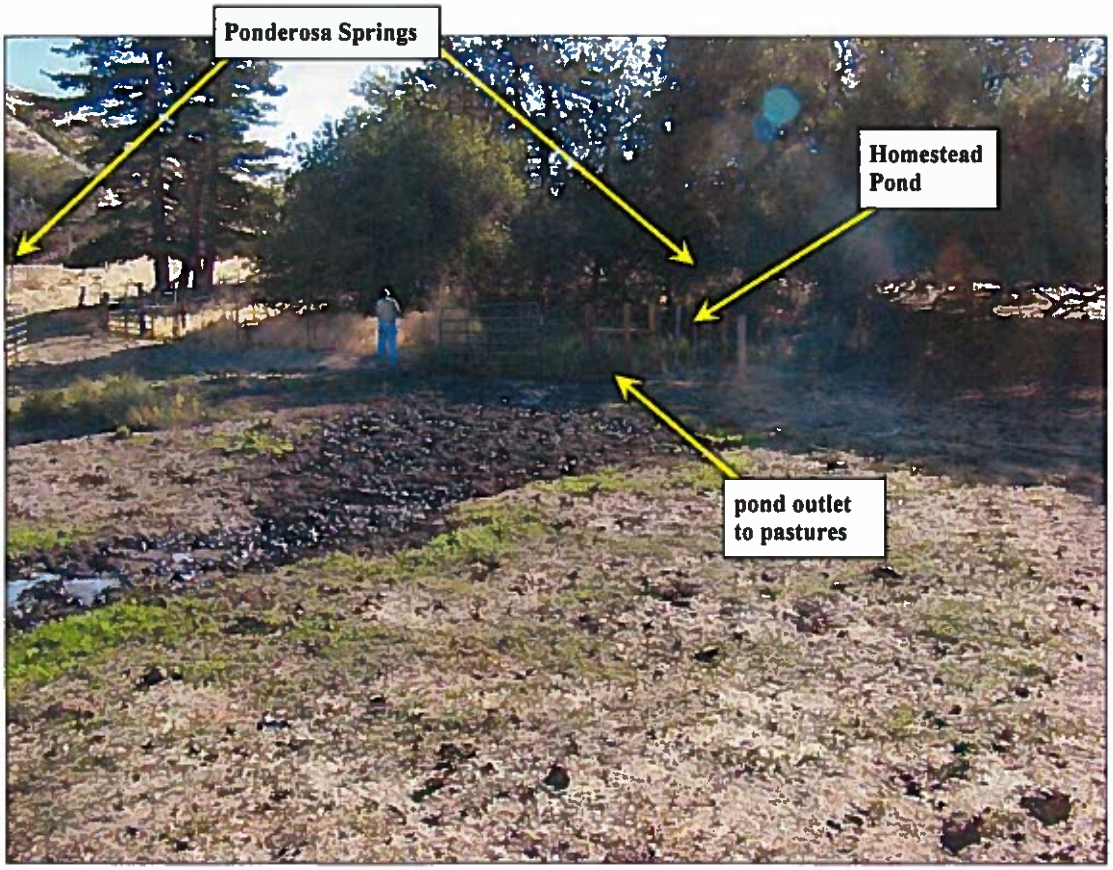
9-13-2008 photograph looks northwest across Homestead Pond. This is a 60-foot X 45-feet pond with an estimated depth of 5-to-6 feet.



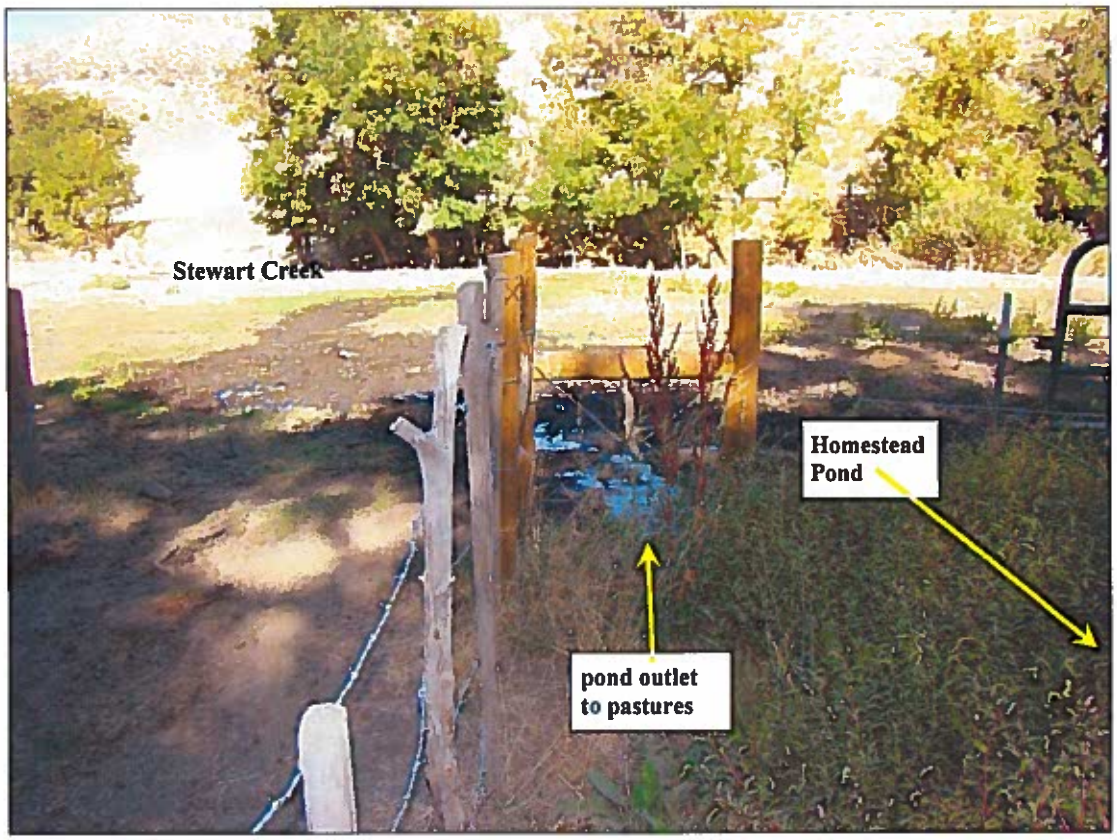
9-13-2008 photo of Ponderosa Springs looking southwest across Homestead Pond



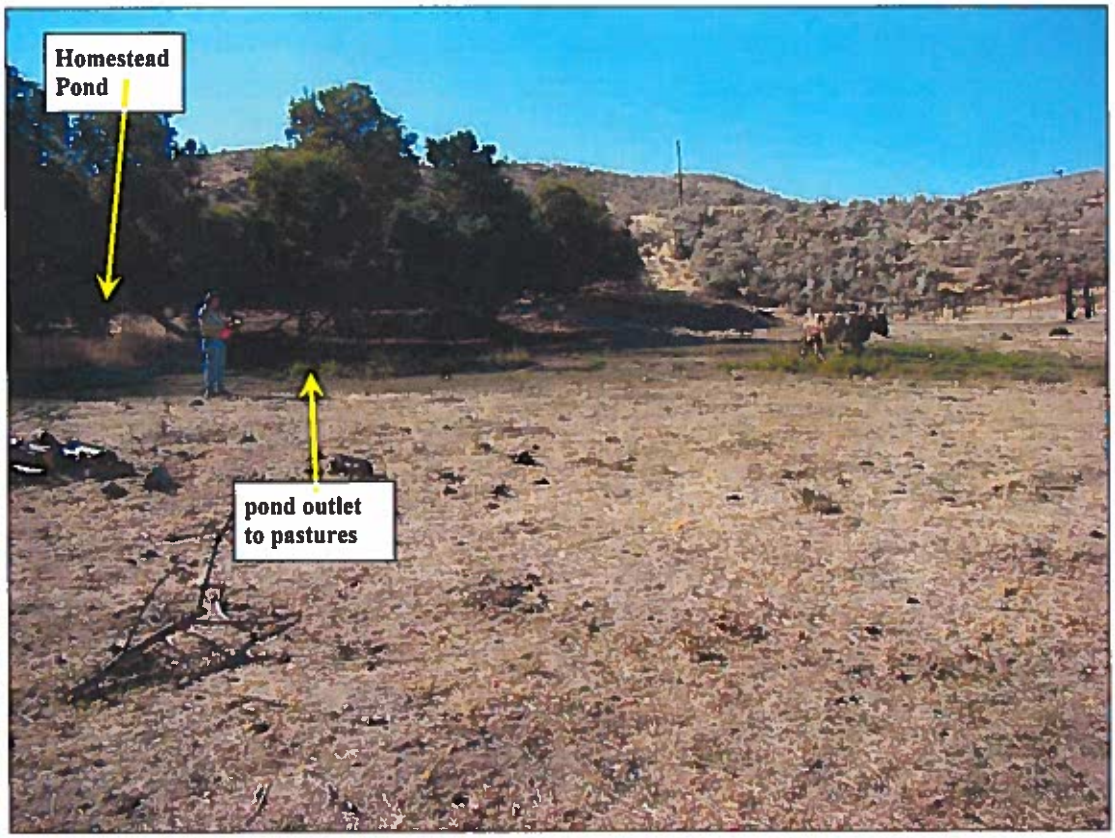
9-13-2008 view of Homestead Pond and Ponderosa Springs looking southeast. Also seen in this photo are the hoof prints of cattle that drink and graze here regularly.



9-13-2008 looking east



9-13-2008



9-13-2008



9-13-2008 North Ponderosa Spring. A 1 ½-inch galvanized pipe (inside a 2" pipe) feeds a 6-foot diameter galvanized steel tank at approximately 2 gpm. Overflow runs through field and discharges into Stewart Gulch Creek about 75 feet away.



9-13-2008 Old abandoned previous rusted out 18-inch diameter spring box culvert and old foundation concrete slabs.



9-13-2008 Current North Ponderosa Spring Box. This is a 36-inch perforated corrugated culvert 3 feet deep with about two feet of water inside. Water level is ~ 9-inches below land surface.



9-13-2008 North Ponderosa Spring Box cover is sheet metal street sign weighted with rock. Previous perforated diversion box (18") is nearby.



9-13-2008 Ponderosa Field diversion works.



9-13-2008 Ponderosa Field diversion works and North Ponderosa Ditch.



9-13-2008 Northside Drop-Out Diversion (dry).



9-13-2008 Northside Drop-Out Diversion (dry).



9-13-2008 Northside Drop-Out Diversion (dry).



9-13-2008 Northside Drop-Out Diversion (dry).



9-13-2008 Northside Drop-Out Diversion (dry).



9-13-2008 Northside Drop-Out Diversion (dry).



9-13-2008 Northside Splitter Box dry (see dimensions and descriptions in previous photos).



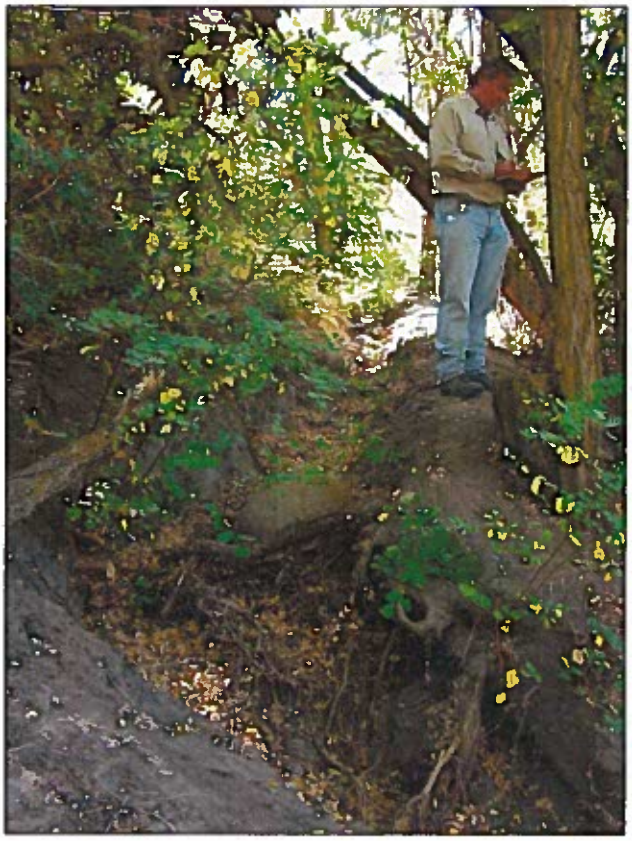
9-13-2008



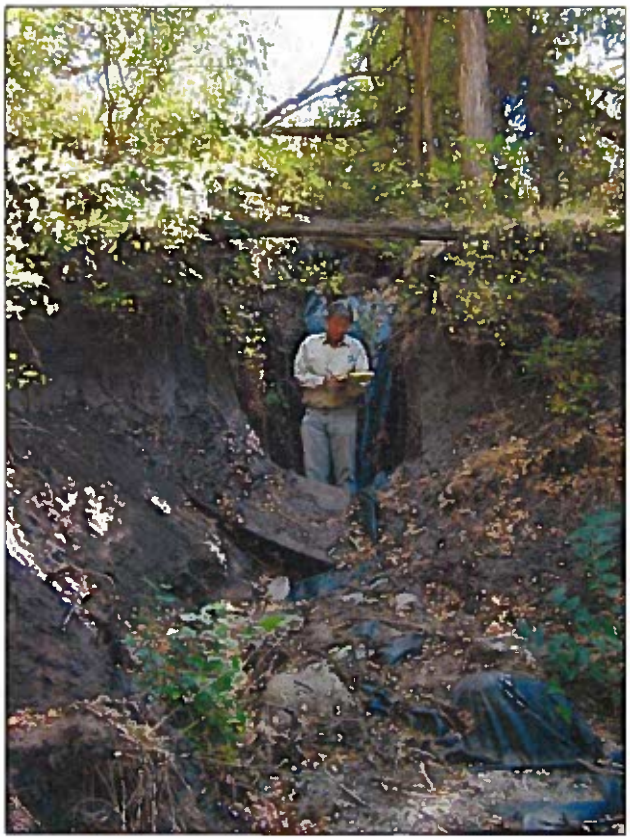
9-13-2008 Northside Splitter Box and the start of the North Highline Pipe/Ditch.



9-13-2008 Piped portion of North Highline Ditch.



9-13-2008 North Highline Ditch.



9-13-2008 Section of North Highline Ditch washed out in high water event.



9-13-2008 North Highline Ditch concrete/steel diversion weir and grate.



9-13-2008 North Highline Ditch below washout.



9-13-2008



9-13-2008 12-inch concrete pipe below grate is buried below the Horseshoe Pond to diver water past pond.



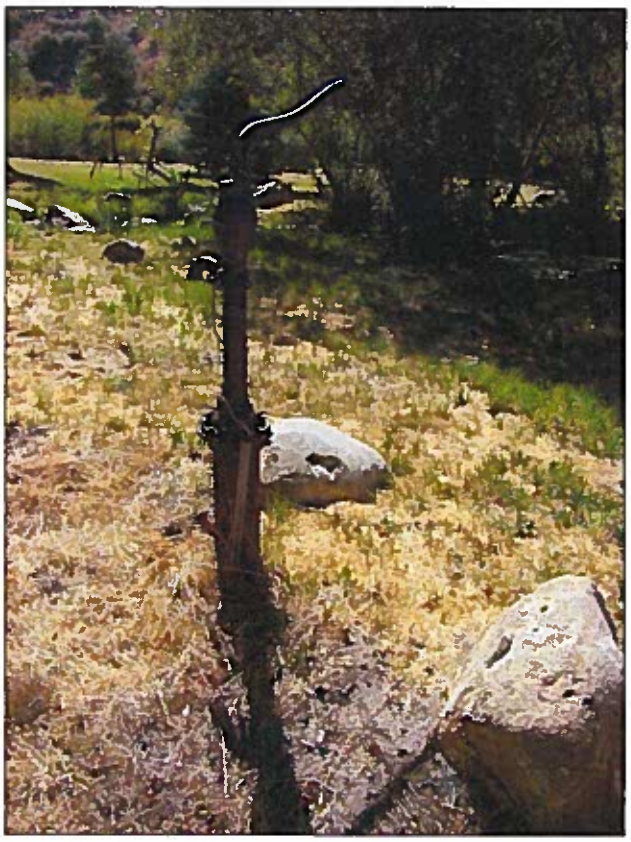
9-13-2008



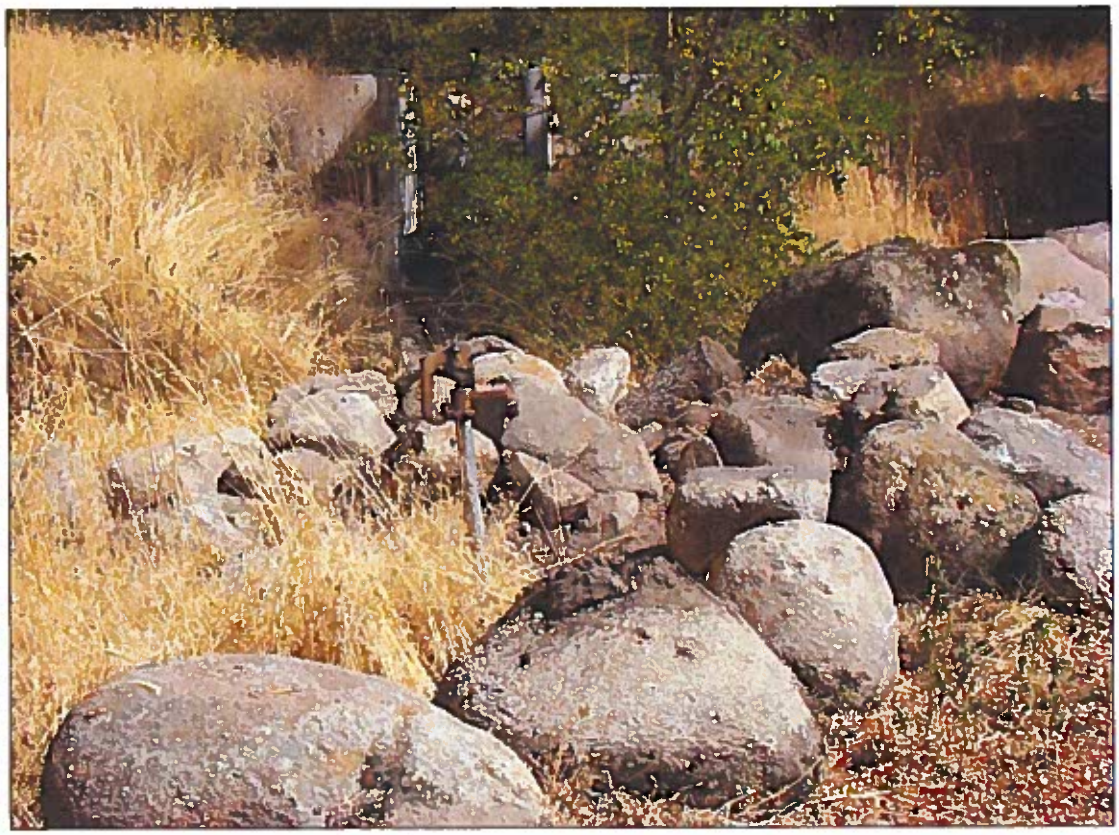
9-13-2008 Horseshoe Pond weir and outlet with rising stem gate.



9-13-2008 – 6-inch diameter well equipped with hand pump at 7000 Bogus Basin Road. Electrical line runs to well also.



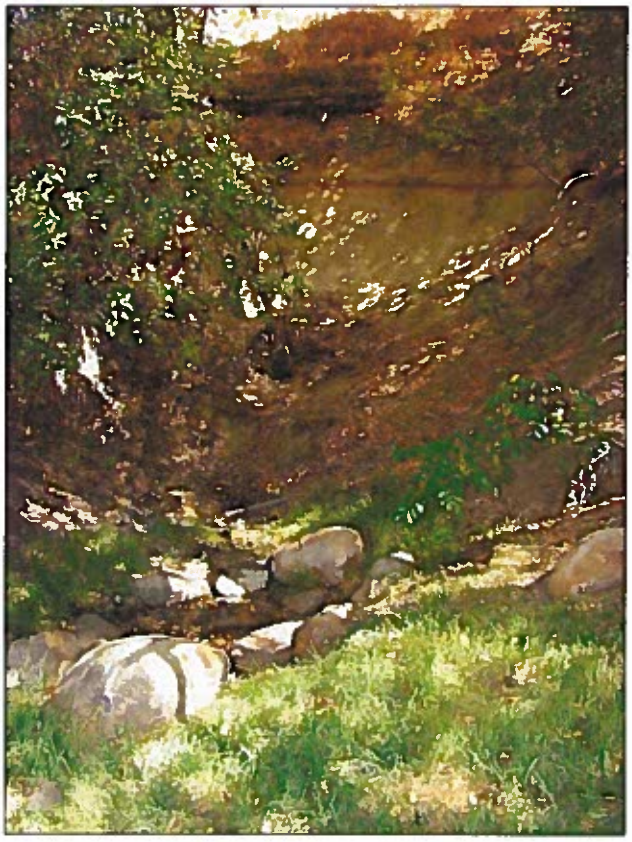
9-13-2008



9-13-2008 from 6-inch well yields ~ 20 gpm.



9-13-2008 Hand pump yields 3-to-5- gpm.



9-13-2008 7000 Bogus Springs source at base (and from grotto under) sandstone cliff.



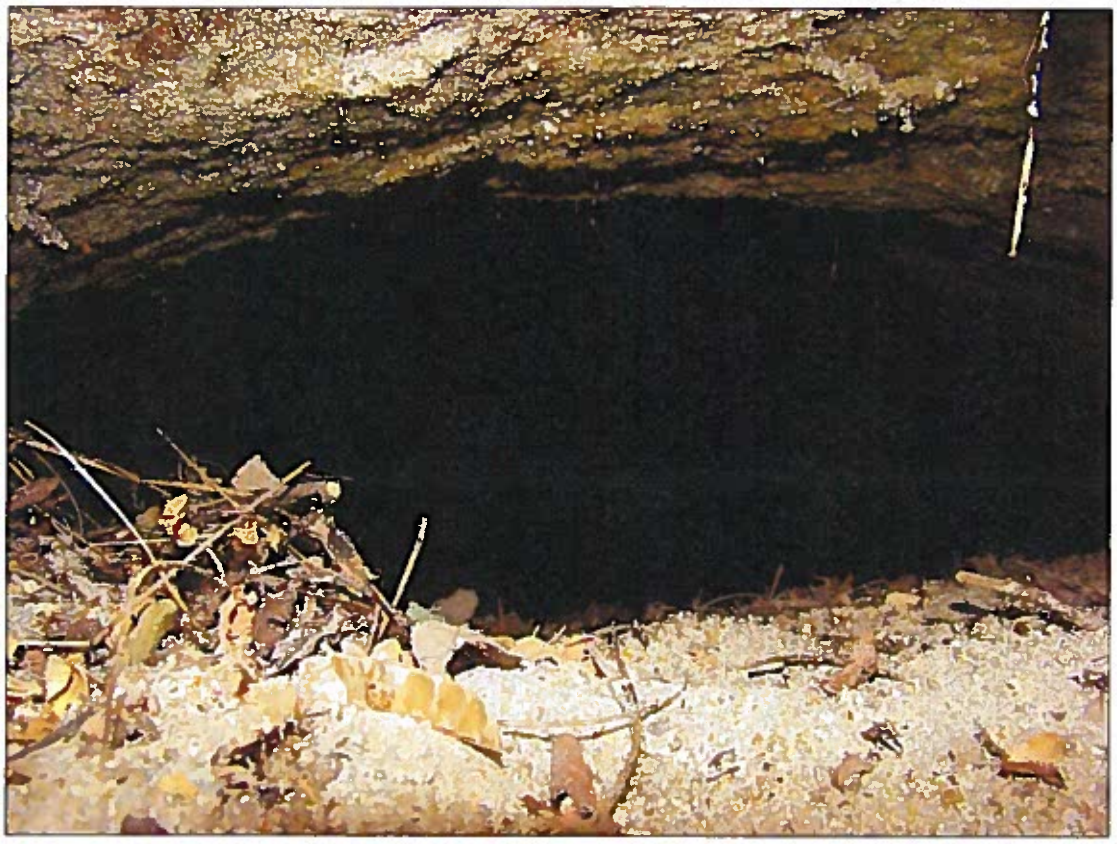
9-13-2008 Old well cover?



9-13-2008 7000 Bogus springs form stream to ponds.



9-13-2008 subterranean flooded grotto under sandstone cliff and source of springs.



9-13-2008



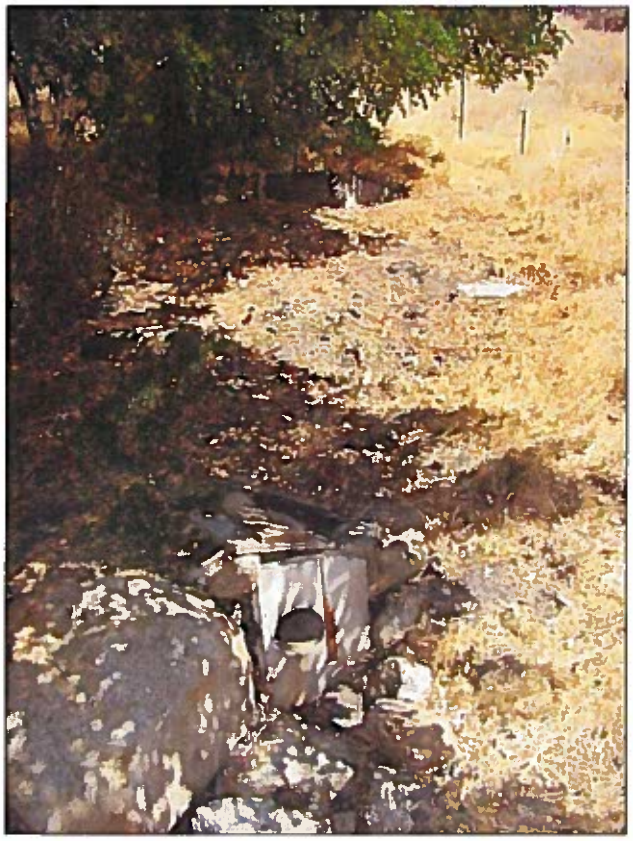
9-13-2008



9-13-2008



9-13-2008 - 7000 Bogus Ditch.



9-13-2008 - 7000 Bogus Ditch.



9-13-2008 - 7000 Bogus Ditch.



9-13-2008



9-13-2008



9-13-2008 - 7000 Bogus Pond.



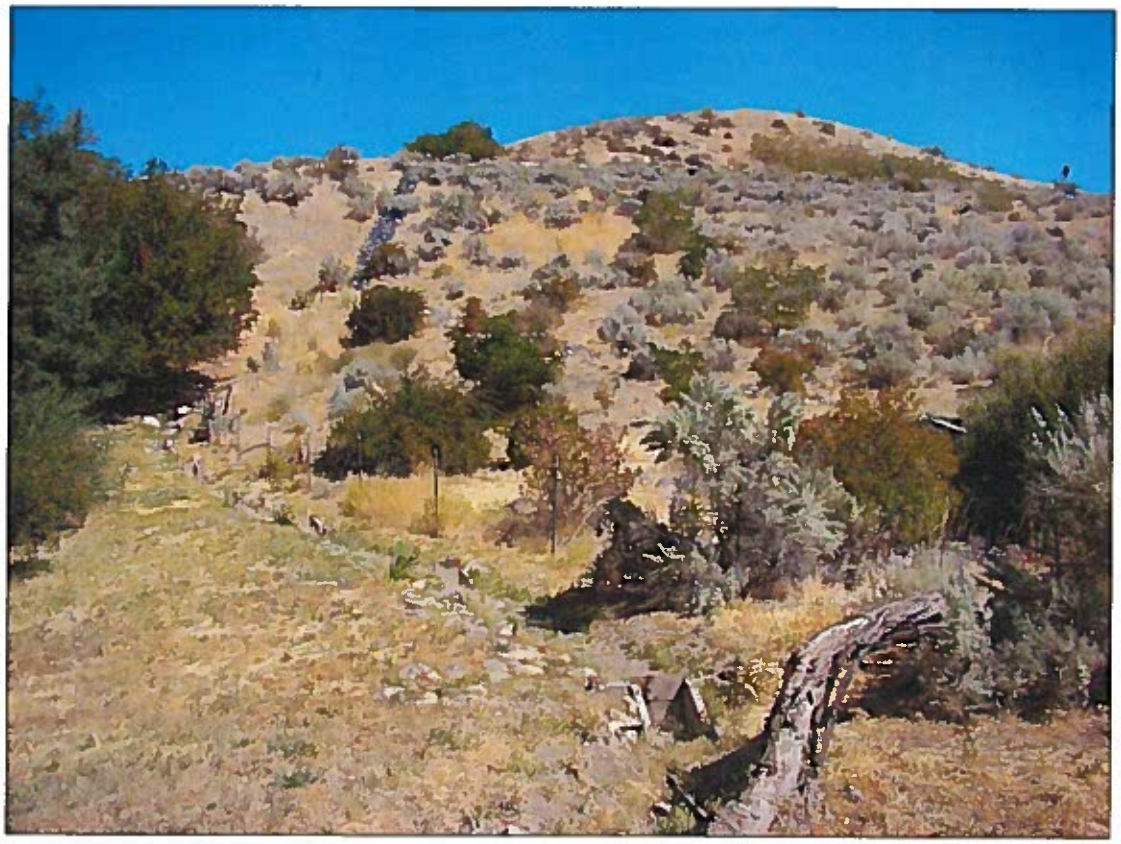
9-13-2008 - 7000 Bogus Pond.



9-13-2008 - 7000 Bogus Ponds.



9-13-2008 - 7000 Bogus Ditch.



9-13-2008 - 7000 Bogus Ditch.



9-13-2008 – 6-inch domestic/irrigation well at 70000 Bogus Basin Road w/ frost-free spigot.



9-13-2008 springs in bed of Stewart Gulch Creek.



9-13-2008 springs in bed of Stewart Gulch Creek.



9-13-2008 springs in bed of Stewart Gulch Creek.



9-13-2008 Stewart Creek Spring Box. This is a concrete box 18" X 24" and full of water.



9-13-2008 Stewart Creek Spring Box at base of Sandstone Cliff.



9-13-2008 Sandstone Cliff Diversion (POD #4) directly off of Stewart Gulch Creek under gravity head.



9-13-2008 Sandstone Cliff Diversion (POD #4) directly off of Stewart Gulch Creek.



9-13-2008 Sandstone Cliff Diversion (POD #4) directly off of Stewart Gulch Creek.



9-13-2008 First concrete weir and slide gate on Sandstone Cliff Ditch directly off of Stewart Gulch Creek



9-13-2008 Sandstone Cliff Ditch.



9-13-2008 Head of the Sandstone Cliff Field.



9-13-2008 Sandstone Cliff Ditch concrete weir.



9-13-2008 Sandstone Cliff Ditch and Field.



9-13-2008 Sandstone Cliff Ditch diversion.



SADFGAS
DGFASD

9-13-2008 Sandstone Cliff Ditch concrete weir.



9-13-2008 Sandstone Cliff Ditch concrete weir and washed out ditch.



9-13-2008 Sandstone Cliff Ditch culvert.



9-13-2008 Washed out Sandstone Cliff Ditch.



9-13-2008 Sandstone Cliff Field along Stewart Gulch Creek looking west.



9-13-2008 Northside Splitter Pipeline discharge back to Stewart Gulch Creek below hydropower station.



9-13-2008 Hydropower concrete vault #2 is 4-ft X 4-ft X 4 ft deep.



9-13-2008



9-13-2008 Hydropower concrete vault #1 is 5-ft X 8-ft X 4 ft deep.



9-13-2008



9-13-2008

Hydro Logic, Inc.
Boise, ID

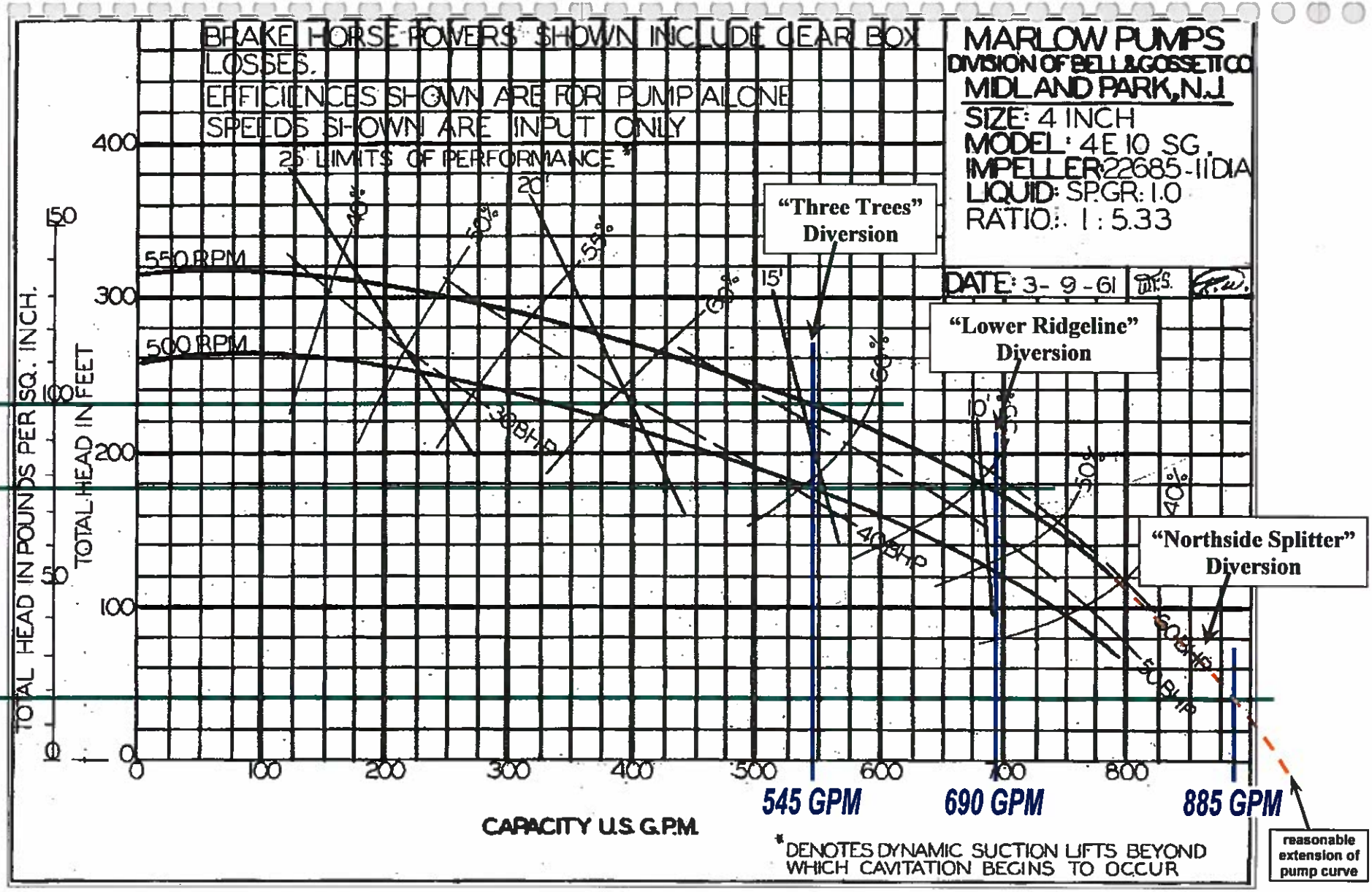


Figure 2.

Figure 2. This pump curve shows the theoretical capability (head in feet/PSI and flow in gallons-per-minute) of the Stewart Creek Pumping Station (*POD #2*), Marlow 4E10SG (circa 1961), PTO driven, pumping plant. The unmodified pump-curve was acquired from Bill Dryer of Marlow Pumps (now owned by ITT) in Morton Grove, Illinois. Shown with blue/green lines and blue/green text are the calculated flow rates attainable at each of the three discharge locations on the Terteling Ranch that can be served from the existing Stewart Creek Pumping Station (*POD #2*): 1) Three Trees Diversion (Upper Ridgeline, South Highline, and East/West Terteling "T") at 545 gallons/minute. 2) "Lower Ridgeline" Diversion (Lower Ridgeline Ditch, North/South Ponderosa Ditches, and Homestead Pasture) at 690 gallons/minute. 3) "Northside Splitter" Diversion (7000 Bogus Ditch, North Highline Ditch, and Horseshoe Reservoir) at 885 gallons/minute. Total dynamic head at the flow rates shown is the sum of elevation head and head-loss due to pipe friction. Calculations for friction loss were calculated using standard Reynolds values for 4-inch C900 PVC (to Three Trees and Lower Ridgeline) and 6-inch steel pipe (Northside Splitter). HLI analysis 6-9-2001.

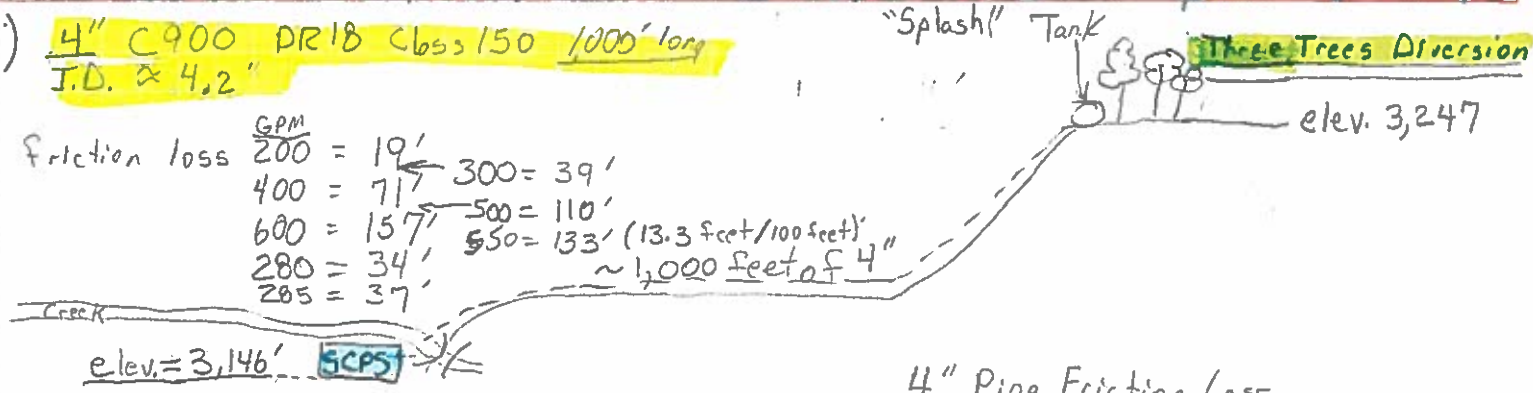
Terteling Ranch — CALCULATIONS AND DESIGN DATA — PREPARED BY L. Pearson

SUBJECT Stewart Creek Pumping Station (SCPS) — DATE 6-4-2010

Head Loss and Nominal Flow Calculations for Marlow 4E10SG Pump — SHEET 1 OF 4

1) 4" C900 DR18 Class 150 1000' long
I.D. ≈ 4.2"

Friction loss (GPM)
200 = 19'
400 = 71'
600 = 157'
280 = 34'
285 = 37'
300 = 39'
500 = 110'
550 = 133' (13.3 feet/100 feet)



4" Pipe Friction Loss
(~13 feet/100 feet) * 1,000 feet = 1

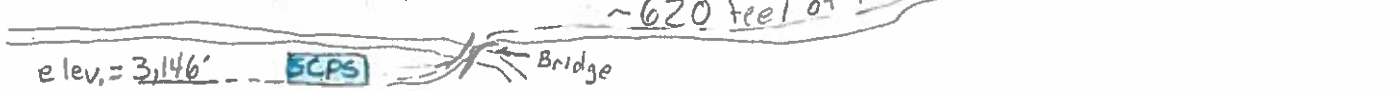
Total Head { Elevation Head = 101'
Friction Head = 130
231' } using pump curve ≈ 545 gpm with 12" 4E1 pump

---

2) 4" C900 x 620'

Lower Ridgeline Diversion

Friction loss (GPM)
800 = 171' (27.6' per 100' of pipe)
700 = 132' (21.3' " " " ")
690 = 128' (20.6' " " " ")



Total Head { Elevation Head = 50'
Friction Head = 128
178' } ≈ 690 gpm with 12" 4E1 pump

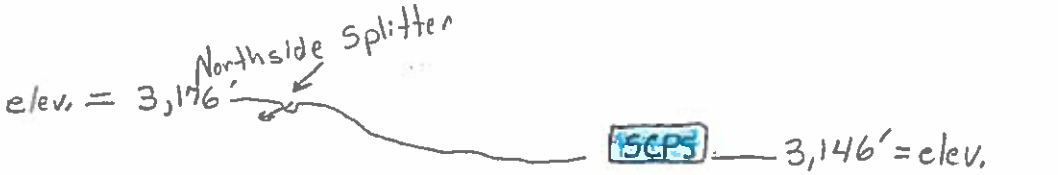
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3) 6" x 200' @ 850 gpm

Northside Splitter Diversion

Output of pump at 0' head > 900 gpm

Total Head { Elevation Head = 30'
Friction Head = 9
39' } greater than 850 gpm with 12" 4E1 pump



Straight Line Loss Calculation Results

Pressure Loss (psi): 56.409 **Head Loss (ft):** 130.304

Job Number: Three Trees Tank (1)
Client: T-SW
Date:
Line Number:
Fluid:
Pipe/Tubing ID (in): 4.2
Flow Rate (gpm): 545
Viscosity (cP): 1
Specific Gravity (water=1): 1
Temperature (F): 50
Pipe Roughness (ft): 0.00021
Fluid Velocity (ft/sec): 12.63
Reynolds Number: 410383
Flow Region: Turbulent
Friction Factor: 0.018
Piping Length (ft): 1000
Pressure Loss (psi): 56.409
Head Loss (ft): 130.304
Iterations: 3

Straight Line Loss Calculation Results

Pressure Loss (psi): 55.458 **Head Loss (ft):** 128.108

Job Number: Lower Ridgeline (2)
Client: T-SW
Date:
Line Number:
Fluid:
Pipe/Tubing ID (in): 4.2
Flow Rate (gpm): 690
Viscosity (cP): 1
Specific Gravity (water=1): 1
Temperature (F): 50
Pipe Roughness (ft): 0.00021
Fluid Velocity (ft/sec): 15.99
Reynolds Number: 519567
Flow Region: Turbulent
Friction Factor: 0.018
Piping Length (ft): 620
Pressure Loss (psi): 55.458
Head Loss (ft): 128.108
Iterations: 3

Straight Line Loss Calculation Results

Pressure Loss (psi): 4.107 **Head Loss (ft):** 9.486

Job Number: Northside Splitter (3)
Client: T-SW
Date:
Line Number:
Fluid:
Pipe/Tubing ID (in): 6.0
Flow Rate (gpm): 850
Viscosity (cP): 1
Specific Gravity (water=1): 1
Temperature (F): 50
Pipe Roughness (ft): 0.00015
Fluid Velocity (ft/sec): 9.65
Reynolds Number: 448033
Flow Region: Turbulent
Friction Factor: 0.016
Piping Length (ft): 200
Pressure Loss (psi): 4.107
Head Loss (ft): 9.486
Iterations: 3

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31058

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

SOURCE: SPRING — TRIBUTARY: STEWART CREEK
STEWART CREEK — TRIBUTARY: BOISE RIVER

QUANTITY: 1.000 CFS

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

PRIORITY DATE: 01/01/1945

POINT OF DIVERSION:

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SWSE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DIVERSION TO STORAGE	01/01 12/31	1.000 CFS
STOCKWATER STORAGE	01/01 12/31	2.00 AFY
IRRIGATION	03/15 11/15	0.320 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S14	SWSW	9.80	T04N R02E S14	SESW	5.00
T04N R02E S15	SESE	1.00			

STOCKWATER same as IRRIGATION

15.8 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 300 head of range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V2

WATER RIGHT NUMBER: 63-31058 V2

Owner Type	Name and Address
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	THE TERTELING CO INC 3858 GARDEN CENTER WAY STE 300 BOISE, ID 83703 (208)338-5200

Priority Date: 01/01/1945

Basis: Beneficial Use

Status: Active

Source	Tributary
SPRING	STEWART CREEK
STEWART CREEK	BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
DIVERSION TO STORAGE	01/01	01/01	1.000 CFS	
STOCKWATER STORAGE	01/01	12/31		2.00 AF
IRRIGATION	03/15	11/15	0.320 CFS	
STOCKWATER	01/01	12/31	0.040 CFS	
		Total Diversion:	1.000 CFS	

Location of Point(s) of Diversion

SPRING ADA County	SE1/4SW1/4	Sec. 14,	Twp 04N, Rge 02E, B.M.
STEWART CREEK ADA County	SE1/4SW1/4	Sec. 14,	Twp 04N, Rge 02E, B.M.
SPRING ADA County	SE1/4SW1/4	Sec. 14,	Twp 04N, Rge 02E, B.M.
STEWART CREEK ADA County	SW1/4SE1/4	Sec. 14,	Twp 04N, Rge 02E, B.M.

Place of Use

IRRIGATION Within ADA County

T04N R02E S14	SWSW	9.8	T04N R02E S14	SESW	5.0
T04N R02E S15	SESE	1.0			

Total Acres: 15.8

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V2

Conditions of Approval:

1. 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.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. N12 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. X01 Stockwater use is for 300 head of range cattle.

Remarks:

Comments:

1. vmusic 6/9/2010 amended recommendation
Comment: advanced priority date due to Booth v Smith decree and Joe Ts affidavit, deleted wildlife and aesthetic uses based on Joe Ts affidavit and SRBA rulings. Deleted 2 acres around the house.

2. jshurte 3/2/2011 Amended Dir Rept
Comment: Due to an error found by SM Booth concerning the total showing 1.0 cfs with the elements of the right adding up to .36 cfs (irrigation - .32 cfs and stockwater - .04 cfs). There is also stockwater storage for 2.0 af. In determining why a total of 1.0 cfs was leftit was determined from information in an email dated 6/4/2010 that the Northside splitter diversion pump (which has a pump curve and calculations submitted by Ed Squires)) does divert 1.0 cfs into the pond when the spring cannot keep the pond full. See email in file. The ditch then comes from the Horseshoe pond and is used for stockwater and irrigation. An Amended Directors Report is being submitted showing Diversion to Storage for the 1.0 cfs and correct the recommendation. See email from Charlie Honsinger, attorney for the water right holder dated 3/2/11.

Water Supply Bank:

Shurte, Jan

From: Charlie Honsinger [clh@ringertlaw.com]
Sent: Wednesday, March 02, 2011 11:25 AM
To: Shurte, Jan; Special Master Ted Booth
Subject: Recommendation for water right no. 63-31058

Ted and Jan:

This electronic mail message will document the issue with the recommendation of water right no. 63-31058 discovered by Ted during his review, and how we have agreed to resolve the same.

1. Water right no. 63-31058 was claimed and recommended with a 1.0 cfs total diversion rate. No objections to the recommendation were filed.
2. The component pieces of the recommended diversion rate do not add up to total 1.0 cfs (in fact they total .36 cfs).
3. The original claim included a 1.0 cfs diversion rate for both wildlife and aesthetic purposes.
4. Justification for a recommended diversion rate of 1.0 cfs exists in IDWR's files.
5. IDWR can not recommend wildlife and aesthetic uses with a priority date of 1/1/1945 – that priority which is currently recommended.
6. However, because the original water right claim specified a 1.0 cfs diversion rate, and specified that diversion rate for a "storage purpose" , IDWR is willing to issue an amended recommendation with a 1.0 cfs "diversion to storage" purpose of use.
7. The Amended Directors report will appear on the Docket Sheet. If no objection is filed, a Special Master Recommendation will be issued.

This is my understanding of the resolution to this issue. Please let me know immediately if either of you disagree. Thanks for your attention, and thanks for catching this Ted!

Charlie

Charles L. Honsinger
Ringert Law, Chartered
P.O. Box 2773
455 S. Third Ave.
Boise, ID 83701
Phone: (208)342-4591
Fax: (208)342-4657
e-mail: clh@ringertlaw.com

Shurte, Jan

From: Ed Squires [ed@hydrologicinc.net]
Sent: Friday, June 04, 2010 12:49 PM
To: Music, Vicky; ajt@tertco.com; Charlie Honsinger
Cc: Shurte, Jan; Spencer, Nick; Williams, Ray; Joe L. Terteling
Subject: 6-4-2010 RE: TTCI Water Rights Nos. 63-31058 and 63-33148

Hydro Logic, Inc.
1002 W. Franklin St. Boise, ID 83702 (208) 342-8369 Fax: (208) 342-3100 Cell: (208) 631-6781

Vicky,

You are mostly correct with the following clarifications:

Two ponds are able to be kept full by the springs with the exception of one (lowest, smallest, and closest to the creek) pond which cannot be kept full by the springs and requires periodic filling using either the Northside Splitter Diversion (gravity at ~25-to-30 gpm) and/or the ditch pump at its rated capacity. Therefore, I would suggest we leave the diversion rate to storage as it is even though it is a small use.

The springs flow varies somewhat with season, and all of the flow may not be visible as some flows appear to be directly into the ponds from below. The overland flow I have observed is never more than a few tens of gpm so you are correcty that those flow rates are relatively small.

Although I did use the ditch pump capacity as a guide for the requested diversion rate, I also took into consideration the other diversions which can divert up to that amount as well. I will present my calculations on the pump capacity and other diversion works with the site photographs and revised map on Monday as promised.

I think postponing the field visit was a good call because it was going to be highly unlikely that water would have been being diverted in this rainy cool weather and it is always best to see the actual water flowing. The new proposed date should allow for things to warm up and still early enough (this year) for the water to still be available. Also, we would not have been able to drive to several of the sites due to mud and walking would have been more time consuming and messy too.

Ed

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Friday, June 04, 2010 10:23 AM
To: ajt@tertco.com; Charlie Honsinger; Ed Squires
Cc: Shurte, Jan; Spencer, Nick; Williams, Ray
Subject: 63-31058, 63-33148

Good morning –

Upon review of my notes of our meeting yesterday, I see that the ponds for which storage is claimed are spring-fed. Hence, the 1 cfs for diversion to storage, which I believe Ed calculated from the pump located at the pump station, is inaccurate because:

1- The pump station is located on the creek; the theoretical calculation of 1 cfs based on the pump capacity of 500-600gpm and has no relationship to the diversion to storage

2- The flow from the springs is certainly not 1 cfs

Is that an accurate summary? If so, we need a more reasonable div rate for diversion to storage. An mad claim won't be needed. I will just reduce the quantity. What do you think is reasonable?

FYI - Jan, Ed and I will be doing the site visit on June 16 due to the weather.

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

SW¼ of the SW¼

SE¼ of the SW¼

SE¼ of the SW¼

SW¼ of the SE¼

"Ponderosa" Reservoir

Ponderosa Springs

Homestead Pond

~2.4 acres

~2.3 acres

"SS Cliffs" Ditch with Slide-Gate Diversions

Previous Dam Locations

Hydropower Station

Spring Box

Springs in Creekbed

"Horsehoe" Reservoir with Earth/Concrete Dam

Concrete/Steel Diversion

Bogus Basin Rd.

"Lower Ridgeline" Ditch

"SS Cliffs" Diversion

Dam

"North Highline" Ditch

Domestic 6" Steel-Cased Well

6" Steel-Cased Well with Operational Hand Pump

~1.4 acres

~1.2 acres

"7000 "Bogus Spring(s)

~4.9 acres

"Ridgeline" Ditch

Three Trees Pipeline

Pumping Station

Secondary "Northside Drop-out" Diversion

3 Ponds

"7000 "Bogus Ditch with Slide-Gate Diversions

Primary "Northside Drop-out" Diversion

T4N R2E Sec. 15

T4N R2E Sec. 14

T4N R2E Sec. 22

T4N R2E Sec. 23

"Stock" Dam (3 take-outs)

"Highline" Ditch

"Three Trees Diversion" and 1,000 Gallon Storage Tank

Inlet to Northside Drop-out Diversion

"Lower" Ditch

"Highline" Ditch

Ditch

Bogus Basin Rd.

KEY

- Ditch in Use (GPS located)
- Ditch in Use (not GPS located)
- Abandoned Ditch
- Pond Boundaries
- Buried Pipeline
- Springs and Wells
- Fences and Diversion Structures
- light shaded areas — Irrigated Acreages (current)

N

500 FEET

1 inch = ~208 feet

Mapping by Hydro Logic, Inc.
Boise, Idaho
Aerial Imagery from Google Earth Pro
(Aerial Photos take June 25, 2008)

Terteling - 7000 Bogus

Surface Water Location Map

T. 4 N. R. 2 E. Sec. 14

6/8/10 -- Ed Gallires made mark

SRBA
DIRECTORS REPORT 63-31058

SEE ALSO 63-33148

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-31058

****
* *
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
* *
****

Name and Address: 1HE TERTELING CO INC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

Source: SPRING Tributary: STEWART CREEK
STEWART CREEK Tributary: BOISE RIVER

Quantity: 1.00 CFS

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

Priority Date: 01-01-1945

Diversion Point: T04N R02E S14 SESW Within Ada County
SESW
SWSW
SWSE

Purpose and Period of Use:

Purpose of Use	Period of Use	Quantity
Stockwater Storage	01-01 TO 12-31	2.00 AFY
Irrigation	03-15 TO 11-15	.32 CFS
Stockwater	01-01 TO 12-31	.04 CFS

Place of Use: Irrigation Within Ada County
T04N R02E S14 SWSW 9.8 SESW 5
S15 SESE 1
15.8 Acres Total

Municipal Within Ada County
S01

Stockwater
Same as Other Use

Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

Stockwater use is for 300 head of range cattle.

Return to SRBA Home Page

MEMORANDUM

To: John Beal September 19, 1988

From: Paul Castelin PMC

Subject: Field inspection of J.L. Terteling wells

I made a field visit to the Terteling property on 9/16/88 with the express purpose of determining whether the wells on the property were capable of depth to water measurement and to determine where and how flow meters and temperature probes should be installed. I was accompanied by Roy, the senior maintenance man for the property.

Pool well - this well is equipped with a 5-h.p. motor and an Aurora vertical lineshaft pump. It's used to supply warm water to the swimming pool and to the house for space heating. After the pool is filled, virtually all the flow of the pump is diverted to the house, with the return water cycled back to the pool, and then to a drain which eventually discharges to Sand Creek. Due to a very complex valving and plumbing arrangement immediately downstream of the pump base, the only decent location for a flow meter without extensive replumbing is on the 2" PVC house line.

Since the house line carries all the flow once the pool is filled, all that needs to be done to calculate total discharge is to determine the capacity of the pool, then add the metered flow to the house. The capacity of the pool to the level of the drains amounts to about 76,698 gallons. Roy indicated that it took about 24 hours to fill the pool, which would require a discharge of about 53 gpm, which seems to be reasonable for the pump and motor. Water from the well measured 44° C. (111° F.). An attempt to measure water level in the well failed when the probe hung up and eventually broke, leaving about 80 feet of cable in the well. Mr. Terteling will be notified of the cable, so that it can be removed the next time the pump is pulled for maintenance.

Lower irrigation well - Water level in this well could be measured through a space between the pump base and the top of the casing on the south side of the well. Water level was found to be about 82.57 feet below land surface at 1130 MST. Roy indicated that this well is very infrequently used, that the upper irrigation well was capable of supplying the needs of the farmer leasing the land. This well is incapable of being equipped with a flow meter, due to the branching of pipes and valving immediately downstream of the discharge head of the pump. I would suggest that we require an appropriate access port for water level measurement and appropriate flow meter piping and valving be installed as the well is modified or maintained in future. As it is, periodic water level measurements by the owner is about all that we can reasonably require on this well at this

time; however, in the event that the well is put into more consistent production in the future, we should be notified, so that required monitoring can be done.

Upper irrigation well - This well is doubly-completed, in that it has two casing strings, one (8-inch diameter) obtaining water from a cooler, shallower aquifer system, the other (14-inch diameter) from the deeper, warmer thermal aquifer system. The casing strings are not concentric, but were placed side-by-side in an oversized hole drilled to the completion depth of the shallower well. I confirmed this with a telephone call to the driller, Pete Cope. At the time of this visit only the cooler well was being pumped, flow rate unknown, with a temperature of 73.0° F.

Access to the smaller casing was impossible without an access hole being drilled either through the steel plate supporting the pump column or through the casing wall. Access to the larger casing, however, was possible through a space between the steel plate supporting the pump column and the casing wall on the south side of the well. The static water level in the thermal well was found to be 275.50 feet below land surface at 1230 MST. It is not known whether the pumpage of the cooler well has any effect on the water level in the warmer well. Access to both wells could be obtained simply by drilling and tapping holes in the 3/4 inch steel plates supporting the pumps. This should be done in conjunction with installation of the flow meter and temperature probe.

Discharge from the two wells ultimately "Y" together into a common steel mainline, 6" in diameter. Several feet downstream of the "Y" the composition of the mainline changes to Schedule 80 PVC, in which an Annubar tap required for licensing by the Department was installed. It is in this general location that an approved flow meter be installed. A temperature thermistor installed in a thermometer well just downstream of the "Y" will provide the information we would need to know: when each well was turned on and off as well as any temperature changes with short-term pumpage or from year to year.

Summary Mr. Terteling seems to be willing to equip his wells with data loggers to monitor the parameters we are interested in. If such be the case, two data loggers would be required; one at the "pool" well, one at the upper irrigation well. Each logger would monitor flow and temperature; water levels would have to be obtained through periodic water level measurement with an electric sounder or steel tape. In addition, periodic water level measurements through an improved access on the lower irrigation well needs to be started. Notification to the Department should be required if the lower irrigation well resumes production.

Form 222
1-87

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4262

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Changes approved by: IDT
date: 2-18-93

Name of applicant Terteling Trust No. 7 Phone 208-338-5200

Post Office address 877 W. Main St., Suite 706, Boise, Idaho 83702

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

RECEIVED
FEB 4 1993
Department of Water Resources
Western Regional Office

2. Describe the reason for the proposed changes Shallower hotter Water.
See Remarks.
Well A - QQ description is clarified per Recent survey, its location is NOT physically changed.

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

1. ~~Right~~ License Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
63-07595	March 7 1973	2.0	Irrigation	3/15	to	11/15
		0.05	Stockwater	01/01	to	12/31
		0.05	Domestic	01/01	to	12/31
					to	

2. Total amount of water being transferred 2.00 cubic feet per second and/or 466.7 acre-feet per annum.

3. Source of water Groundwater tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	22	4N	2E	ADA	
		SW	NW	22	4N	2E	ADA	Existing wells
		NW	SW	22	4N	2E	ADA	
		NE	NW	22	4N	2E	ADA	Proposed well

5. Lands irrigated or place of use: NO CHANGE IN 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	21				1									8			10	19
4N	2E	22		8			11	10	27	1	3	14	3	3		4			84
4N	2E	22					[illegible]		D										
									S										
																		DEC	0 2 1993

* Corrected per license 2/9/93 -SC

Total acres 103

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Wells, Pumps, Storage Reservoir, Sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None

d. Remarks:

TCT 2-13-97

A new well in NENW 5.22 will decrease dependence on well B in NWSW 5.22. Well B is believed to be inter-related to golf course well (63-04037), but new well & other wells are thought to be less related or unrelated to golf course well (Nibler well).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

DEC 0 2

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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.

SEE ATTACHED

Attachment B = applicant's map

" C = IDWR map per applicant's 2/17/93 office visit

-SZ

DEC 02 1993

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Page 6 of 6 Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	same			_____ to _____
				_____ to _____

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

3. Describe effects on other water uses resulting from the proposed change:
none

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.

(Signature of Applicant)

Subscribed and sworn to before me this 11th day of January, 19 93.

Flinda A. Snow
(Notary Public)

My commission expires 5-7-97

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by at Date 2-4-93 Protest filed by _____

Prelim. check by SL Fee $50.00 #W015902

Receipted by KM Date 2-4-93

Published in Ld Statesman Copies of protest forwarded by _____

Pub. dates 3/4 x 3/11/93 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED
DEC 0 2 1993

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

TEF 2-18-93

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

SRBA claim 63-07595 is on file with IDWR. SEE ATTACHMENT O for details of 63-07595.

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 63-07595 issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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 attachment A. Check appropriate box below:

   ■ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority March 7, 1973

5. Water is used for the following purpose:

   amount 2.0 (cfs/ac-ft) for Irrigation purposes from 03/15 to 11/15
   amount 0.05 (cfs/ac-ft) for Stockwater purposes from 01/01 to 12/31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount 0.05 (cfs/ac-ft) for Domestic purposes from 01/01 to 12/31

* 6. Total amount of water under right 2.00 cubic feet per second and/or 466.7 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	15	4N	2E	ADA	
		SW	NW	22	4N	2E	ADA	
		NW	SW	22	4N	2E	ADA	

8. 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	21				1									8			10	19
4N	2E	22		8			11	10	27	1	3	14	3	3					84.
* 4N	2E	22							D										
									S										

DEC 02 1993

* Corrected per license - SR 2/9/93

Total acres 103

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

63-03603, 63-03604, 63-9288

PART 2

Transfer No. _____

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 TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

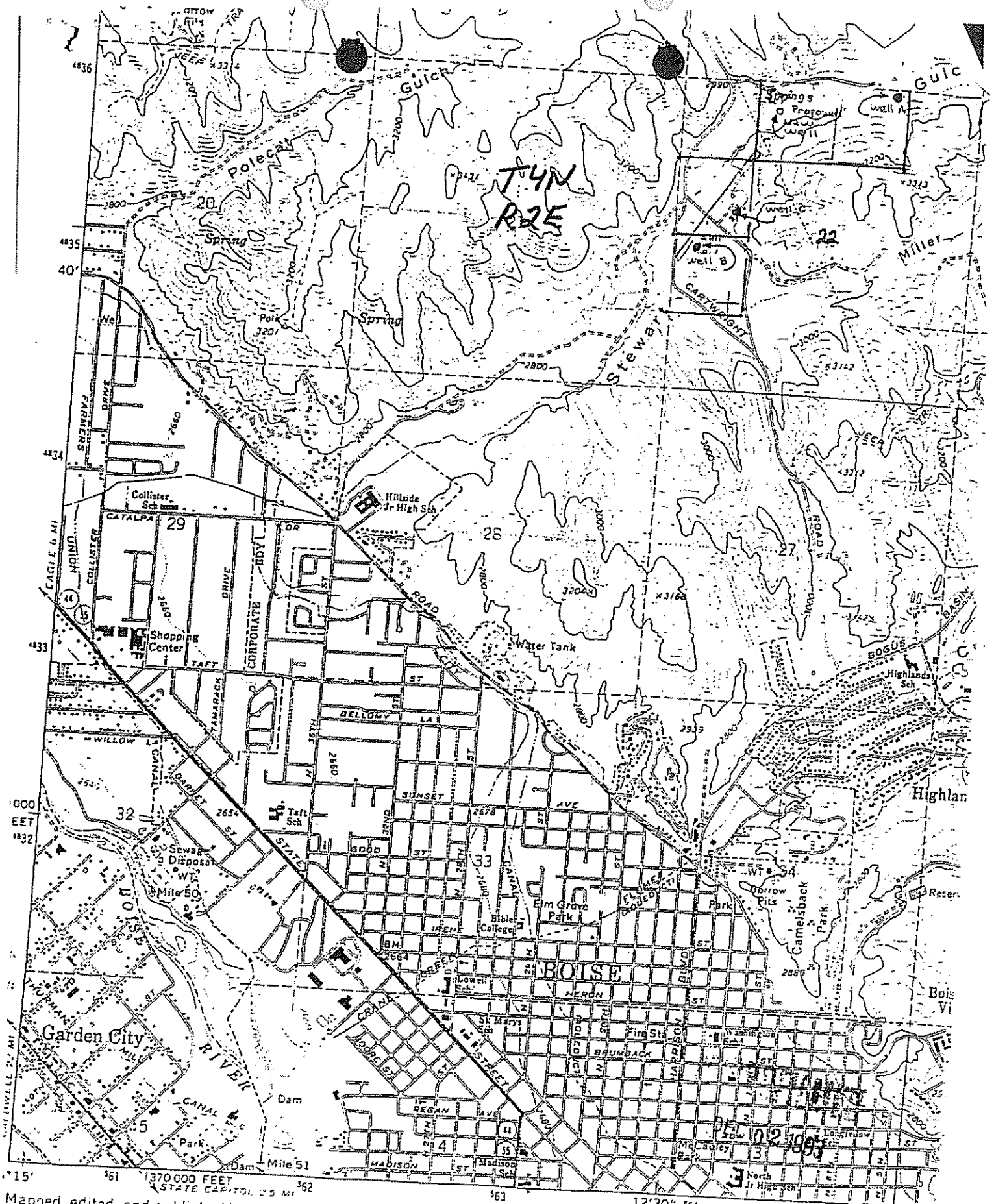
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

DEC 0 2 1993

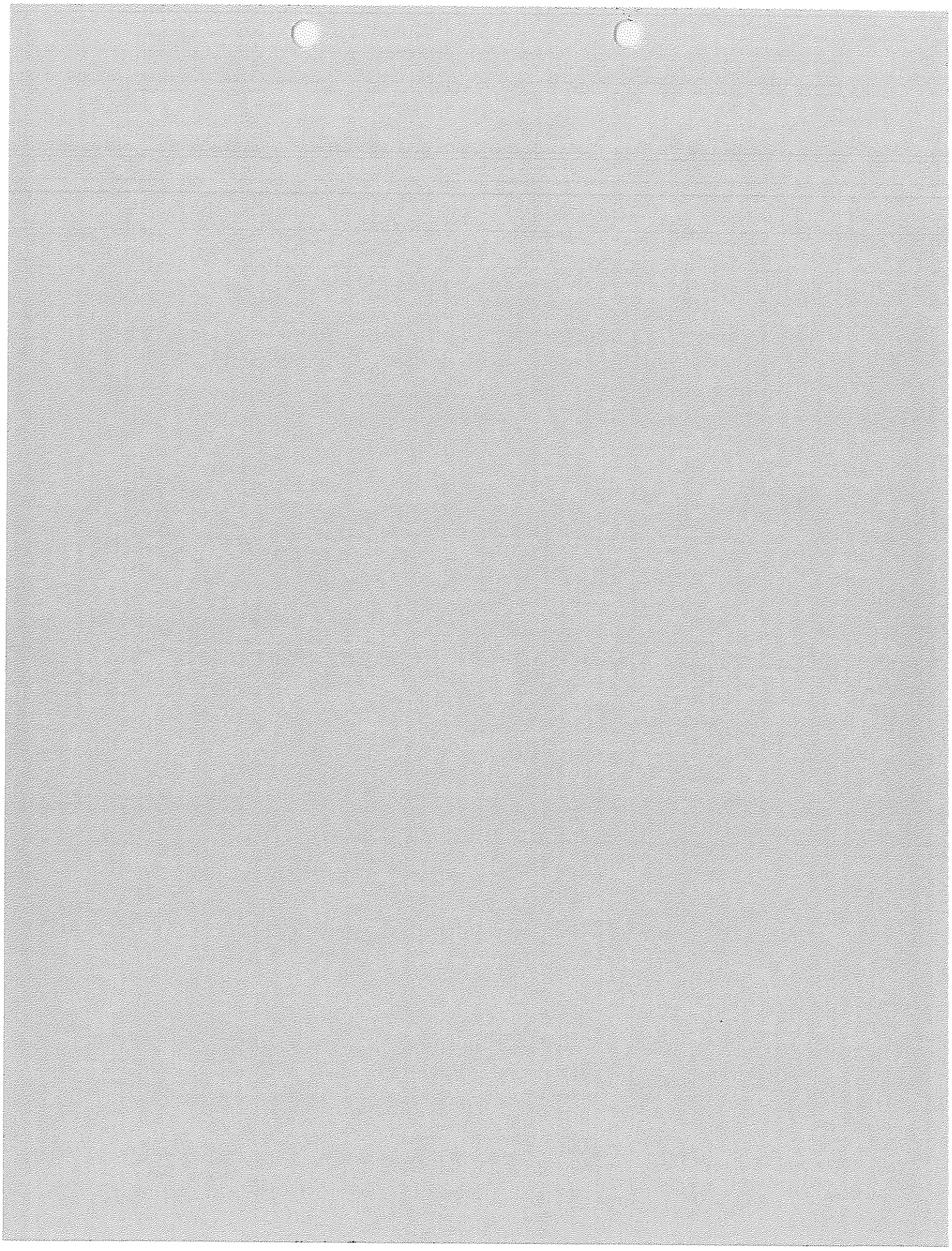
Total acres _____



Mapped, edited, and published by the Geological Survey

ATTACHMENT B

SCA



Form 222
1-87

Page 1 of 6

RECEIVED
JUL 20 1992
Department of Water Resources
Western Region

Transfer No. 3990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Terteling Trust No. 7 Phone 208-338-5200

Post Office address 877 West Main Street, Ste. 706, Boise, Idaho 83702

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 SHALLOWER PUMPING DEPTH

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-03603	4/26/1967	1.03	IRRIGATION	3/15 to 11/15
A63-03603	"	"	"	" to "
				to
				to

2. Total amount of water being transferred 1.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to BOISE RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	22	4N	2E	Ada	existing
		NW	SW	22	4N	2E	Ada	50 HP 16" well
		SW	NW	22	4N	2E	Ada	Hot water well
	SW	NE	NW	22	4N	2E	Ada	Proposed
	NW	SW	NW	22	4N	2E	Ada	Proposed
	NW	NE	NW	22	4N	2E	Ada	Proposed

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	

Total acres

MICROFILMED
OCT 27 1992

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system A well - proposed surface diameter of 16", proposed maximum well depth is 700'.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-03603

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 5th day of October, 19 92.

CHIEF, WATER ALLOC. BUREAU

OCT 27 1992

CONDITIONS OF APPROVAL
Transfer of Water Right No. 63-03603

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

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

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands described above.

6. Use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

7. Use of low temperature geothermal water for irrigation purposes is prohibited, unless the heat is first removed through another beneficial use.

8. Approval of this transfer authorizes the diversion of water from one producing well only.

Dated this 5th day of October, 1992.

L. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
OCT 27 1992

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 63-03603 (A63-03603) issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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 attachment A. Check appropriate box below:

   ☐ Tax Notice ☐ Warranty Deed ☒ Other tax assessment notice

3. Source of water groundwater tributary to _____

4. Date or priority 04/26/1967

5. Water is used for the following purpose:

   amount 1.03 (cfs/ac-ft) for Irrigation purposes from 3/15 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6. Total amount of water under right 1.03 cubic feet per second and/or 351 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	22	4N	2E	Ada	Artesian
		NW	SW	22	4N	2E	Ada	50 hp 16" well
		SW	NW	22	4N	2E	Ada	Hot water well

8. 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	22					3	5	3		20	22		12		13			78

MICROFILMED

Total acres 78

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

PART 2

Transfer No. _____

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 TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion: ALL OR NONE DEPENDING UPON SUCESS OF FINDING WATER AT SHALLOWER DEPTHS,

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

MICROFILMED
OCT 27 1992

Transfer No. _____

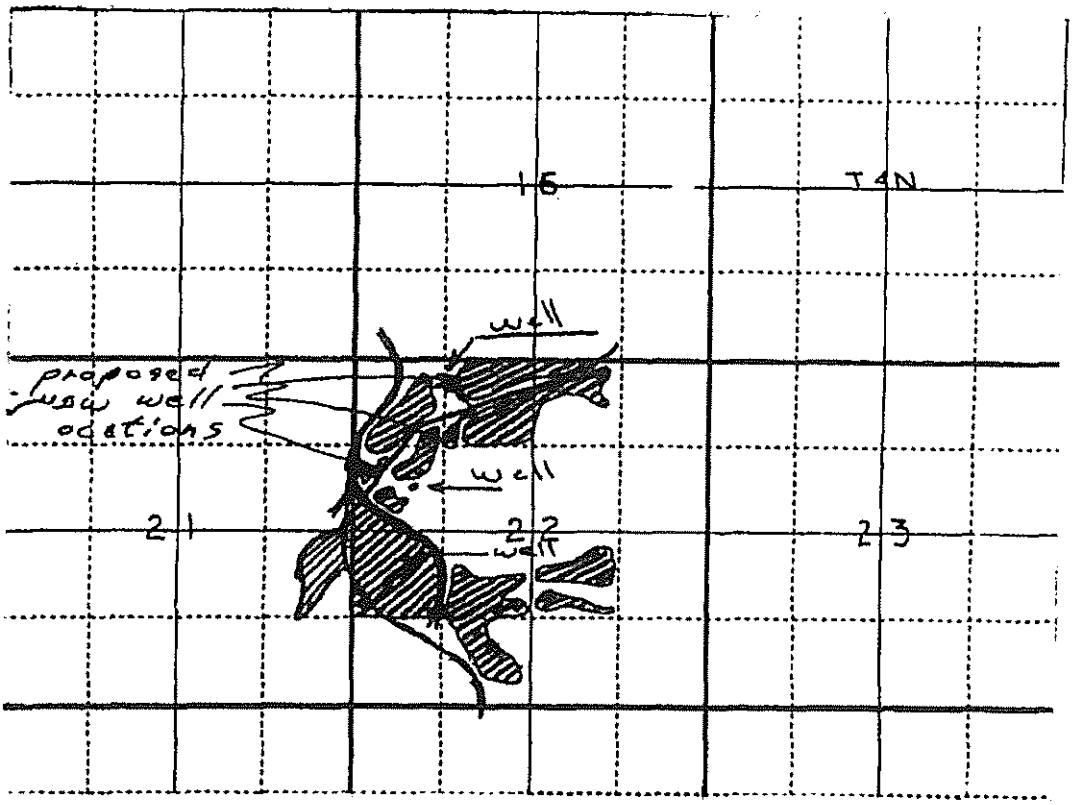
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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.

SEC. 22, T4N, R2E



RECEIVED
OCT 27 1992

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. 52

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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, Trustee, Terteling Trust No. 7

J L Terteling
(Signature of Applicant)

SS

Subscribed and sworn to before me this 17Th day of July, 1992.

Florida A. Thompson
(Notary Public)

My commission expires 5-7-97

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by MM Date 7-20-92 Protest filed by _____

Prelim. check by _____ Fee $30.00

Receipted by JKD Date 7-20-92

Published in Idaho Statesman

Pub. dates 8/6 & 8/13/92 Copies of protest forwarded by _____

Watermaster recommendation requested on _____ Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DM

Copy of transfer sent to lien holder _____

APPROVED

OCT 27 1992

RECEIVED
OCT 09 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT - 8 2009
By _____ Clerk
_____ Deputy Clerk

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

In Re SRBA	)	**Subcase 63-31058**
	)	
Case No. 39576	)	**ORDER AMENDING DEADLINES**
	)	

On January 30, 2009, an ***Order Granting Motion to File Amended Notice of Claim and Setting Deadlines*** was issued for the above subcase. On October 6, 2009, the Court received email correspondence from IDWR requesting additional time to prepare an amended director's report.

Therefore, the following deadlines shall apply:

1) **IDWR shall file an amended director's report by November 30, 2009.**

3) **Objections to the amended director's report shall be filed by December 28, 2009.**

IT IS SO ORDERED

Dated Oct 8, 2009

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING DEADLINES was mailed on October 09, 2009, with sufficient first-clas postage to the following:

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Deputy Clerk

RECEIVED
JAN 07 2009
DEPARTMENT OF
WATER RESOURCES

2009 JAN 06 PM 03:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	ORDER SETTING HEARING
Case No. 39576	SUBCASE NO: 63-31058

Please be advised that Special Master THEODORE R BOOTH has set for hearing the MOTION TO FILE AMENDED NOTICE OF CLAIM.

TUESDAY, JANUARY 27, 2009 at 02:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number 225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JANUARY 06, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on JANUARY 06, 2009 , with sufficient first-class postage to the following:

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

/S/ DIANA R DELANEY
Deputy Clerk

RECEIVED
FEB 02 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 30 2009
By _____ Clerk
_____ Deputy Clerk

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

In Re SRBA	)	Subcase 63-31058
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM;
	)	
_____	)	ORDER SETTING DEADLINES

On December 30, 2008, the claimant of the above-captioned water right, The Terteling Company, Inc., through its attorney Charles L. Honsinger, filed a *Standard Form 4 – Motion to File Amended Notice of Claim*, together with a brief in support thereof, and the *Affidavits* of Doug Hunt, Andrew J. Terteling, Ed Squires, and Charles L. Honsinger. The matter was heard on January 27, 2009. Based upon the comments of the participants at the hearing, and upon the matters set forth in the *Affidavits*, and good cause appearing, the *Motion* is **granted.**

The Idaho Department of Water Resources is requested to file an *Amended Director's Report* for the above-captioned water right claim no later than **September 30, 2009.** Notice of the filing of the *Amended Director's Report* shall be published on the Court's Docket Sheet in October, 2009, and objections to the *Amended Director's Report* shall be filed by **October 28, 2009.** Responses to objections shall be filed by **November 13, 2009.** The objections and responses currently on file will not survive the filing of the *Amended Director's Report*, and the parties are required to file new objections / responses as they deem necessary.

The claimant is required to pay the additional filing fees required for the amended claim. It is the understanding of this Special Master from email correspondence from IDWR that the additional fee due is $111.00.

Dated Jan 30, 2009

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM; ORDER SETTING DEADLINES was mailed on January 30, 2009, with sufficient first-class postage to the following:

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Deputy Clerk

RECEIVED
DEC 30 2008
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	)	**Subcase 63-31058**
	)	
	)	
Case 38576	)	**STANDARD FORM 4**
	)	
	)	**MOTION TO FILE AMENDED NOTICE OF CLAIM**
	)	

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

I am an attorney representing The Terteling Company, Inc.

My address is: RINGERT CLARK, CHARTERED, P.O. Box 2773, Boise, Idaho 83701

My phone number is: 208/342-4591

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Maser or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

The Terteling Company, Inc. must amend its Notice of Claim to the use of this water in the SRBA because:

The Terteling Company, Inc., has filed many different claims to water rights in Basin 63 in the vicinity of this claim, and with the assistance of its counsel and expert, recently discovered that this water right was incorrectly claimed in that it did not claim historical beneficial uses.

I am providing legal and factual documentation for this claimed use of water. You must describe these documents and attach a readable copy.

1. An affidavit of expert hydrogeologist Ed Squires detailing his investigation of the water right, including a detailed analysis of the aerial photographs.
2. An affidavit of Andy J. Terteling, Vice- President of The Terteling Company, Inc.
3. An affidavit of Doug Hunt, Ranch Manager for The Terteling Company, Inc.
4. An Affidavit of Charles L. Honsinger, Attorney for The Terteling Company, Inc.

I have attached:

An amended Notice of Claim (available from IDWR).

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a

hearing date and time.

2. Fill in the following information:

This motion will be heard on _____ at _____.m. at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Ada)

Charles L. Honsinger, being first duly sworn, upon oath, deposes and says:

That I am an attorney for the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I. C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Charles L. Honsinger
Attorney signing in representative capacity

Subscribed and sworn to before me on 12/23/08
(Insert Date)

ESTHER BIERMANN NOTARY PUBLIC STATE OF IDAHO

Esther Biermann
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 11/29/13

CERTIFICATE OF MAILING

I certify that on December 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

Signature of person or attorney mailing form

RECEIVED
DEC 30 2008
DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
RINGERT LAW 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.

IN RE SRBA Case No. 38756	SUBCASE NO. 63-31058; LATE CLAIM NO. 63-33148 AFFIDAVIT OF CHARLES L. HONSINGER IN SUPPORT OF MOTION TO FILE AMENDED CLAIM TO WATER RIGHT NO. 63-31058 AND A LATE CLAIM TO A WATER RIGHT DIVERTED FROM SPRINGS

STATE OF IDAHO)
) ss
COUNTY OF ADA)

CHARLES L. HONSINGER, 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. I am the attorney of record in the Snake River Basin Adjudication for The Terteling Company, Inc.

3. The purpose of this affidavit is to provide information regarding the priority dates claimed for the late claim and the amended claim to water right no. 63-31058 for which motions are submitted concurrently herewith.

4. Attached to this affidavit are true and accurate copies of Bureau of Land Management archive documents related to lands located in T04N R02E Section 15 SE¼SE¼ and Section

14 S½SW¼ - which lands are currently part of the Terteling Ranch, and to which TTCI has claimed water rights as appurtenant. Such documents are designated as Exhibits A - C to this Affidavit, and are described as follows:

Ex. A. Homestead Proof - Testimony of Witness Jacob Bowers dated May 29, 1899, stating that the claimant settled upon the homestead "eight or nine years ago" and that he had irrigated 8 crops on 8 to 10 acres "every season."

Ex. B. Homestead Proof - Testimony of Witness Bud Clark dated May 29, 1899, stating that the claimant cultivated and raised crops on "about 8 or 10 acres - every season, 9 seasons."

Ex. C. Homestead Proof - Testimony of Claimant Orson Eaton dated May 29, 1899 stating that he had, in the spring of 1891, constructed ditches of 3/4 miles and 300 yards, and had raised 7 crops on "about 8 acres" since then.

Further your affiant sayeth naught.

Charles L. Honsinger

STATE OF IDAHO)
)ss.
County of Ada)

On this 20th day of December, 2008, before me, the undersigned, a notary public in and for said state, personally appeared Charles L. Honsinger, 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.

CHERI DRAPER NOTARY PUBLIC STATE OF IDAHO

Notary Public for IDAHO
Residing at MERIDIAN, IDAHO
My Commission Expires: 12/23/2009

CERTIFICATE OF MAILING

I certify that on December 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

Signature of person mailing form

Exhibit A

(4—369.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Jacob R. Bowers, being called as witness in support of the Homestead entry of Orem Eaton for Add 2958, testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Jacob R. Bowers, age 57 years, P.O. Brigham, Utah

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. I am

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No sir.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. It is a foot hill land - grazing and farming

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. Eight or nine years ago - Residence at same time

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Yes the law

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. No absence except a few days working in the neighborhood to gain a livlihood Family resided continuously

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. From 8 to 10 acres - Every season 8 crops.

Ques. 9.—What improvements are on the land and what is their value?

Ans. House, stable; Fruit trees; shade trees; ditching; outbuildings Value $200 I guess

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. Not to my knowledge - more valuable for agriculture purposes.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No sir. I think so yes

(Sign plainly with full christian name.) Jacob R Bowers

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 29" day of May, 1899, at my office at Brigham in Box County, Utah

[SEE NOTE ON FOURTH PAGE.]

Edward E. Garrett

Register.

(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

5—377

Exhibit B

(4—360.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Burd Clark, being called as witness in support of the Homestead entry of Evan Evans for SW 29 58, testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Burd Clark - age 58 years, P.O., Bruneau, Idaho.

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Farming & grazing land - hilly

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. In 1891 - When he settled 1891.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Yes - continuously

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. For a few days at a time working for a living. Family resided continuously.

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. About 8 or 10 acres - every season, 9 years

Ques. 9.—What improvements are on the land and what is their value?

Ans. House, 3 rooms, Hewed logs; 12 x 30; outbuildings; fencing, breaking, 1500 fruit trees bearing; Value $200

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No sir - more valuable for agriculture

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. No sir.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No sir I think so

(Sign plainly with full christian name.) Burd Clark

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 29th day of May, 1899, at my office at Bruneau in Ada County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Edward E. Evans
Receiver.

(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

6—577

Exhibit C

(4—369.)

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Orson Eaton, being called as a witness in his own behalf in support of homestead entry, No. 2957, for NE¼ NE¼, Sec. 22, SE¼ SE¼, Sec. 15, T. 8 S., R. 8 W., B. M., testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Orson Eaton, age 49 years, Boise, Idaho.

Ques. 2.—Are you a *native-born* citizen of the United States, and if so, in what State or Territory were you born?*

Ans. Yes sir, born in Wisconsin.

Ques. 3.—Are you the identical person who made homestead entry, No. 2957, at the Boise, Idaho, land office on the 6th day of June, 189-, and what is the true description of the land now claimed by you?

Ans. Yes sir: NE¼ NE¼, Sec. 22, SE¼ SE¼, Sec. 15, T. 8 S., R. 8 W., B. M., 14 T. 3 R. 4 North, Range 3 East.

Ques. 4.—When was your house built on the land and when did you establish actual residence thereon? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. In the Spring of 1891 at that time. Box house 10 x 25, fencing, 500 fruit trees, 100 forest trees; farming 10 acres, distant 3½ miles & one Township. Value about $300.

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. My wife and two children. Yes sir.

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. No absence except a few days at a time work for a livelihood, my self & family resided & cultivated continuously.

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?

Ans. About 8 acres — Have raised 7 crops.

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No sir.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Grazing — hilly, some part bottom along creek bottom. Farming & fruit.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No sir. More valuable for agriculture.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No.

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. No sir.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. No sir.

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral), made by you since August 30, 1890.

Ans. Have made none.

(Sign plainly with full christian name.) Orson Eaton

*(In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of *naturalization* is only required in final (*five-year*) homestead cases.)

5—677

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 29th day of May, 1899, at my office at Boise in Ada County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Edward E. Garrett
Receiver

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

Title LXX.—CRIMES.—Ch. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See §1750.)

(4—369.)

HOMESTEAD PROOF.

LAND OFFICE AT BOISE CITY, IDAHO.

Original Application No. 22,558

Final Certificate No. 1515

Approved: May 29, 1899.

James Kelly, Register.

Edward E. Garrett, Receiver.

9—627

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION 2291 OF THE REVISED STATUTES OF THE UNITED STATES.

I, Orson Eaton, having made a Homestead entry of the NE¼ NE¼ Sec. 22, SE¼ SE¼ Sec. 15, & SW¼ SW¼ Section No. 14 in Township No. 4 N. of Range No. 2 East, subject to entry at Boise, Idaho under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. 2291 of the Revised Statutes of the United States; and for that purpose do solemnly swear that I am a native born a citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the 9th day of February, 1890, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except

(Sign plainly full christian name.)

Orson Eaton

I, Edward E. Garrett, of Boise Idaho, do hereby certify that the above affidavit was subscribed and sworn to before me this 29th day of May, 1899, at my office at Boise in Ada County, Idaho.

Edward E. Garrett
Receiver.

RECEIVED
DEC 30 2008
DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
RINGERT LAW 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.

IN RE SRBA Case No. 38756	)	SUBCASE NO. 63-31058; LATE CLAIM NO. 63-33148_ AFFIDAVIT OF ED SQUIRES IN SUPPORT OF MOTION TO FILE AMENDED CLAIM TO WATER RIGHT NO. 63-31058 AND A LATE CLAIM TO A WATER RIGHT DIVERTED FROM SPRINGS

STATE OF IDAHO)
) ss
COUNTY OF ADA)

ED SQUIRES, 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 regarding claim to water right no. 63-31058 claimed in the Snake River Basin Adjudication by The Terteling Company, Inc. in order to provide a basis for amendment of the same.

3. I am a registered professional geologist licensed by the State of Idaho. I am also a Certified Water Right Examiner trained and experienced in the area of aerial photo analysis and interpretation. My specific expertise and qualification are set forth in my curriculum vitae attached hereto as Exhibit "A".

COPY

4. I was retained by The Terteling Company, Inc. in the spring of 2008 to investigate and analyze the diversion, distribution and delivery of surface water from Stewart Gulch Creek on the upper Terteling Ranch near 7000 Bogus Basin Road in Ada County, Idaho to determine whether the original claim filed by The Terteling Company to this water right was accurate and complete. My conclusion was that the original claim was neither accurate nor complete.

5. I have examined the Idaho Department of Water Resources' claim file for water right no. 63-31058. Copies of relevant documents from that claim file are attached hereto as Exhibit "B". The documents attached as Exhibit "B" establish that the apparent primary reason for this water right's recommended disallowal is that the diversion and distribution system was not well described to the IDWR water right investigator, despite requests for the same. I believe that if the information I have obtained regarding water uses and the water distribution and diversion systems had been provided to the investigator, the water right would have been recommended. The diversions claimed pursuant to the amended claim and water uses in excess of the originally claimed amounts clearly exist. This affidavit provides a general description of such information. I am available to go into more detail with IDWR's investigator and/or make a field trip to the location of the water right at any time upon reasonable notice and appointment.

6. With respect to water diverted pursuant to water right no. 63-31058 from Stewart Gulch Creek, I was able to locate three separate diversions. Using computer software, I have created a map showing such diversions that is attached hereto as Exhibit "C". Additionally,

with respect to water that is diverted pursuant to water right no. 63-31058 from springs, I was able to locate the diversion of the springs into adjacent ponds - such springs are also shown on Exhibit "C". All of these diversions can be readily observed by a water rights investigator who is shown the same by a person with knowledge of their locations.

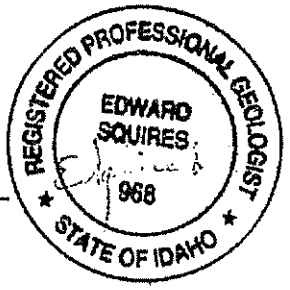
7. In addition to the diversions from Stewart Gulch Creek and springs, I was able to locate and map an elaborate system of ditches, laterals, and pipes that distributes the water to various irrigated areas and ponds. This system is shown and labeled on Exhibit "C" attached hereto. Acreage irrigated by the system is also shown and labeled on Exhibit "C".

8. Through my analysis and interpretation of various aerial photos through time showing the places of use claimed as irrigated pursuant to water right no. 63-31058, I have determined that such areas have been developed and irrigated. I believe these places of use have been accurately claimed in the amended claim. From the available aerial photography, I believe that there is evidence of beneficial use of the water right as early as 1938.

9. As a result of my investigation of surface water sources, diversion and distribution systems on the upper Terteling Ranch, I have found three unclaimed developed spring sources used by the claimant for stockwater, aesthetic and wildlife purposes. Such spring sources are shown on the map attached hereto as Exhibit "C". It is my understanding that a Motion to File Late Claim for such spring sources has been filed concurrently with this affidavit.

Further your affiant sayeth naught.

Ed Squires

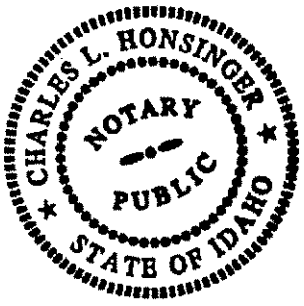


STATE OF IDAHO)
)ss.
County of Ada)

On this 19 day of December, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ED SQUIRES, 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



CERTIFICATE OF MAILING

I certify that on December 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Signature of person mailing form

Exhibit A

Edward Squires, R.P.G.

EDUCATION

M.S. Interdisciplinary Hydrogeology, 1992, Boise State University, Boise, Idaho.
Advisors: Dr. S.H. Wood (BSU) and Dr. J.L. Osiensky (U of I) advisors.

B.S. Geology, groundwater emphasis, cum laude, 1990, Boise State University, Boise, Idaho.
Advisor: Dr. C. M. White.

Thesis: Hydrogeologic Framework of the Boise Aquifer System, Ada County, Idaho.

REGISTRATION

Registered Professional Geologist, since 1999, Certificate No. 968
Professional Well Log Analyst, since 1995
Certified Water Right Examiner, Certification No. 06-125

OVERVIEW

Ed Squires is the President and Managing Hydrogeologist for Hydro Logic, Inc. of Boise, Idaho. Before starting his own consulting firm in 1999, he served for 6 years as Manager of the Geosciences Department and Senior Project Hydrogeologist for United Water Idaho, Inc. In that capacity, Mr. Squires has consulted on a variety of water resource projects to the United Water Resources group of companies around the United States. He has been part of the adjunct graduate faculty at Boise State University's Department of Geosciences since 1995, regularly teaching a curriculum course in Field Hydrogeology and serving as a guest lecturer for other water-related coursework. Prior to his tenure at United Water Idaho, Mr. Squires worked as a hydrogeologist for S.H. Wood and Associates and has over eighteen years of hands-on groundwater experience.

Mr. Squires' professional career and current practice emphasizes all aspects of responsible groundwater development, water rights, and resource protection. He has conducted extensive research and published several reports on the groundwater and subsurface hydrogeology of the Boise River Valley since publication of his Masters Thesis, entitled "Hydrogeologic Framework of the Boise Aquifer System, Ada County, Idaho". Mr. Squires served three years on the Technical Advisory Committee of the Treasure Valley Hydrologic Project and has been a member of the Southeast Boise Groundwater Management Area Committee, formed as a result of his research in Southeast Boise, since 1994. He recently served on the Technical Advisory Committee for the Hydrogeologic Framework and Computer Modeling Project for the Boise Front Geothermal Groundwater Management Area and has been appointed by the Director to the Negotiated Rulemaking Committee to draft new administrative rules for well drilling in the State of Idaho.

Mr. Squires has designed and supervised the construction of over 300 large bore, high capacity water supply wells averaging 500 feet deep in sedimentary and volcanic aquifers. He has designed, supervised the construction, developed, and tested more than 60 deep (500-to-1000 feet) exploratory test/observation wells in addition to multiple geothermal and irrigation well development projects. In addition to new well installations, Mr. Squires has run down hole camera surveys and borehole geophysical logs in hundreds of wells throughout the Western States and has been in charge of rehabilitative maintenance/reconstruction of over 100 older wells.

Mr. Squires is a registered Professional Geologist (No. 968) and a Professional Well Log Analyst. He is a member of the National Groundwater Association, the Association of Ground Water Scientists and Engineers, and is a Certified Water Rights Examiner in the State of Idaho (05-125).

6) Six-well, aquifer testing of the Crane Creek area geothermal wells using the Simplot Ranch, Crane Creek GC, and UWID wells as pumping wells. Settled UWID/Simplot water rights dispute – (194-1995).

7) Specific capacity testing of the Flora Nursery and Edwards Nursery geothermal wells 2000-2002.

8) Conducted and interpreted down hole camera surveys of the BWSWD, Flora, Crane Creek Country Club, Terteling Ranch wells.

9) Project manager for design, drilling, completion, and testing of the Peaceful Cove Nursery and Tom Terteling residence deep geothermal supply wells in Stewart Gulch – 1994 & 1995).

10) Project manager for the rehabilitation of the Terteling Ranch Pool, Motorcycle Club, and Windsock geothermal wells – 1990's.

11) Evaluation of historical weir flow data and geothermal water use at Flora Nursery – 1921- 2002.

12) Project manager for reconstruction, and sealing of the Flora Nursery Silkey geothermal well.2001.

13) Co-leader of the Treasure Valley Hydrologic Project Foothills Field Trip to view exposed geothermal aquifer rocks along the Boise Front 1998.

14) Project manager Stewart Gulch seismic profiling project to site, drill, and complete a new cold-water irrigation well above the geothermal aquifer – 1996

15) Conducted geophysical surveys for the J.R. Simplot Co.'s Aquaculture Project in Caldwell, ID.

16) Expert witness for Flora Nursery during protested geothermal Transfer application 2001-2002.

17) Expert witness for The Terteling Company during protested Petition by the City of Boise to increase geothermal water withdraws from the Boise Geothermal Aquifer 2002.

18) Hydrogeologic Framework Refinement and Simulation of Hydraulic Head and Temperature in the Boise Geothermal Aquifer -Technical Advisory Committee member 2002.

19) Co-author of the Boise Front Geothermal Aquifer Monitoring Plan June 2002.

20) Project manager for the geothermal exploration drilling and seismic reflection surveys project at Tamarack Resort 2005.

Groundwater Development Feasibility Studies

1) Design, construction oversight, development, water quality testing , and monitoring of over 50 deep (500-1000 feet) exploratory test-well and piezometer nest installations for municipal and industrial water providers in Southwest Idaho..

2) Groundwater Feasibility Study For Idaho Power Co.'s Pahsimeroi Fish Hatchery, Lemhi, County, Idaho.

3) Reconnaissance Level Groundwater Feasibility Study for the Idaho Power Company's Oxbow Fish Hatchery atv the Confluence of Pine Creek With the Snake River in the Hells Canyon Reach, Baker County, Oregon.

4) Hydrogeologic Evaluation of Groundwater Quality and Yield Beneath the Idaho Power Company's Pahsimeroi Fish Hatchery – Upper Facility.

5) Analysis of the 2001 Aquifer Testing for the Municipal Water Supply of the Proposed WestRock Resort, Donnelly, Valley County, Idaho.

6) Groundwater Conditions and Hydraulic Testing of the Boise Fan-Aquifer of Southeast Boise River Valley, Ada County, Idaho.

1) Evaluation of the Hydrogeologic Framework and Groundwater Production Potential of the Kings River Valley, Nevada.

Resource Protection

1) Investigation, design and oversight of the decommissioning and proper abandonment of 35 aging and unsealed large-bore production well using perforate-and-pressure grouting techniques.

2) Design and oversight of the pressure grout sealing and rehabilitation of four high-yield unsealed wells.

3) Development and implementation of a baseline (pre-development) surface water quality monitoring plan for the proposed Tamarack Resort, Donnelly, ID.

Causative Factors of Detachment of the Mountain Home #1 Municipal Supply Well Pump With Details of the Recovery Effort: 2002, A report prepared for Ringert Clark Chartered Lawyers.

Evaluation, Abandonment, and Proposed Replacement of the Capitol Water Corporation's #5 (Lubkin) Municipal Supply Well 1999-2002: 2001, A report on the history of repair, the occurrence of volatile organic compounds, and the abandonment of an aging supply well in preparation for replacement of the #5 well with a new facility.

Preliminary Evaluation of the Well Construction, Present Down Hole Conditions, and Sustainable Yield of the Garden City #5 Municipal Well: 2001, A report the Garden City Public Works Department.

Stratigraphic Studies of the Boise (Idaho) Aquifer System Using Borehole Geophysical Logs With Emphasis on Facies Identification of Sand Aquifers: 2000, Report to the Treasure Valley Hydrologic Project, Idaho Department of Water Resources, (co author with Dr. S.H. Wood).

Hydrogeology, Geochemistry, and Well Construction of the Treasure Valley Hydrologic Project Monitoring Well #1, Ada County, Idaho: , 1999, Final report to the Technical Advisory Committee (co-author).

Supporting Data for the Groundwater Conditions and Aquifer Testing of the Tenmile Ridge Area of South Boise, Ada County, Idaho: 1998.

Implications of Well-Construction to Aquifer Water-Quality: Some Observations: (principal author), 1997, Southwest Idaho Subsection – Pacific Northwest Section of the American Water Works Association; in Southwest Idaho As An Example of Ground Water Development in the Northwest Intermountain Region, Speakers Expanded Abstracts

City of Meridian #15 Production Well; Discovery of a New, Good-Quality Aquifer: 1994, Professional report to the City of Meridian, Idaho.

Groundwater Conditions and Hydraulic Testing of the Boise-Fan Aquifer of Southeast Boise River Valley, Ada County, Idaho: 1993, Report to Boise Water Corporation. (principal author).

City of Meridian #14 Production Well: 1993, A new large-capacity municipal-supply well is completed in response to unprecedented 18% growth. Report to City of Meridian, Idaho.

Hydrogeologic Framework of the Boise Aquifer System, Ada County Idaho: 1992, Project Completion Technical Report, Idaho Water Resources Research Institute, University of Idaho, Moscow, Idaho, 109 pages. (principal author)

An Irrigation Well for the Les Bois Invitational Soccer Tournament Incorporated, 1992, professional report to Boise Water Corporation, 42 pages. (sole author)

Hydrogeologic Investigation for the Proposed State of Idaho, Department of Transportation Blacks Creek Rest Area, Ada County, Idaho: 1992, report to Idaho Department of Transportation, 38 pages. (principal author)

Investigation of Groundwater in the Tenmile Ridge Area of South Boise, Idaho: 1989. Report to Boise Water Corporation. (principal author)

Origin of Granophyres in the Vandfaldalen Macrodike, East Greenland: 1989, Evidence for Assimilation and Magma Mixing. GSA Abs. with Programs. (co-author)

Crustal Assimilation and Coexisting Silicic and Mafic Magmas in the Vandfaldalen Macrodike, East Greenland: Continental Magmatism Abstracts (IAVCEI): New Mexico Bureau of Mines and Mineral Resources Bulletin 131. (co-author)

Analysis of Historical and Current Water-level and Production Data from the Boise Geothermal System: 1988, Geological Society of America Abstracts. (co-author)

Preliminary Geology and Hydrogeology of the Mayfield/Orchard Area, Elmore and Ada Counties, Southwest Idaho: 1988, (Best Undergraduate Paper in Physical Sciences), in Program and Abstracts, 30th Annual Meeting of the Idaho Academy of Science. (sole author)

Geologic Study of Groundwater in Deep Wells, Southeast Boise Area: 1987. Report to Boise Water Corporation.

Exhibit B

Field Exam Date

Desktop review/ VLMS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Disallowed

Prior to Field Exam

- ☑ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☑ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-31058

Owner: _____ Phone No. _____

Current Address: _____

- ☑ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☑ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

_____

_____

Source: Springs/Stuart Cr. **Tributary to** _____

- ☑ No Change–SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION ? location unknown

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM
Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works
unknown - no information provided on Claim or by Claimant

OVERLAP REVIEW
Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES will delete irr.

- ☐ No change
- ☐ Different Uses

Use GW From 1-1 To 12-31 Amount .04 CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount N/A CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☑ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
  Types _____ Additional comments: _____

PLACE OF USE:

- ☑ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-31060

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: unknown - information requested from client - none rec'd.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

POU - no PLU found
PIU -

NARRATIVE/REMARKS/COMMENTS

SW is for 15 range cattle.
Q for SW not a det of this PLU
Q for SW adj to 7.13K GPD.
aka 6601 N Bobus Basin Rd., Boise
Parcel # S0614334900.

(1) Ada Co. tax info lists address as 6001 N Bowns Basin Rd. #-906443234900.

(2) no irrigation or trace of irr seen in aerials from 1991-2003.

(3) requested information about POD & delivery sys from - response was no help at all. - will delete liv. Claimant can go thru permitting process

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☑ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☑ Completed map and or GIS layout showing POD's and POU

N/A (

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Vicky

Music, Vicky
Tuesday, November 22, 2005 4:17 PM
Charlie Honsinger (E-mail)
Tom Terteling (E-mail)
Subject: PRELIMINARY DRs/NOE FOR 63-31056, 31057, 31058, 31060

Charlie and Tom -

Attached are the above.

These 2 are for Peaceful Cove wells and Andy's house


63-31056 PRELIM DR.doc


63-31057 PRELIM DR.doc


63-31056.pdf

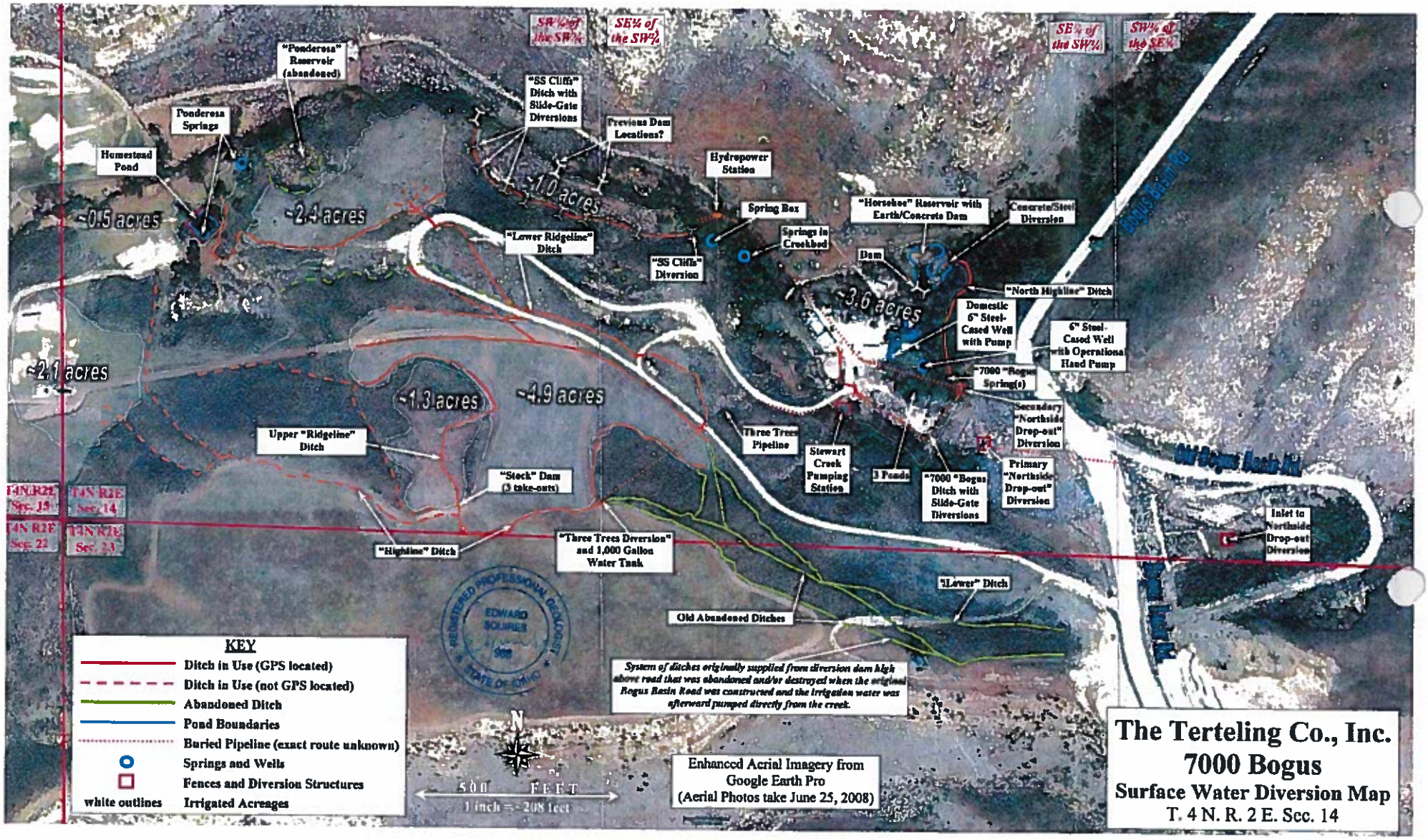
These 2 are for the claims off of Bogus Basin Rd. I disallowed 63-31058 due to no evidence of 5 acres of irrigation in aerials and no information about the point of diversion and delivery system, and deleted the irrigation from 63-31060 for the same reasons.

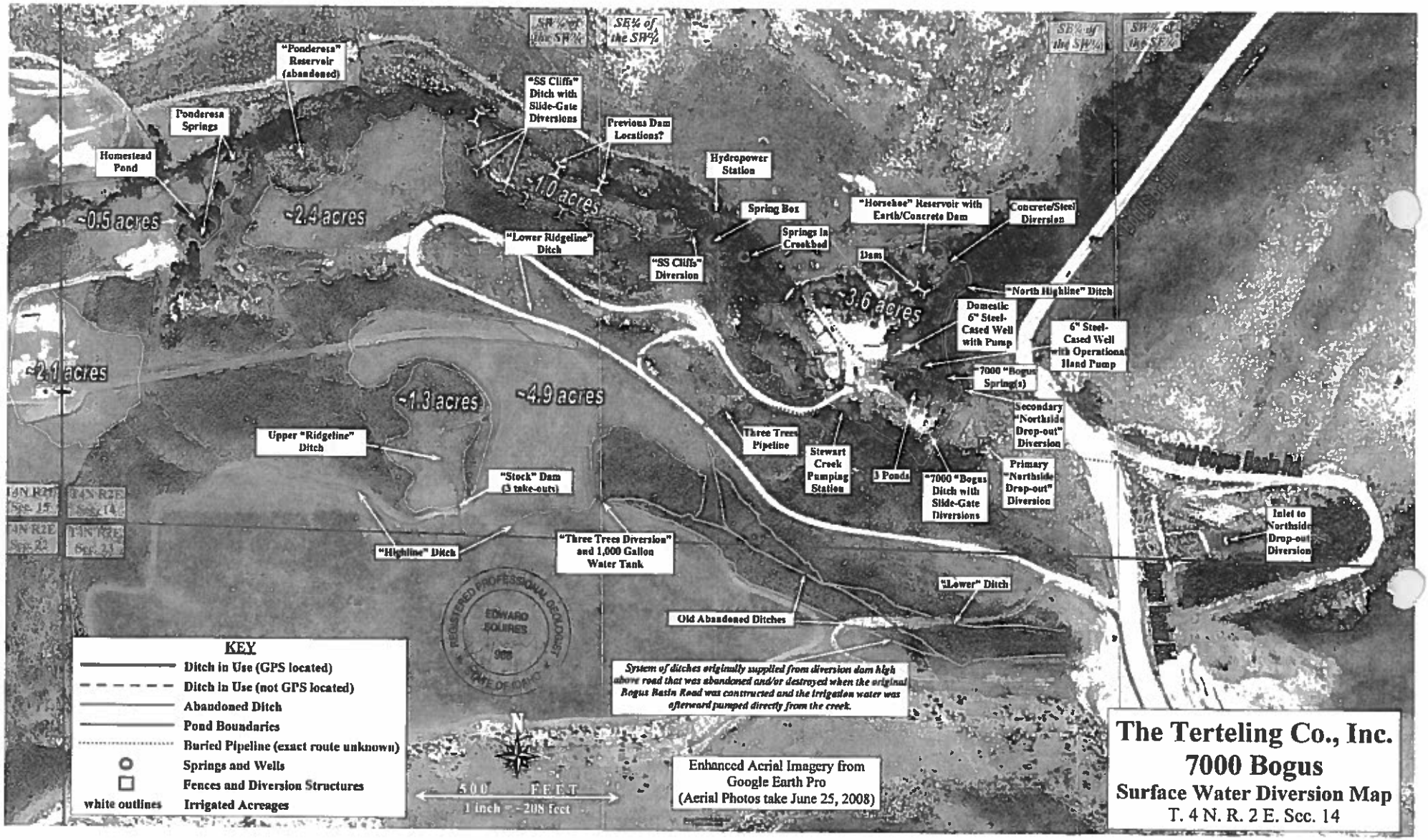

63-31058 PRELIM DR.doc


63-31060 PRELIM DR.doc

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

Exhibit C


SW¼ of the SW¼
SE¼ of the SW¼
SE¼ of the SW¼
SW¼ of the SE¼
"Ponderosa" Reservoir (abandoned)
"SS Cliffs" Ditch with Slide-Gate Diversions
Ponderosa Springs
Previous Dam Locations?
Homestead Pond
Hydropower Station
~0.5 acres
~2.4 acres
~1.0 acres
Spring Box
"Horseshoe" Reservoir with Earth/Concrete Dam
Concrete/Steel Diversion
Springs in Creekbed
"Lower Ridgeline" Ditch
"SS Cliffs" Diversion
Dam
~3.6 acres
"North Highline" Ditch
Domestic 6" Steel-Cased Well with Pump
6" Steel-Cased Well with Operational Hand Pump
~2.1 acres
~1.3 acres
~4.9 acres
"7000 "Bogus Spring(s)
Secondary "Northside" Drop-out" Diversion
Upper "Ridgeline" Ditch
Three Trees Pipeline
Stewart Creek Pumping Station
3 Ponds
Primary "Northside" Drop-out" Diversion
"Stock" Dam (3 take-outs)
"7000 "Bogus Ditch with Slide-Gate Diversions
Inlet to Northside Drop-out Diversion
T4N R2E Sec. 15
T4N R2E Sec. 14
T4N R2E Sec. 22
T4N R2E Sec. 23
"Highline" Ditch
"Three Trees Diversion" and 1,000 Gallon Water Tank
"Lower" Ditch
Old Abandoned Ditches
REGISTERED PROFESSIONAL GEOLOGIST EDWARD SQUIRES 998 STATE OF IDAHO
System of ditches originally supplied from diversion dam high above road that was abandoned and/or destroyed when the original Bogus Basin Road was constructed and the irrigation water was afterward pumped directly from the creek.
KEY
Ditch in Use (GPS located)
Ditch in Use (not GPS located)
Abandoned Ditch
Pond Boundaries
Buried Pipeline (exact route unknown)
Springs and Wells
Fences and Diversion Structures
white outlines
Irrigated Acreages
N
500 FEET
1 inch = ~208 feet
Enhanced Aerial Imagery from Google Earth Pro
(Aerial Photos take June 25, 2008)
The Terteling Co., Inc.
7000 Bogus
Surface Water Diversion Map
T. 4 N. R. 2 E. Sec. 14


"Ponderosa" Reservoir (abandoned)
Ponderosa Springs
Homestead Pond
"SS Cliffs" Ditch with Slide-Gate Diversions
Previous Dam Locations?
Hydropower Station
Spring Box
Springs in Creekbed
"Horseshoe" Reservoir with Earth/Concrete Dam
Concrete/Steel Diversion
"Lower Ridgeline" Ditch
"SS Cliffs" Diversion
Dam
"North Highline" Ditch
Domestic 6" Steel-Cased Well with Pump
6" Steel-Cased Well with Operational Hand Pump
7000 "Bogus" Spring(s)
Secondary "Northside Drop-out" Diversion
Upper "Ridgeline" Ditch
Three Trees Pipeline
Stewart Creek Pumping Station
3 Ponds
"7000 "Bogus Ditch with Slide-Gate Diversions
Primary "Northside Drop-out" Diversion
"Stock" Dam (3 take-outs)
Inlet to Northside Drop-out Diversion
"Highline" Ditch
"Three Trees Diversion" and 1,000 Gallon Water Tank
"Lower" Ditch
Old Abandoned Ditches
~0.5 acres
~2.4 acres
~1.0 acres
~3.6 acres
~2.1 acres
~1.3 acres
~4.9 acres
SE¼ of the SW¼
SW¼ of the SE¼
T4N R2E Sec. 15
T4N R2E Sec. 14
T4N R2E Sec. 22
T4N R2E Sec. 23
KEY
Ditch in Use (GPS located)
Ditch in Use (not GPS located)
Abandoned Ditch
Pond Boundaries
Buried Pipeline (exact route unknown)
Springs and Wells
Fences and Diversion Structures
white outlines
Irrigated Acreages
System of ditches originally supplied from diversion dam high above road that was abandoned and/or destroyed when the original Bogus Basin Road was constructed and the irrigation water was afterward pumped directly from the creek.
N
500 FEET
1 inch = ~208 feet
Enhanced Aerial Imagery from Google Earth Pro
(Aerial Photos take June 25, 2008)
The Terteling Co., Inc.
7000 Bogus
Surface Water Diversion Map
T. 4 N. R. 2 E. Sec. 14

RECEIVED
DEC 30 2009
DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
JON GOULD (ISB #6709)
RINGERT LAW 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.

IN RE SRBA	)	SUBCASE NO. 63-31058
CASE 38576	)	AFFIDAVIT OF ANDREW J. TERTELING IN SUPPORT OF MOTION TO FILE AMENDED CLAIM
STATE OF IDAHO	)	
	) ss	
COUNTY OF ADA	)	

ANDREW J. 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. I am the Vice-President of The Terteling Company, Inc., the claimant to water right no. 63-31058 (in addition to various other water rights) and make this affidavit in that capacity. In my capacity as Vice-President, I am generally aware of all aspects of management of properties owned by The Terteling Company, Inc., including irrigation and water right aspects.

3. I first began involvement in the water rights claimed by The Terteling Company, Inc. when I was hired as the Vice-President approximately three years ago.

COPY

4. The Terteling Company, Inc. and T-7, LLC (a related entity) have claimed nearly 30 water rights from various sources, including many groundwater rights. As a result of the importance of ground water to The Terteling Company, Inc.'s wholesale nursery business and its irrigation interests, I have focused my attention upon ground water rights claimed in the SRBA in an attempt to learn as much as possible about them.

5. As the SRBA has progressed I have been able to spend more time learning about all of the water rights claimed by The Terteling Company, Inc., including the surface water rights claimed with Stewart Gulch Creek as their source.

6. Earlier this year, The Terteling Company Inc.'s expert water rights investigator Ed Squires informed me that he had done a preliminary investigation and believed that water right no. 63-31058 had been recommended as disallowed by IDWR in error. Water right no.63-31058 was claimed on the upper portion of the Terteling Ranch - an area where I have spent very little time, and an area that my brother Steve (since deceased) had managed and irrigated.

7. As a result of my unfamiliarity with the area, and my concern over the recommended disallowal of water right no. 63-31058, I requested that Mr. Squires do a full investigation of the diversion and distribution system through which water right no. 63-31058 is diverted with the intent that the water right would be properly claimed by amending the existing claim.

8. As a result of Mr. Squires' investigation, we are amending our claim to water right no. 63-31058 to claim additional irrigation and other uses located on the Terteling Ranch that

have not been previously claimed, all of which I was previously unaware.

9. A copy of the Amended Claim to Water Right No. 63-31058 proposed to be filed is attached hereto.

Further your affiant sayeth naught.

V.P.

~~Andrew J. Terteling~~ Terteling

STATE OF IDAHO)
)ss.
County of Ada)

On this 26th day of November, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ANDREW J. TERTELING, 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

CHARLES L. HONSINGER NOTARY PUBLIC STATE OF IDAHO

CERTIFICATE OF MAILING

I certify that on December 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

Signature of person mailing form

RECEIVED
DEC 30 2008
DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
JON GOULD (ISB #6709)
RINGERT LAW 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.

	)	SUBCASE NO. 63-31058
IN RE SRBA	)	AFFIDAVIT OF DOUG HUNT IN SUPPORT OF MOTION TO FILE AMENDED CLAIM
Case No. 38756	)	

STATE OF IDAHO)
) ss
COUNTY OF ADA)

DOUG HUNT, 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. I am currently the manager of the Terteling Ranch, owned in part by The Terteling Company, Inc., the claimant to water right no. 63-31058 and other water rights, and make this affidavit in that capacity. In my capacity as ranch manager, I actively manage the day to day irrigation, livestock ranching, and farming activities on properties owned by The Terteling Company, Inc.

3. I first began working for The Terteling Company, Inc. when I was hired as a ranch hand/construction worker in 1975. I worked for The Terteling Company, Inc. in that capacity until approximately 1981. I then worked for The Terteling Company, Inc. on and off until

I was hired as the ranch manager in 2000.

4. During my time with The Terteling Company, Inc., I ran cattle on the upper Terteling ranch where water right no. 63-31058, and observed that surface water from Stewart Gulch was consistently diverted and used from the diversions claimed under water right no. 63-31058 for irrigation when it was available - during the spring and early summer. Such surface water has consistently been used for irrigation during my tenure on the Terteling Ranch - primarily to provide pasture for cattle, although I have cut hay from various fields on the upper ranch that have been irrigated by Stewart Gulch water.

Further your affiant sayeth naught.

Doug Hunt

STATE OF IDAHO)
)ss.
County of Ada)

On this 26th day of November, 2008, before me, the undersigned, a notary public in and for said state, personally appeared DOUG HUNT, 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.

CHARLES L. HONSINGER NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/20/2010

CERTIFICATE OF MAILING

I certify that on December 22, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

Signature of person mailing form

RECEIVED
DEC 30 2008
DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
RINGERT LAW 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.

IN RE SRBA	SUBCASE NO. 63-31058, LATE CLAIM NO. 63-33148
CASE 38576	BRIEF IN SUPPORT OF MOTION TO FILE AMENDED AND LATE CLAIMS

COMES NOW SRBA Claimant and Objector The Terteling Company, Inc. (hereinafter "TTCI"), by and through its attorneys, Ringert Law, Chartered, and hereby files this *Brief in Support of Motion to File Amended and Late Claims*. The *Motion to file Amended Claim* applies to subcase number 63-31058 for which TTCI filed a claim recommended as "disallowed" by the Idaho Department of Water Resources ("IDWR") in the SRBA, whereas the *Motion to File Late Claim* has been assigned subcase number 63-33148. These *Motions* are filed pursuant to I.R.C.P. 7(b) and Rules 4.d.(2)(d) and 4.d.(2)(e), SRBA Administrative Order No. 1. The grounds for these *Motions* are that TTCI has good cause pursuant to the standards of I.R.C.P. 55(c) for not having amended its claim to water right no. 63-31058 earlier and for not having filed a late claim earlier. Copies of the claims TTCI seeks to file are attached hereto as Exhibits "A" and "B" respectively. This Brief is supported by the *Affidavits* of Andrew J. Terteling, Edward Squires, Charles L. Honsinger and Doug Hunt submitted concurrently herewith, and by the argument herein.

COPY

FACTS

TTCI claimed water right number 63-31058 in the Snake River Basin Adjudication. After the claim was filed, IDWR requested information about the delivery and diversion system for the claimed water right. See *Affidavit of Ed Squires*, Exhibit "B". None of the information requested by IDWR was provided by the claimant, and, as a result, the claim was recommended as "disallowed." In early 2008, Andy Terteling, vice-president of The Terteling Company, Inc. began to switch his focus from groundwater rights claimed by TTCI to surface water rights, and requested that his expert, Ed Squires do a full investigation of the diversion and distribution system for water right no. 63-31058 and of unclaimed water rights on the upper Terteling Ranch. *See Affidavit of Andrew J. Terteling in Support of Motion to File Amended Claim; Affidavit of Andrew J. Terteling in Support of Motion to File Late Claim.*. Mr. Squires conducted his investigation and found that the claim to water right no. 63-31058 originally filed was neither accurate nor complete. *Affidavit of Ed Squires in Support of Motion to File Late Claim to Water Right No. 63-31058 and a Late Claim.* Mr. Squires' investigation resulted in his location and mapping of an elaborate system of ditches, laterals and pipes through which water right no. 63-31058 is delivered to various irrigated areas and ponds. *Id.* It is Mr. Squires' opinion from available aerial photography, that water was beneficially used on the places of use claimed pursuant to water right no. 63-31058 as early as 1938.[1] *Id.* Additionally, Mr. Squires was, through his investigation, able to determine the existence of a previously unclaimed water right

[1]The water right is claimed with an 1891 priority date based upon the Affidavits of Use attached hereto.

diverted from a series of springs located on the upper Terteling Ranch. Doug Hunt, TTCI's ranch manager for the Terteling Ranch confirms the beneficial use of the springs claimed pursuant to the late claim filed by TTCI, and of the beneficial use of water from Stewart Gulch for irrigation purposes. *See Affidavit of Doug Hunt in Support of Motion to File Late Claim; Affidavit of Doug Hunt in Support of Motion to File Amended Claim.*

ARGUMENT

The legal standards for filing a late or amended claim to a water right recommended in the SRBA are set forth in Rules 4.d.(2)(d) and 4.d.(2)(e), SRBA Administrative Order No. 1. According to Administrative Order No. 1, such standards are the same as that by which a default judgment may be set aside pursuant to I.R.C.P. 55(c). *Id*, at p. 6. The I.R.C.P. 55(c) standard takes into account the following factors: 1) whether the default was willful; 2) whether setting aside the judgment would prejudice the opponent; and 3) as with a Rule 60(b) motion, whether a meritorious position has been presented. TTCI's Motion to File a Late Claim and its Motion to File an Amended Claim meet the I.R.C.P. 55(c) standard.

First, TTCI did not willfully fail to file either the amended claim to water right no. 63-31058, or its late claim. Rather, as Andrew J. Terteling states in his affidavit, his focus was primarily on groundwater until earlier in 2008 when he asked Ed Squires to conduct an investigation into the surface water sources on the upper Terteling Ranch. Second, permitting TTCI to file its amended claim and late claim will not prejudice any opponent. There is no opponent with respect to the late claim, and no trial schedule or discovery deadlines has even been set yet in subcase no. 63-31058. Finally, TTCI has set forth a meritorious position with respect to both its motions. Mr. Squires' affidavit indicates that he has addressed IDWR's

concerns regarding the lack of information about the diversion and distribution system for water right no. 63-31058. Together, Mr. Hunt's affidavits and Mr. Squires' affidavit also establish the historical beneficial use of both water right no. 63-31058 and water from the springs claimed pursuant to TTCI's late claim. Beyond that, the Homestead Proof documents discussing the use of water on the property for which these water rights are claimed establish the 1891 priority dates claimed for each.

Because TTCI did not willfully fail to file either its amended claim or its late claim, because neither will prejudice any opponent, and because it has presented a meritorious position as to each, the Court should grant both TTCI's Motion to File a Late Claim, and its Motion to File Amended Claim.

Respectfully submitted this 29th day of December, 2008.

Charles L. Honsinger
Ringert Clark, Chartered

CERTIFICATE OF MAILING

I certify that on December 29, 20 08, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

Signature of person mailing form

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 No. 39576	)	A. **Subcase** 63-31058 (Insert water right number From the Objection Form) **STANDARD FORM 2** **RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Edwards Family LLC
Address: 4106 Sand Creek Street
Boise, Idaho 83703
Daytime Phone: (208) 342-7548

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

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

SCANNED
OCT 05 2006

D. I am responding to the objections to the following elements. (Please check the appropriate box(es))

1.	✖	**Name and Address**
2.	✖	**Source**
3.	✖	**Quantity**
4.	✖	**Priority Date**
5.	✖	**Point(s) of Diversion**
6.	☐	**Instream Flow Description**
7.	✖	**Purpose(s) of Use**
8.	✖	**Period of Year**
9.	✖	**Place of Use**

11. **Recommendation**

☐ This water right should not exist.

✖ This water right was not recommended, but should be recommended with the elements described above.

E. **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 response)

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 23, 2006

Sue E Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 2-25-09

SUE E. GIBERMAN NOTARY PUBLIC STATE OF IDAHO

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on June 23, 2006, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

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

3. One copy to the party who filed the objection. at the following address:

Name: Charles L. Honsinger
Address: Ringert Clark Chartered
P.O. Box 2773
Boise, Idaho 83701

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Your signature or signature of attorney mailing on your behalf

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	)	A. **Subcase** 63-31058 (Insert water right no.)
Case No. 39576	)	**STANDARD FORM 1 OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: THE TERTELING CO INC.

Address: 3823 North 36th Street
Boise, Idaho 83703

Daytime Phone: 208 338-5200

Name & Address of Attorney, if any:
Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: THE TERTELING CO INC.

Address: 3823 North 36th Street
Boise, Idaho 83703

COPY

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

1. X **Name and Address**
   Should be: As claimed
2. X **Source**
   Should be: Spring, Stewart Creek
   Trib. To: Stewart Creek, Boise River
3. X **Quantity**
   Should be: 0.040 CFS
4. X **Priority Date**
   Should be: January 1, 1910
5. X **Point(s) of Diversion**
   Should be: T04N R02E Section 14, SESW, Ada County
6. ☐ **Instream Flow Description**
   Should be:_____
7. X **Purpose(s) of Use**

Should be:		
	Stockwater	0.040 CFS for 15 range cattle
	Irrigation	0.050 CFS for 5.0 acres

8. X **Period of Year**
   Should be: Stockwater from 1/1 to 12/31
   Irrigation from 3/15 to 11/15
9. X **Place of Use**
   Should be: T04N R02E Section 14, SESW, Stockwater
   T04N R02E Section 14, SESW, Irrigation of 5.0 Acres
   Total Acres: 5.0
10. X **I object because:**

    ☐ This water right should not exist.

    X This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** Beneficial use can be shown.

F. **VERIFICATION** (must be completed)

State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

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.

Charles L. Honsinger

Subscribed and sworn to before me on: April 19, 2010

KIMI A. WHITE NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 2/9/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

   Name: THE TERTELING CO INC.

   Address: 3823 North 36th Street
   Boise, Idaho 83703

3. Copies to:

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

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

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

Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.
Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 29, 2005

Water Right Number: 63-31058

THE TERTELING CO. INC
3823 N. 36TH ST
BOISE, ID 83703
Telephone Number: (208)338-5200

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
   Disallowal

2. Describe the changes you wish to make in the proposed recommendation:

   Should be recommended as claimed.

3. Give a brief explanation as to why you disagree with these portions:
   Water right has been beneficially used as claimed.

_____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 12/02/05 **SIGNATURE:** Charles L. Honsinger

Please print your name: Charles L. Honsinger

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

RINGERT
CLARK
CHARTERED
LAWYERS

RECEIVED
DEC 0 2 2005
WATER RESOURCES
WESTERN REGION

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

Samuel Kaufman (1921-1986)

December 2, 2005

** Delivered by Hand**

Vicki Music
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Notices of Error - 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056, 63-31058, 63-31062

Dear Ms. Music:

Enclosed please find Notices of Error for the above-referenced rights. Additionally, although we have received the preliminary recommendation for water right no. 63-31057, we have not received the preliminary recommendation for water right no. 63-31059 - a similar, related right. Could you please inform me as to the status of that preliminary recommendation. Also, please contact me with any questions regarding the Notices of Error. Thank you.

Sincerely,

Charles L. Honsinger

enclosures

cc: Tom Terteling
Ed Squires

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

COPY

)	
)	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 hand written 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 1939 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 between1948 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

CHARLES L. HONSINGER NOTARY PUBLIC STATE OF IDAHO

Exhibit A

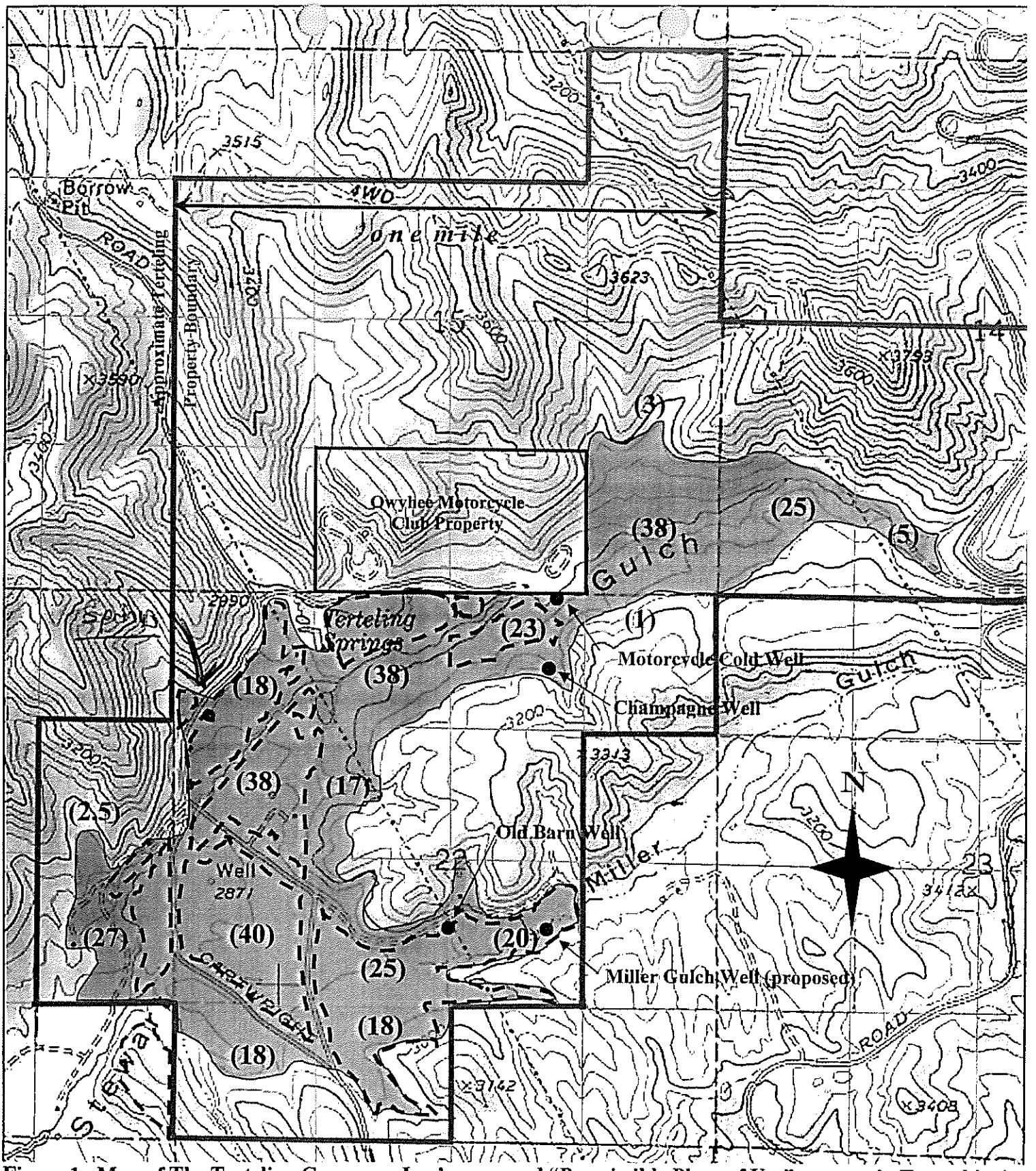


Figure 1. Map of The Terteling Company, Inc.'s proposed "Permissible Place of Use" acreage in Township 4 North, Range 2 East associated with Water Right Nos. 63-07595 and 63-03603. The irrigable acreage is marked in transparent orange. The outlined areas (dashed) is the current place of use for which the water rights are licensed. The black numbers in parentheses shown for each tract (¼ -¼ section) represent the total number of irrigable acres within that ¼ ¼ 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 D

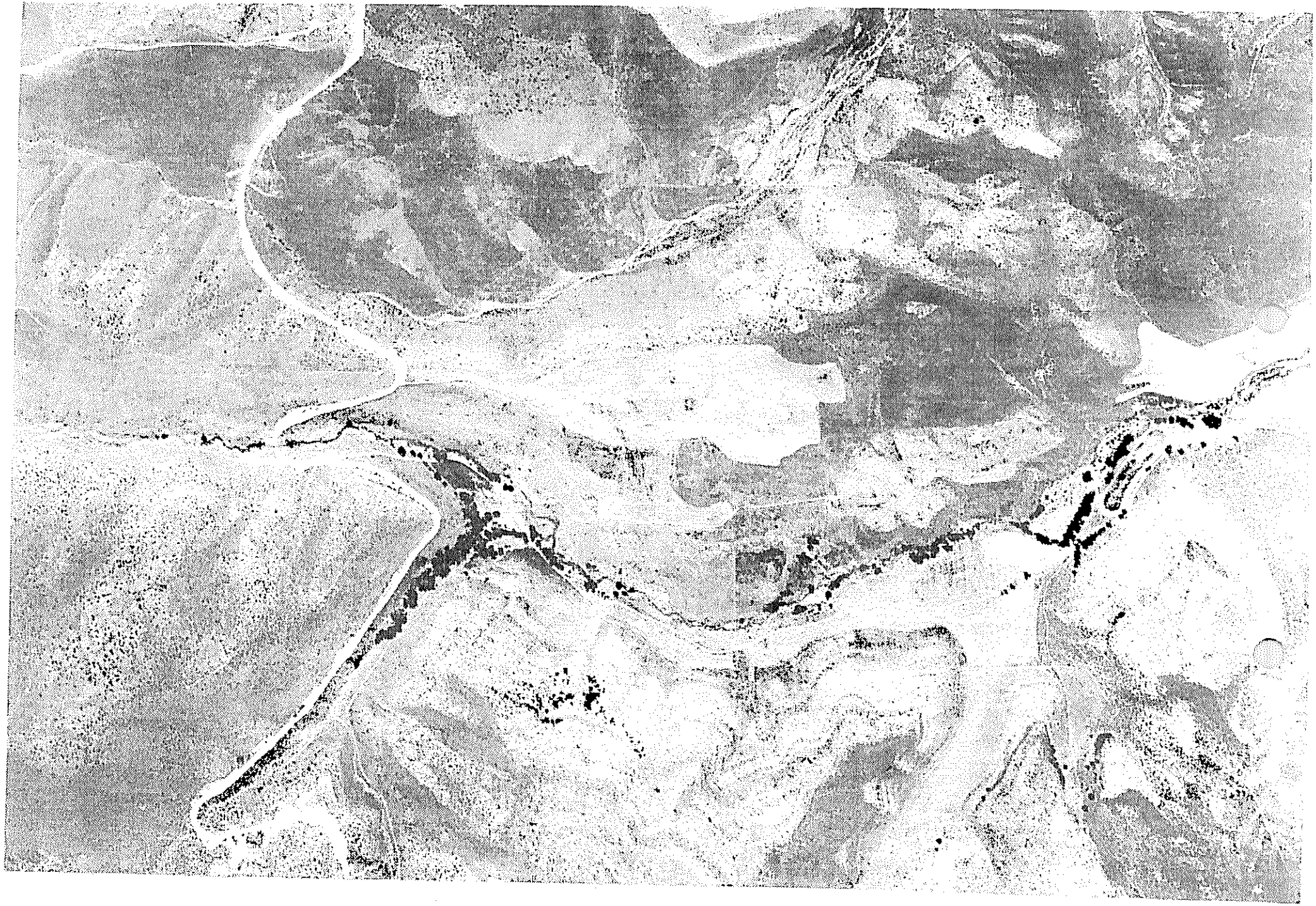


Exhibit B

Perkins Peaceful Cove
Swimming Pool
BOISE, IDAHO

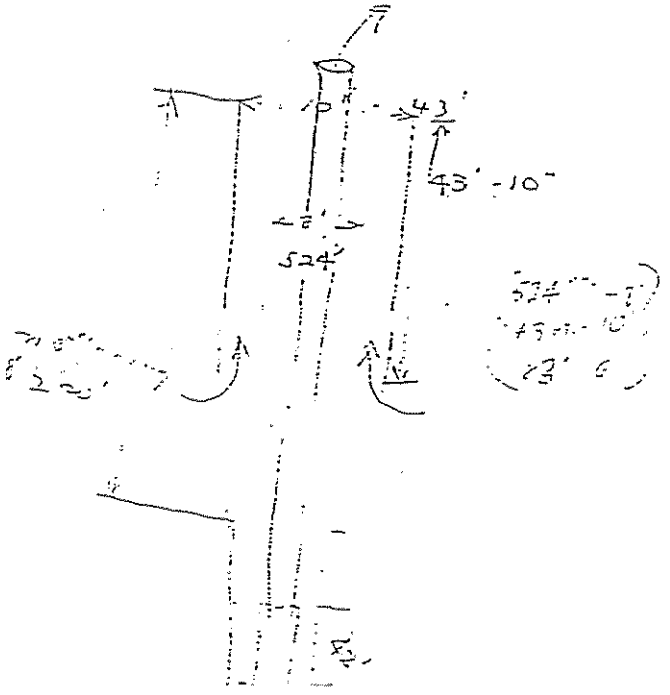
Log of well.

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	166 ft.
9 ft.	blue shale	205 "
5 ft.	sand. little water	210 "
7 ft.	soap stone	287 "
3 ft.	sand	290 "
18 ft.	soap stone	398 "
1 ft.	hard rock	399 "
ft.	sticky soapstone	436 "
ft.	hard rock	436 "
ft.	sticky soapstone	454 "
ft.	hard soapstone	458 "
ft.	sticky soapstone	473 "
ft.	hard soapstone	478 "
ft.	sticky soapstone	498 "
ft.	hard rock granite	500 "
ft.	hard soapstone with small layers of soapstone	521 ft.

521 ft.

4 ft. hard black lava 525 "
10 ft. hard scoriaceous with lava streaks 535 "
32 ft. lava rock occasional soft streaks 567 "
15 ft. porous lava rock hot water 582 "
13 ft. hard rock 595 "

well drilled - 595 ft. deep.
43 ft. 10 in. pipe in well
524 " 8 " " "
82 ft. 10 in. of 6 inch pipe in well



@ L 21105
7/31/47

Remarks: ① This well consists of an 18" casing to 8.6", 8", and 10". Hot water flows through the 10" casing from a depth of 150'. From 150' the hot water is pumped @ 56 gpm 12½/min to the surface. Between the 10" and 8" casings is air space. The 10" and 8" casings extend through the permeable zone allowing the cold artesian 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. Tuttle
Applicant

By Jack R Tuttle Agent

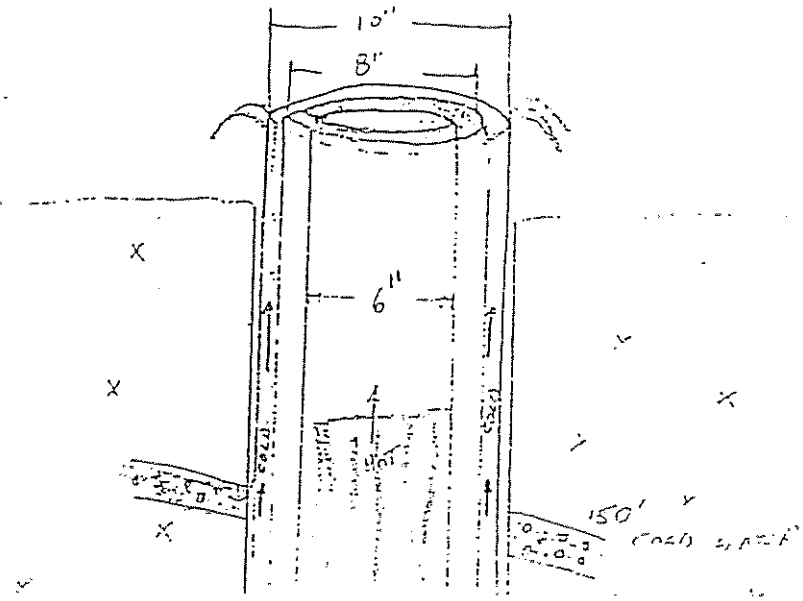
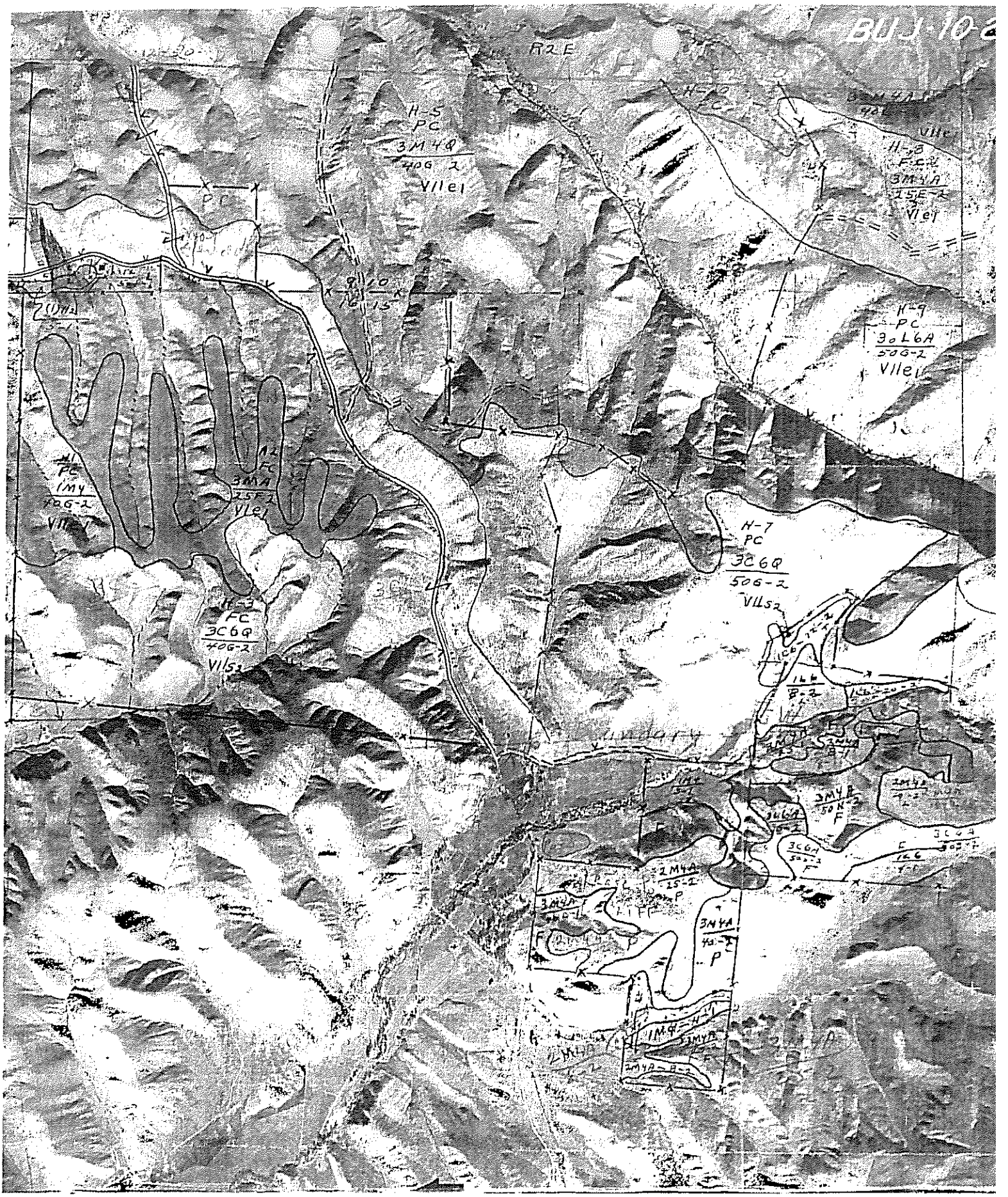


Exhibit C


R2E
H-5
PC
3M4Q
40G-2
VIIe1
H-8
FC
3M1A
25E-2
VIIe1
H-9
PC
3QL6A
50G-2
VIIe1
H-7
PC
3C6Q
50G-2
VIIs2
H-6
FC
3C6Q
40G-2
VIIs2
H-4
PC
1M4
40G-2
VIIe1
H-3
FC
3M4
25F-2
VIIe1
3M4A
42
VIIe
1L6
B-2
2M4A
B-1
3M4B
50N-2
F
3C6A
50-2
F
1L6
50-1
2M4A
15-2
3N4A
40-2
P
1M4
50-1
3M4A
F
2M4A
B-2

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31058

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

SOURCE: SPRING
STEWART CREEK

TRIBUTARY: STEWART CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 1.000 CFS

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

PRIORITY DATE: 01/01/1945

POINT OF DIVERSION:

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SWSE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER STORAGE	01/01 12/31	2.00 AFY
IRRIGATION	03/15 11/15	0.320 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S14	SWSW	9.80	T04N R02E S14	SESW	5.00
T04N R02E S15	SESE	1.00			

STOCKWATER same as IRRIGATION

15.8 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

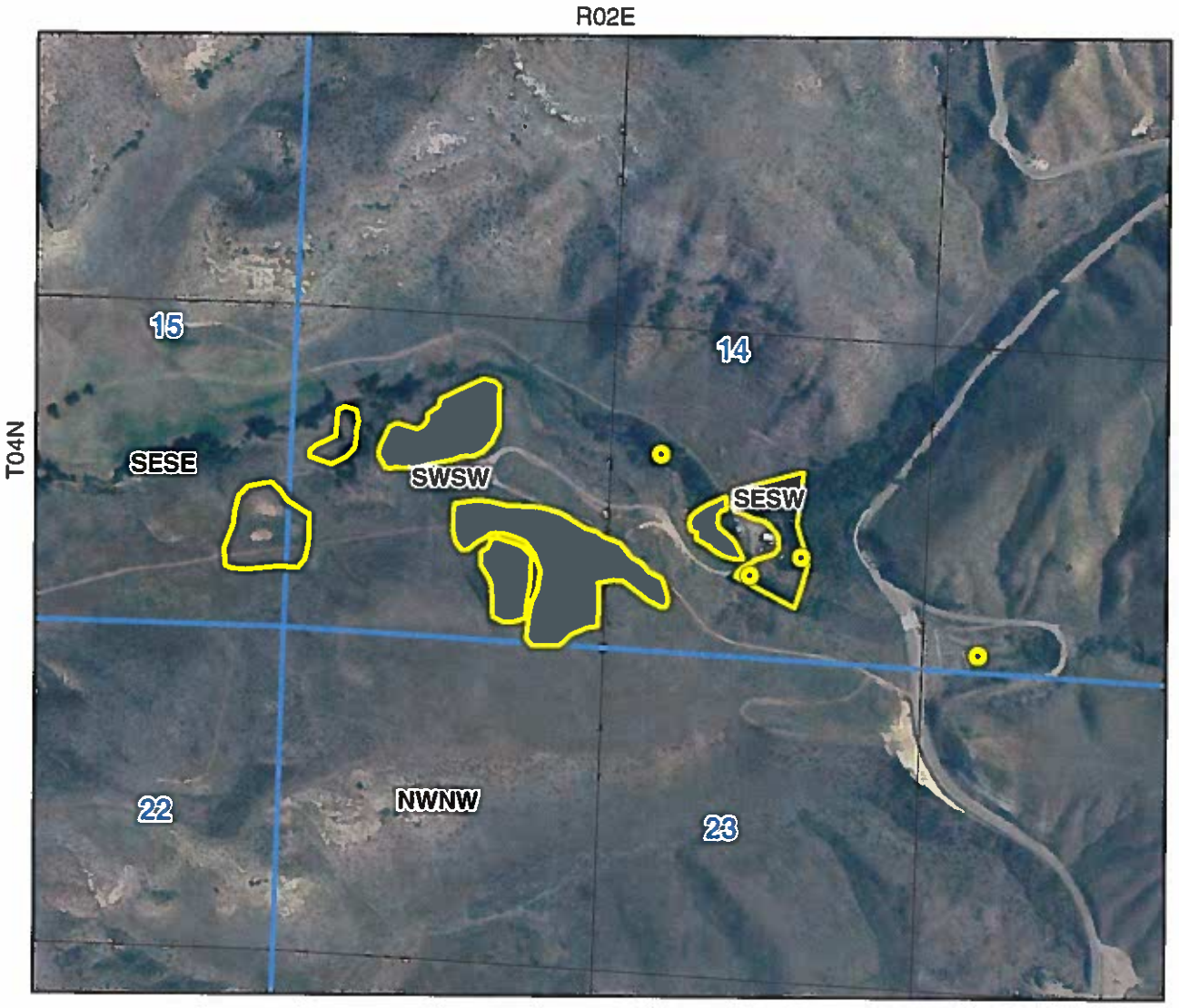
Stockwater use is for 300 head of range cattle.

State of Idaho
Department of Water Resources

Adjudication Recommendation

63-31058

Water Service Area Boundary for The Terteling Co Inc



Legend

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles

N

Prepared By: Vicky Music

11/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31058

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

SOURCE: SPRING — TRIBUTARY: STEWART CREEK
STEWART CREEK — TRIBUTARY: BOISE RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 01/01/1910

POINT OF DIVERSION:

T04N R02E S14 SESW Within ADA County

T04N R02E S14 SESW Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.050 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S14 SESW 5.0

STOCKWATER Within ADA County

T04N R02E S14 SESW

5 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V1

WATER RIGHT NUMBER: 63-31058 V1

Owner Type	Name and Address
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	THE TERTELING CO INC 3823 N 36TH ST BOISE, ID 83703 (208)338-5200

Priority Date: 01/01/1910

Basis: Beneficial Use

Status: Disallowed

Source	Tributary
SPRING	STEWART CREEK
STEWART CREEK	BOISE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.050 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

SPRING SE1/4SW1/4 Sec. 14, Twp 04N, Rge 02E, B.M.
ADA County

STEWART CREEK SE1/4SW1/4 Sec. 14, Twp 04N, Rge 02E, B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T04N R02E S14 SESW 5.0

Total Acres: 5

STOCKWATER Within ADA County

T04N R02E S14 SESW

Conditions of Approval:

1. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. P03 No beneficial use found.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V1

Remarks:

Comments:

1. vmusic 11/22/2005 BASIS FOR DISALLOWAL
Comment: DURING MEETING ON 9/15/2005 CLAIMANT SAID TO DELETE STOCKWATER USE BECAUSE THEY WERE GOING TO FILE INSTREAM SW CLAIMS WHICH THEY DID. NO EVIDENCE OF IRRIGATION. SEE MEMO IN FILE.

2. vmusic 11/22/2005 POU
Comment: 6601 N BOGUS BASIN RD. JOE T SON STEVE LIVES HERE.

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Contacts	11/22/2005 3:09:51 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	11/22/2005 3:10:17 PM	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?
POD	11/22/2005 3:10:36 PM	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? (No) 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 63-31058 V1

Source	11/22/2005 3:10:56 PM	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? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	11/22/2005 3:11:14 PM	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?
Use	11/22/2005 3:11:37 PM	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? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/22/2005 3:12:14 PM	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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/22/2005 3:12:43 PM	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? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31058 V1

Summary	11/22/2005 3:20:27 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (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?

Water Supply Bank:

Music, Vicky

From: Music, Vicky
Sent: Tuesday, November 22, 2005 4:17 PM
To: Charlie Honsinger (E-mail)
Cc: Tom Terteling (E-mail)
Subject: PRELIMINARY DRs/NOE FOR 63-31056, 31057, 31058, 31060

Charlie and Tom -

Attached are the above.

These 2 are for Peaceful Cove wells and Andy's house


63-31056 PRELIM DR.doc


63-31057 PRELIM DR.doc


63-31056.pdf

These 2 are for the claims off of Bogus Basin Rd. I disallowed 63-31058 due to no evidence of 5 acres of irrigation in aerials and no information about the point of diversion and delivery system, and deleted the irrigation from 63-31060 for the same reasons.


63-31058 PRELIM DR.doc


63-31060 PRELIM DR.doc

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

RINGERT LAW
CHARTERED LAWYERS

RECEIVED
JUN 08 2010
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

June 8, 2010

Delivered by Hand

Ms. Vicky Music
Idaho Department of Water Resources
Western Regional Offices
2735 Airport Way
Boise, ID 83705-5082

Re: Claims to Water Right Nos. 63-31058 and 63-33148

Dear Vicky:

Per our recent discussion, enclosed please find an Affidavit of J.L. Terteling in support of the above referenced SRBA claims. It is my understanding that Ed Squires will also be submitting today a series of annotated photographs and maps to support the claim.

Please contact me immediately if you should need any further information, or should have any questions or concerns regarding this enclosure, or anything that Ed may provide to you.

Thank you for your assistance.

Sincerely,

Charles L. Honsinger

enclosure(s)

cc: Nick Spencer
Ed Squires

RECEIVED
JUN 08 2010
WATER RESOURCES
WESTERN REGION

CHARLES L. HONSINGER (ISB #5240)
RINGERT LAW CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Claimant The Terteling Company, Inc.

AFFIDAVIT OF J.L. TERTELING IN SUPPORT OF SRBA CLAIM NOS. 63-31058 and 63-33148

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. My family owned the Peaceful Cove Ranch in the lower portion of Stewart Gulch starting in 1944. On or about May 20, 1968, I added to the ranch the lands to which water right nos. 63-31058 and 63-33148 are located – these lands are located in the upper portion of Stewart Gulch. I have lived on the Terteling Ranch for most of my life. Since the time I took over management of the ranch in approximately the 1960's, I have been involved in and responsible for, the upkeep, maintenance and repair of the works through which The Terteling Company, Inc. diverts and distributes surface water from Stewart Gulch.

3. As a youth, I explored most of the area's gulches that now are part of the

Terteling Ranch. I specifically recall that as a boy of 12 or 13 years of age, before I was permitted to legally drive upon public roads, I used to drive our family's old army surplus truck up and down the valley that now comprises the Terteling Ranch. During those trips and afterwards, I observed the irrigation systems on the upper part of the ranch including the lands claimed as the places of use for water right numbers 63-31058 and 63-33148 – this time period would have been from approximately 1945 through 1959. Since then, I have continued to observe conditions of the diversion and distribution systems on what is now the upper portion of the Terteling Ranch.

4. With respect to water right number 63-31058, I have observed that the diversion system for that water right has been in place during my entire residence on the ranch. I recall seeing the old ditches, drops, and various concrete and rock diversion structures irrigating the upper ranch via flood irrigation, and have overseen the system's continuous use for irrigation purposes since I have managed the ranch. On occasion during certain times, I have myself diverted surface water into these diversions and into the distribution systems. Surface water (to the extent it is available – usually stopping some time in June) has always been the main method of irrigating this upper portion of the ranch because ground water from the old well and spring are minimal.

5. In 1995, Ada County Highway District reconstructed the portion of Bogus Basin Road that crossed Stewart Gulch. In doing so, the Highway District created a large flood control dam across the creek bed, thereby obliterating parts of the ditches and diversion works on both sides of Stewart Gulch that had been previously used to convey water from the diversion upstream to the Terteling ranch. At the same time that it built the dam

and reconstructed the road, Ada County Highway District reconstructed the "Northside Creek Diversion" to replace the parts of the ditches and diversions destroyed during the road re-alignment. We have since used these newer works for the diversion of water from Stewart Gulch into the existing distribution system on the north side of the stream.

6. We continue to divert surface water directly from Stewart Gulch for the lands south of the gulch using the same pump as has been used since the mid 1950's per my recollection. The current site of our pump from Stewart Gulch has been used for a long time but there have been changes over the years, such as occasions when high water would wash out the boulder dam or even re-route the creek bed to some extent. The existing older "Marlow" PTO ditch pump has been in place since the mid 1950's but, back then, I believe it was powered by a Ford 8N Tractor. Today we use a newer tractor.

7. With respect to water right no. 63-33148, I am familiar with the area near and around the source of this water right that has been termed "Ponderosa Springs." Specifically, I recall from my time on the ranch that there have always been fences and stock tanks in that location, there was an old pond in that location, and the springs were developed and diverting water a long time before we purchased the property. There is also an old concrete foundation for a building in the location of Ponderosa Springs that I remember from my boyhood on the ranch; this old foundation still exists. I am attaching to this Affidavit a copy of an original Boise Geological Map showing a mine at this location surveyed in 1898. I have circled the location of the mine in red.

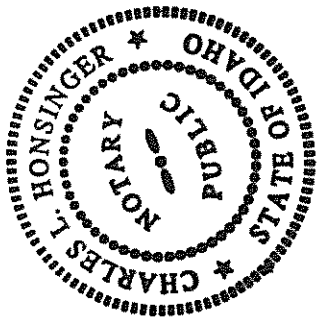
Further your affiant sayeth naught.

J.L. Terteling

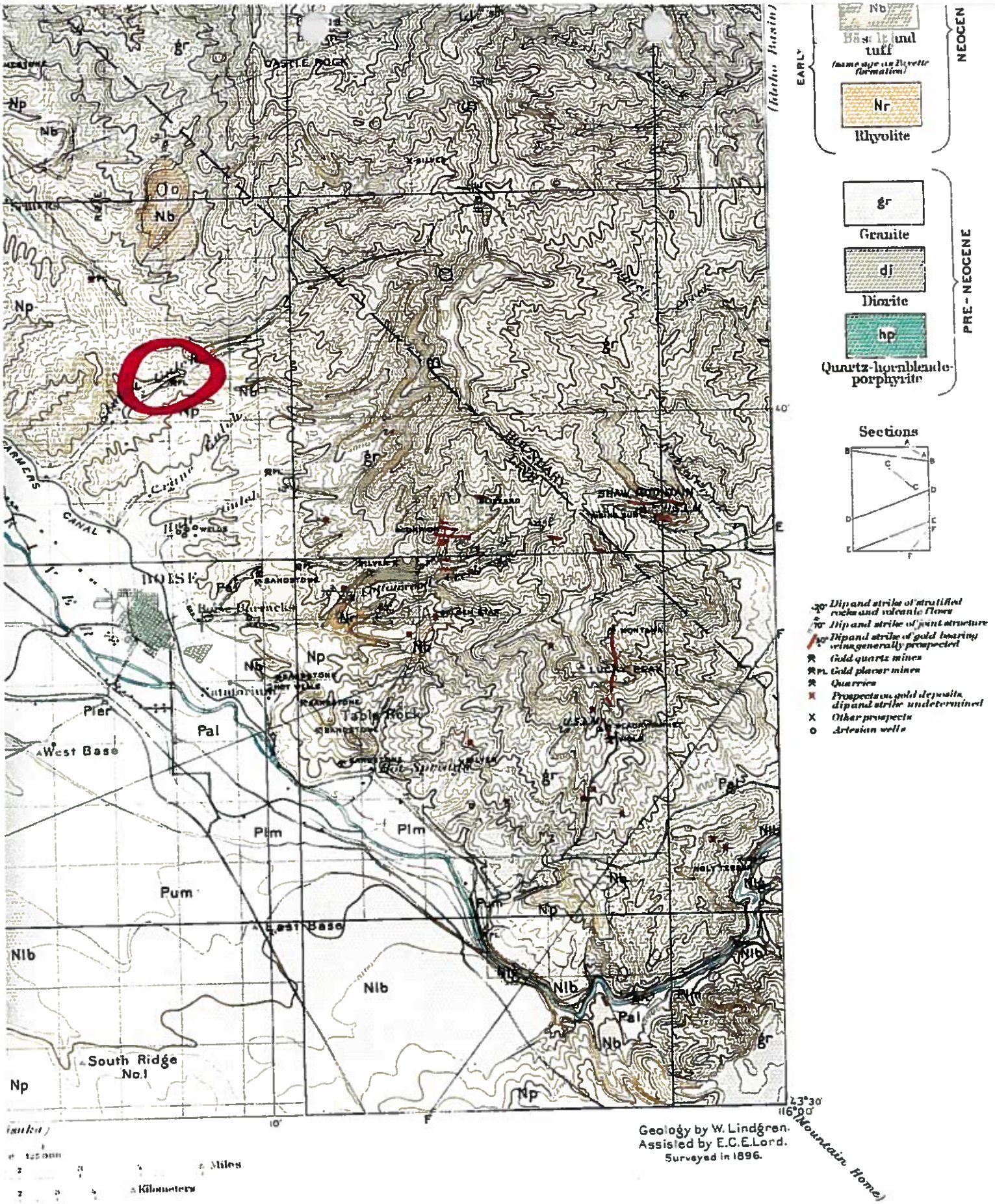
STATE OF IDAHO)
)ss.
County of Ada)

On this 7th day of June, 2010, before me, the undersigned, a notary public in and for said state, personally appeared J.L. TERTELING, 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: 07/30/16


Nb
Basalt and tuff
(same age as Payette formation)
Nr
Rhyolite
EARLY
NEOCENE
gr
Granite
dj
Diorite
hp
Quartz-hornblende-porphyrite
PRE-NEOCENE
Sections
Dip and strike of stratified rocks and volcanic flows
Dip and strike of joint structure
Dip and strike of gold bearing vein generally prospected
Gold quartz mines
Gold placer mines
Quarries
Prospects on gold deposits, dip and strike undetermined
Other prospects
Artesian wells
CASTLE ROCK
FARMERS CANAL
BOISE
Table Rock
West Base
South Ridge No. 1
Np
Nb
Nlb
Pal
Plm
Pum
Pier
gr
Geology by W. Lindgren.
Assisted by E.C.E. Lord.
Surveyed in 1896.
Miles
Kilometers
Mountain Home

Music, Vicky

From: Charlie Honsinger [clh@ringertclark.com]
Sent: Tuesday, October 25, 2005 11:57 AM
To: Music, Vicky
Cc: Tom Terteling
Subject: Terteling

Vicky:

Joe Terteling recalls that approximately 5 acres of the area immediately adjacent to and near 7000 Bogus Basin Road was irrigated by both surface and groundwater through a system of ditches. The diversion from Stewart Creek, together with the ditches conveying the water were destroyed in the mid 1990s when Bogus Basin Road was rerouted and reengineered further downstream in Stewart Gulch.

If you need further information, please contact me for the same.

Sincerely,

Charles L. Honsinger

> Thanks.
>
> Charlie
>
>
> ----- Original Message -----
> From: "Music, Vicky" <Vicky.Music@idwr.idaho.gov>
> To: <tom@tertco.com>; "Charlie Honsinger (E-mail)" <clh@ringertclark.com>
> Cc: "Shurte, Jan" <Jan.Shurte@idwr.idaho.gov>
> Sent: Tuesday, October 18, 2005 10:46 AM
> Subject: Terteling claims
>
>
> > Charlie -
> >
> > I received the amended claims for 63-31053, 63-31055 and 63-31062 as
well
> > as the two new stockwater claims yesterday. Thank you. However, during
our
> > meeting on Sept 15, 2005, you and Tom indicated that Tom would gather
and
> > you would provide additional information about 63-63-31058 and 63-31060
[
> > Steve's place] regarding the specific acres irrigated and the diversion
> and
> > delivery works. I still need this information by October 31, 2005.
> >
> > Also, on Oct 3, 2005, I emailed you regarding issues with the claims for
> > licenses 63-3603 and 63-7595. I have not yet received a response from
the
> > email and will need this information by Oct 31, 2005, as well. The email
> is
> > attached here.
> >
> > Thanks -
> >
> > Vicky L. Music
> > Sr. Water Resource Agent
> > Adjudication Bureau
> > IDWR/Western Region
> > 2735 Airport Way
> > Boise, Idaho 83705-5082
> > (208) 334-2190
> >
> >
> >
> > <<63-3603 and 63-7595>>
> >
> >
>

Music, Vicky

From: Music, Vicky
Sent: Wednesday, November 23, 2005 9:54 AM
To: 'Charlie Honsinger'
Cc: 'Tom Terteling (E-mail)'; Shurte, Jan; Spencer, Nick
Subject: RE: Preliminary Recommendations/Notices of Error

Tracking:

Recipient	Delivery
'Charlie Honsinger'	
'Tom Terteling (E-mail)'	
Shurte, Jan	Delivered: 11/23/2005 9:54 AM
Spencer, Nick	Delivered: 11/23/2005 9:54 AM

Charlie and Tom -

I am very sorry about the short timeline, however, the sheer number of claims filed by your client, including late claims filed only a few weeks ago and the confusion regarding the licenses 63-3603 and 63-7595 that resulted in amended claims being submitted just 3 weeks ago, have caused these preliminary DRs to be sent with a short NOE period. My deadline for having recommendations done is Dec 2 and the Basin 63 Part 2 DR is due to be submitted around Dec 13. Submitting a notice of error will most likely not affect my recommendations because I really don't think there are errors in the preliminary DRs that can be corrected by the NOE process, such as typos or changes in ownership, but you may submit them when you can through December 9. We will have to let the objection procedure handle the substantive issues as is usual.

8 of the 12 preliminaries sent this week [63-31056 is listed twice in your email] are associated with 3 of the 4 residences on the property and I attempted to group those together so they could be reviewed together. They are small domestic and stock.

Lastly, I will be adding to the recommendations for 63-12, 63-13, 63-15 and 63-308 the combined use POU remark for 171 acres. For 63-12. 63-13, 63-15, 63-3603 and 63-7595, I will be adding the temperature of the water. I will not send out an new preliminary on these.

Hope this helps -

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

-----Original Message-----
From: Charlie Honsinger [mailto:clh@ringertclark.com]
Sent: Wednesday, November 23, 2005 8:29 AM
To: Music, Vicky
Cc: Tom Terteling
Subject: Preliminary Recommendations/Notices of Error

Vicky: Preliminary recommendations for the following water rights have been sent via e-mail to Tom Terteling and I over the past two days:

63-27649, 63-27671, 63-31054, 63-31055, 63-31053, 63-31050, 63-31052, 63-31062, 63-31056, 63-31057, 63-31056, 63-31058, 63-31060.

I did not receive one of these e-mails until I came into the office this morning. The instructions attached to the Preliminary Recommendations provide that the Notices of Error are due on Tuesday, November 29 - six days from today. My client has been out of town for several days, and the Thanksgiving holiday is tomorrow - I plan on leaving my office this afternoon at 2:00 to travel out of town, and will not be back until Monday. I do not know my client's plans, but I know he has been extremely busy and was expecting to be so for some time.

Given all of these factors, together with the facts that I have many other pressing matters I must address over the next several business days and that I believe my client's situation to be similar to mine, it is simply unrealistic to expect the Terteling Company to respond to 14 Preliminary Recommendations within a six-day period with an intervening four-day holiday weekend. We will attempt to review and respond to the Preliminary Recommendations as soon as possible, but it is simply impossible for us to get to them as quickly as provided.

Please respond with an extended timeline. Thank you.

Charlie Honsinger

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

Claim #	Basis	Priority Date	Rate (cfs)	Source	Water Use(s)	Owner(s)	Information needed to make recommendation
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, 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

Claim #	Basis	Priority Date	Rate (cfs)	Source	Water Use(s)	Owner(s)	Information needed to make recommendation
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 anther 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?

Claim #	Basis	Priority Date	Rate (cfs)	Source	Water Use(s)	Owner(s)	Information needed to make recommendation
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.

Claim #	Basis	Priority Date	Rate (cfs)	Source	Water Use(s)	Owner(s)	Information needed to make recommendation
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.

RINGERT
CLARK
CHARTERED
LAWYERS

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
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. 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.

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	✓

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-31058, 31060

FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION

SUBJECT: BASIS FOR RECOMMENDATIONS

DATE: 11/22/2005

CC:

These 2 beneficial use claims are for 5 acres at 6601 N Bogus Basin Rd. Joe's son, Steve, lives here. Both claims were filed in 1999.

Claim no. 63-31058 is for 5 acres of irrigation and stockwater from Stewart Creek and a spring. Priority date is claimed as 1910, but during meeting with claimant, Tom T, and his attorney, Charlie H, they understood that I would have to advance the priority date to 1938 based on a lack of evidence of priority other than the 1938 aerial that claimant provided. They also intend to file instream stockwater claims so direct me to delete the stockwater right from this claim.

Claim no. 63-31060 is for irrigation of the same 5 acres irrigation and domestic and stockwater use from a well. Same 1910 priority date is claimed though the Ada Co Assessor tax lot info states the house was built in 1945. The well log of the well states that it was drilled in 1994 and is a new well, not a replacement.

The claims provide no information regarding the delivery system for the irrigation or stockwater. I requested this information 3 times, first in a letter dated August 8, 2005, regarding information needed for the many beneficial use claims, then I requested additional information regarding the system during a meeting with claimant and attorney on 9/15/2005. I requested the information again by e-mail on 10/18/2005. I received a reply from Charlie H on 10/25/05 that indicated that the system had been reengineered "farther down" Stewart Cr, but again, no specific information about the system or new pod was provided.

A review of aerials for the years 1987, 1992, 2000 and 2003 shows virtually no irrigation whatsoever on this parcel. If this land was irrigated, it was forfeited for nonuse from sometime prior to 1987 the mid 1990s. The claims were filed in 1999. Forfeiture is evident for at least 10 years before the claim was filed. Aerials from 2000 and 2003 show no evidence of resumption of use.

I will recommend 63-31058 as disallowed. Claims for instream stockwater were filed 10/17/2005 [63-32197 and 63-32198]. I will delete the irrigation use and recommend 63-31060 for domestic and stockwater. I will not advance the priority date because IDWR does not require proof of priority for domestic and stockwater. VLM

Untitled, 2019

Field Exam Date

Desktop review/ VLM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Disallowed

Prior to Field Exam

- ☑ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☑ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-31058

Owner: _____ Phone No. _____

Current Address: _____

- ☑ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☑ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

_____

_____

Source: Springs/Stewart Cr. **Tributary to** _____

- ☑ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION ? location unknown

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM
Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works
unknown - no information provided on claim or by claimant

OVERLAP REVIEW
Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES will delete irr.

- ☐ No change
- ☐ Different Uses

Use SW From 1-1 To 12-31 Amount .04 CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount N/A CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____(claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☑ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock #_____
  Types_____ Additional comments:_____

PLACE OF USE:

- ☑ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-31060

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: unknown - information requested from client - none rec'd.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

POD - no p/u found
POU -

NARRATIVE/REMARKS/COMMENTS

SW is for 15 ranch cattle.
Q for SW not a det of this p/u
Q for SW not to > 13K gpd.
aka 6601 N Bogus Basin Rd., Boise
Parcel # S0614334800.

(1) Ada Co. tax lot info lists address as 6601 N Bobbs Basin Rd. #S0644334900.

(2) no irrigation or hay of ~~any~~ corn in aerials from 1991-2003.

(3) requested information about POD & delivery sys from - response was no help at all. - will check w/ Claimant can go thru permitting process

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☑ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☑ Completed map and or GIS layout showing POD's and POU

NA (

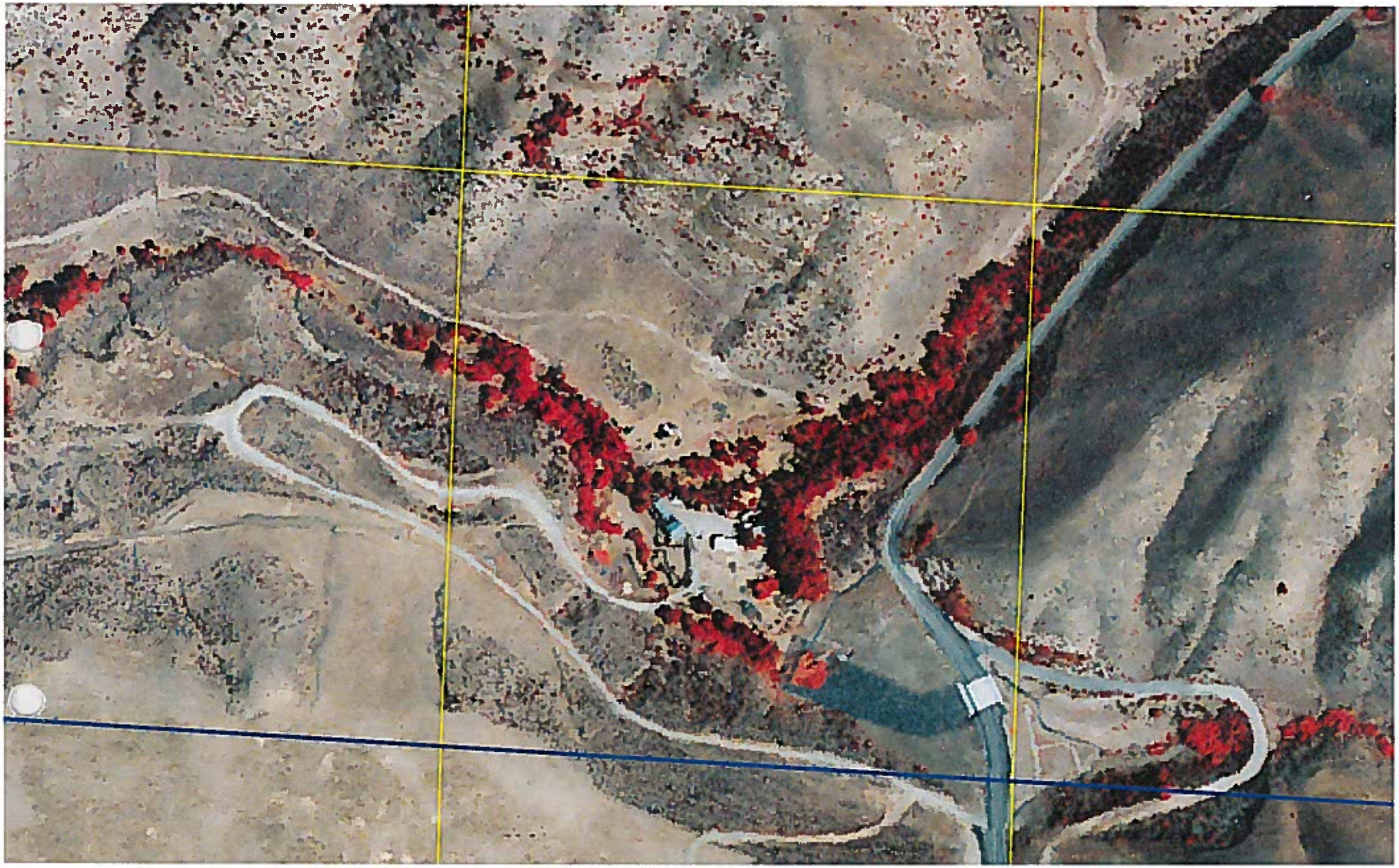
DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____



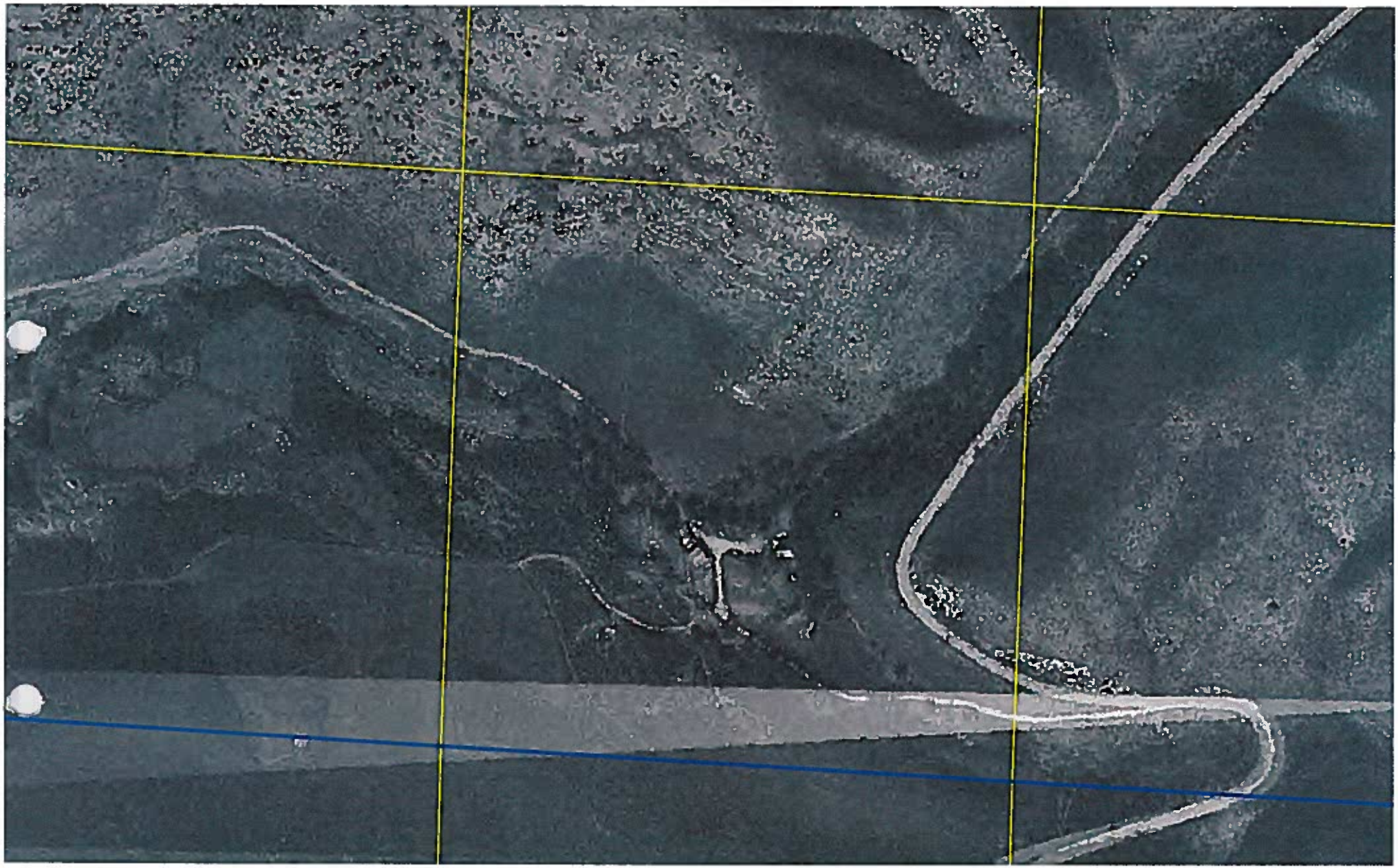
Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

2003 AERIAL PHOTO



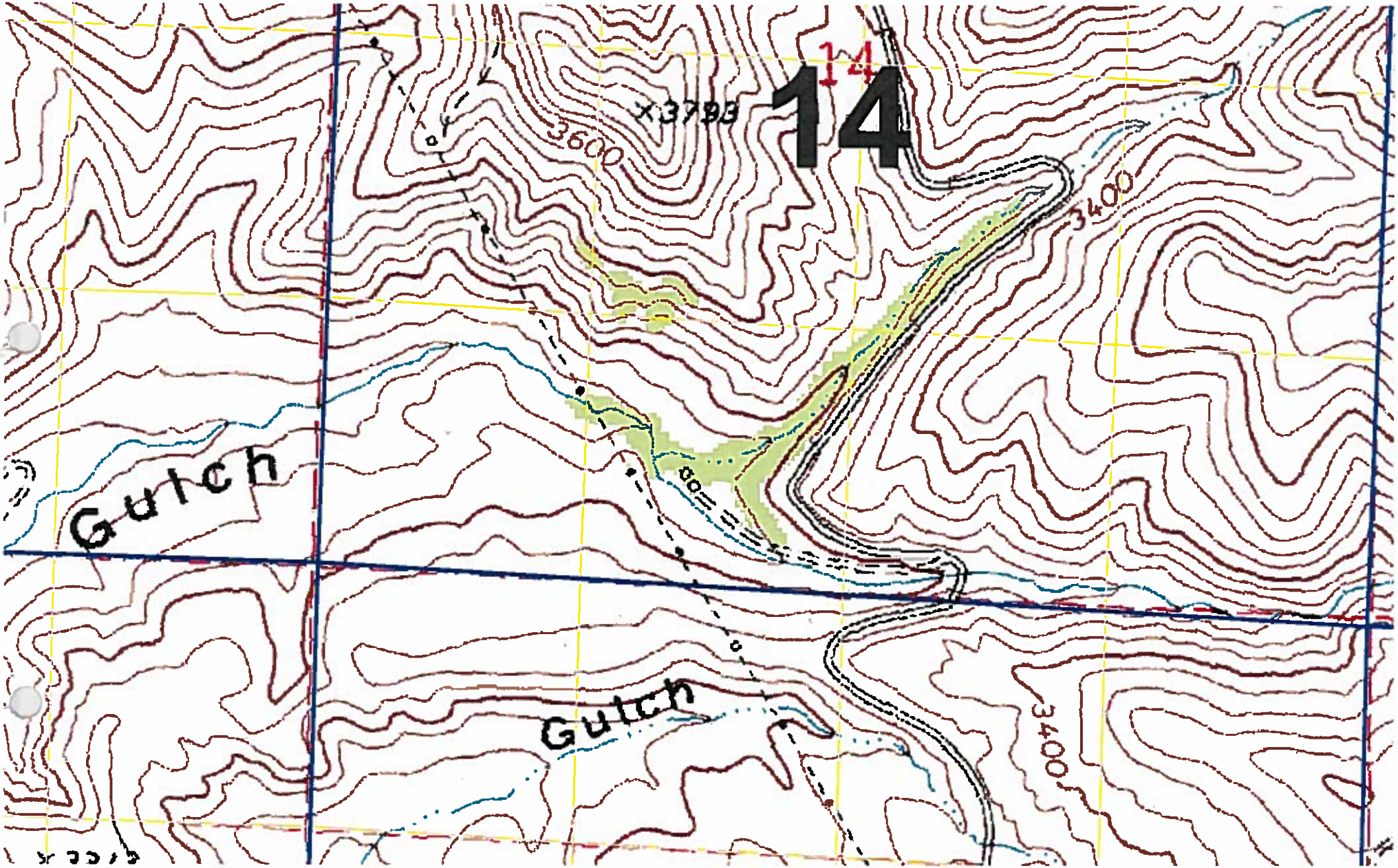
Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

2000 AERIAL PHOTO



Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

1995 aerial



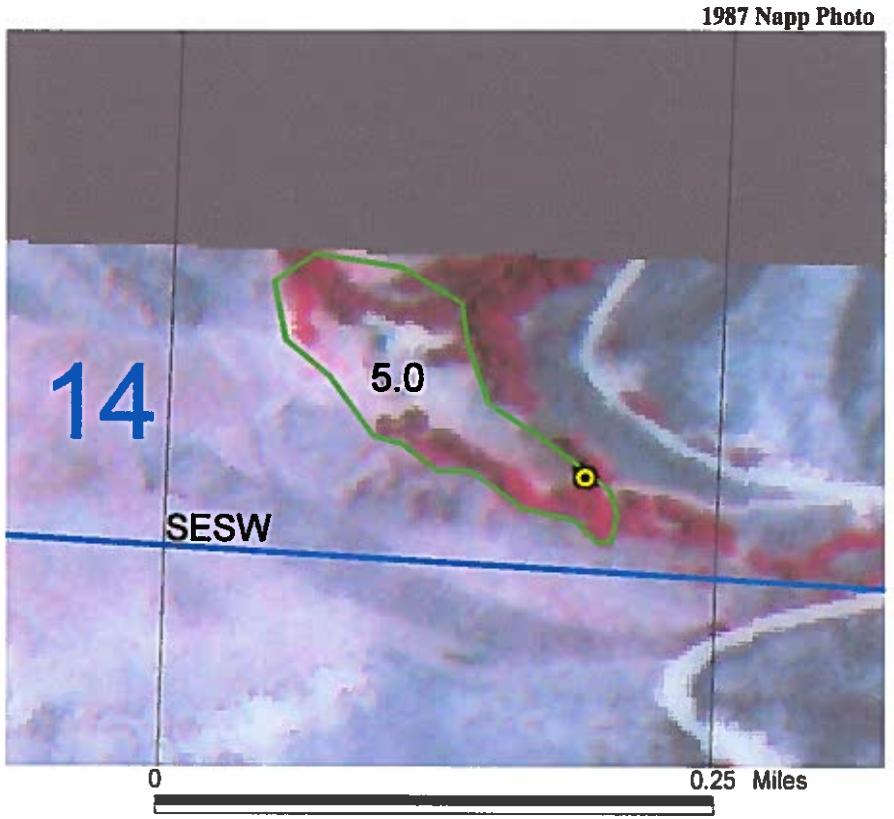
Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

X 9 TOPO MAP

Idaho Department of Water Resources

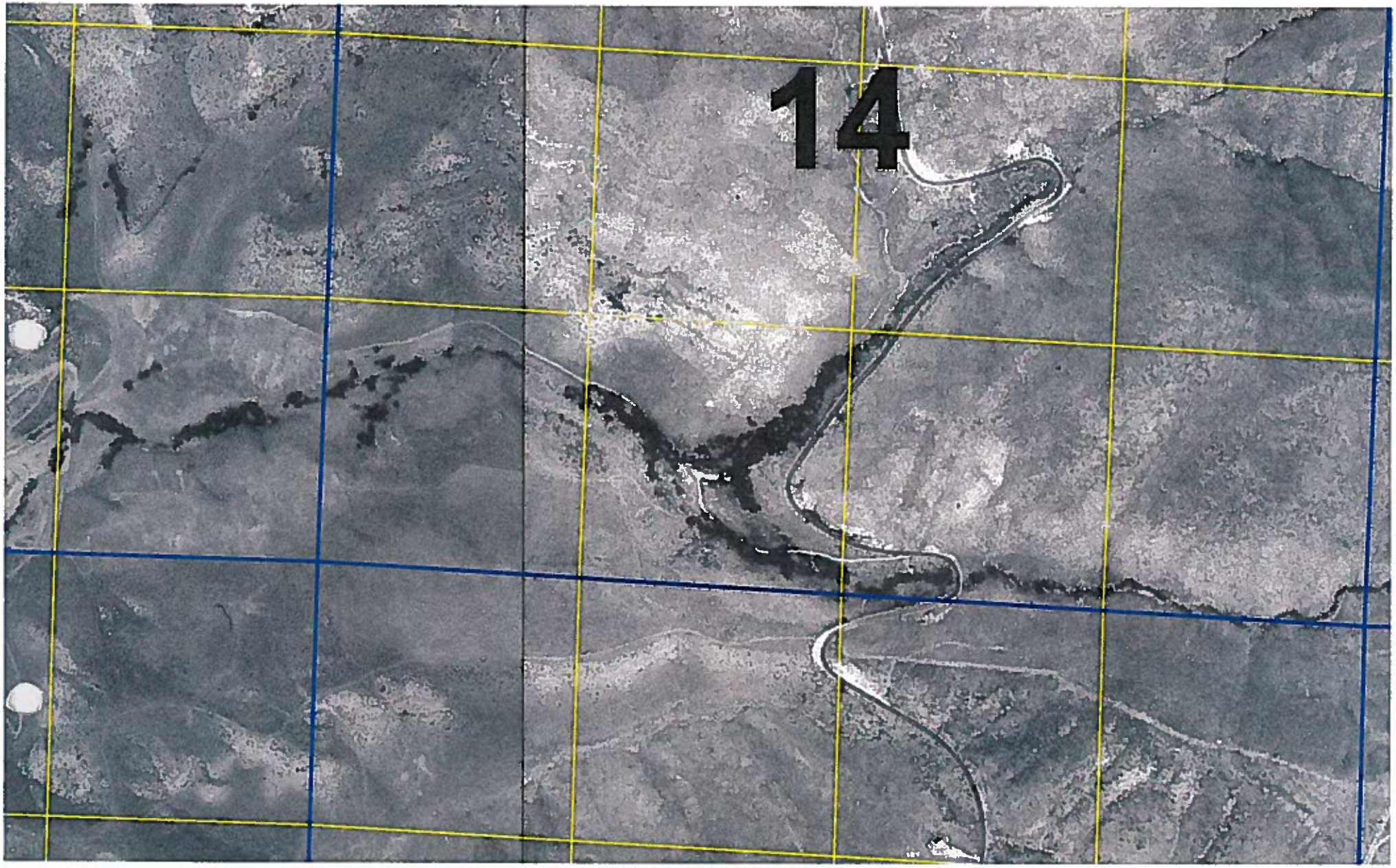
Claim Number: 63-31058
Legal: T04N, R02E, S14
Reviewed By:

Point of Diversion
Place of Use
Section Lines
Quarter Quarter Lines



N
W E
S

no 1982, ~~1986~~ NAPP coverage for the entire parcel. No aerial coverage in 1934, 1964. Have aerials for 1995, 2000, 2003. Can reasonably see CU



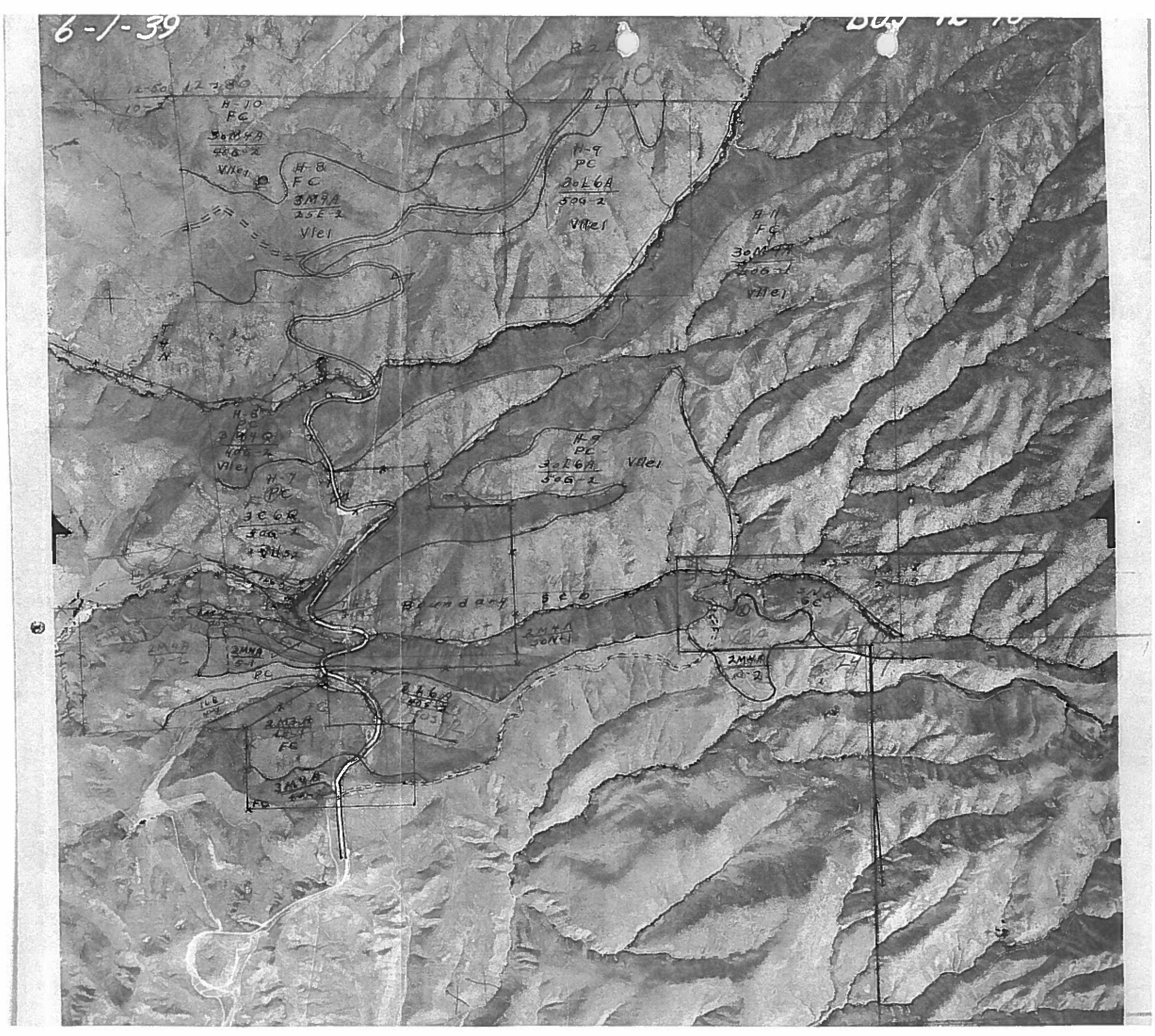
Terteling 63-31058, 63-31060 - 7000 N BOGUS BASIN RD

1992 X9 SE, SW



1987 NAPP
no irrigation

6-1-39


R 2 E
T 4 N
H-10 FC 3oM4A 486-2 Vlei
H-8 FC 3M9A 25E-2 Vlei
H-9 PC 3oL6A 509-2 Vlei
H-11 FC 3oM4A 506-2 Vlei
H-8 PC 3M4Q 406-2 Vlei
H-7 PC 3C6R 506-2 +DL&L
H-9 PC 3oL6A 506-2 Vlei
Boundary
2MH4A 506-2
2MH4A 10-2
2MH4A 6-1 PC
2MH4A 4-2 PC
2MH4A 6-2 PC
2MH4A 4-1 FC
2MH4B 4-1 FC
2MH4B 4-2 FC
2MH4B 4-2 FC

VLM working 63-4 copy

FILE NO. 525

IN THE DISTRICT COURT

OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF ADA.

FILED
AM. PM.
MAY 26 1934
CLERK.
DEPUTY.

EDGAR NOOTH, H. A. MANSFIELD and NORA B. NEAL, a widow,

Plaintiffs,

vs.

C. O. SMITH,

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE

This cause came on for hearing before the Court, sitting without a jury, in open Court, at Boise, County of Ada, State of Idaho, on the [redacted] 1934.

The plaintiffs appeared by their attorney, Chris Martin, Esq., and the defendant appeared by his attorney, J. B. Eldridge, Esq.

Witnesses were sworn and examined on said 21st day of May, 1934, and all the proof not being submitted on that day, the cause was postponed until the [redacted] at ten o'clock A. M. before said Court.

Witnesses were sworn and examined on behalf of the plaintiffs and cross-examined by counsel for defendant until twelve o'clock, whereupon a recess was taken until two o'clock P. M. of said day.

Upon the coming in of the Court at two o'clock P. M. of said day, counsel for the respective plaintiffs and defendant announced to the Court that the respective parties hereto had reached an agreement among themselves concerning their water rights, priorities, points of diversion, pl-

[redacted]

Decree # I

of said Stewart Creek to and upon said lands, to the extent of forty-four (44) acres thereof, and in said year, and ever since said year, continuously, during each and every irrigation season, have continued to divert and conduct said water to and upon said lands and have used said water for the irrigation of said lands in producing hay, grain and other agricultural crops thereon, and all of said water, to-wit: nine-tenths (9/10) of one (1) cubic foot of water per second of time of said normal flow of Stewart Creek, is necessary for the proper irrigation of said lands, after April 1st of each year, and that Thomas Booth and Ellie Booth, his wife, and Thomas J. Booth, their son, jointly, are now the owners of a water right of nine-tenths (9/10) of one (1) cubic foot of water per second of time of said normal flow of said Stewart Creek, their rights thereto dating from July 25, 1918; that their points of diversion for their two ditches from said Stewart Creek, which said two ditches carry said water to said lands, are in

> The Southwest Quarter of the Northwest Quarter of Section twenty-two (22), Township four (4) North, Range two (2) East;

that during the flood-water season or spring run-off, before the normal flow of said Stewart Creek commences, and at all times throughout each irrigation season, the said Thomas Booth, Ellie Booth and Thomas J. Booth, jointly, are entitled to a minimum of forty-five (45) miners inches or nine-tenths (9/10) of one (1) cubic foot of water per second of time of said normal flow of said Stewart Creek.

3.

That Nora B. Neal, a widow, and her predecessors in interest, were the owners, in possession, and entitled to the possession, and the said plaintiff, Nora B. Neal, a widow, is now the owner, in possession, and entitled to the possession,

her points of diversion for her two ditches from said Stewart Creek, which said two ditches carry said water to said lands, are as follows:

The point of diversion of the ditch from the North side of Stewart Creek is in

> The Northwest quarter of the Northeast quarter of Section twenty-two (22), Township four (4) North, Range two (2) East.

The point of diversion of the ditch on the South side of Stewart Creek is in

> The Southwest quarter of the Northwest quarter of Section twenty-two (22), Township four (4) North, Range two (2) East, Boise-Meridian.

That during the flood-water season or spring run-off, before the normal flow of said Stewart Creek commences, and at all times throughout each irrigation season, the said Nora B. Neal is entitled to a minimum of fifty (50) miners inches or one (1) cubic foot of water per second of time of said normal flow of said Stewart Creek.

4.

That H. A. Halliwill, and his predecessors in interest, were the owners, in possession, and entitled to the possession, and the said plaintiff, H. A. Halliwill, is now the owner, in possession, and entitled to the possession, of the following described land, to-wit:

> The Northeast quarter of the Northeast quarter of Section twenty-two (22), the Southeast quarter of the Southeast quarter of Section fifteen (15), and the South Half of the Southwest quarter of Section fourteen (14), Township four (4) North, Range two (2) East, Boise-Meridian.

That for the irrigation of three and three-tenths (3.3) acres of said land, above described, the said H. A. Halliwill, and his predecessors in interest, did, on the 25rd day of July, 1899, by means of dams and ditches, and other diverting works of sufficient capacity, divert and appropri-

entitled to the possession of the following described land, to-wit:

> The South Half of the Southeast Quarter of Section Thirteen (13) in Township four (4) North, of Range two (2) East; and the Southeast Quarter of the Southwest Quarter and Lot four (4) of Section eighteen (18) in Township four (4) North of Range three (3) East of the Boise-Meridian, containing 155.32 acres, except 1 acre formerly used for school purposes.

That for the irrigation of two and seven-hundredths (2.07) acres of said land, lying immediately adjacent to Stewart Creek, the said C. O. Smith, and his predecessors in interest, did, on the 1st day of April, 1915, by means of dams and ditches, and other diverting works of sufficient capacity, divert and appropriate waters of Stewart Creek, situate in a Northerly direction from Boise, Idaho, one-tenth (1/10) of one (1) cubic foot of water per second of time of the normal flow of said Stewart Creek, and did conduct said one-tenth (1/10) of one (1) cubic foot of water per second of time of the normal flow of said Stewart Creek to and upon said two and seven-hundredths (2.07) acres of land, and in said year, and ever since said year, continuously, during each and every irrigation season, has continued to divert and conduct said water to and upon said lands, and has used said water for the irrigation of said lands in producing hay, grain and other agricultural crops thereon, and all of said water, to-wit: one-tenth (1/10) of one (1) cubic foot of water per second of time of the normal flow of said Stewart Creek, is necessary for the proper irrigation of said lands, after April 1st of each year, and that C. O. Smith is now the owner of a water right of one-tenth (1/10) of one (1) cubic foot of water per second of time of the normal flow of said Stewart Creek, his right thereto dating from April 1, 1915; that his points of diversion for his three ditches from said

Gulch, and that by reason of said defendant's wrongful acts in thus diverting said water from Stewart Gulch through said ditch over on to land sloping towards Crane Gulch, as above said, these plaintiffs have been deprived of their water rights and have been unable to use the amount of water to which they would otherwise received had said water not have been so unlawfully diverted.

7.

That while defendant, C. O. Smith, has a date of priority herein subsequent to the date of priority of the plaintiff's, and all other rights above described herein, diversion of the waters of Stewart Creek on the said two and seven-hundredths (2.07) acres of said defendant, C. O. Smith, immediately adjacent to said Stewart Creek at any time during the irrigation season of any year does not injure the other water rights described herein and does not deprive the plaintiffs, and other water rights described herein, of their rights to the use of the waters herein respectively decreed, the said defendant, C. O. Smith, and his successors and assigns, has the right to divert and use said one-tenth (1/10) of one (1) cubic foot of water per second of time upon said two and seven-hundredths (2.07) acres of land at any and all times throughout each irrigation season.

Conclusions of Law

As conclusions of law, the Court finds as follows:

1.

That Thomas Booth and Millie Booth, his wife, and Thomas J. Booth, their son, jointly, and their successors, are entitled to a judgment and decree herein quieting and decreeing to them, jointly, a right to the use of the waters of Stewart Creek in the amount of nine-tenths (9/10) of one (1)

of the following described lands, to-wit:

> The West Half of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter, and the Northeast Quarter of the Northwest Quarter, all in Section twenty-two (22), Township four (4) North, Range two (2) East, of the Boise-Meridian; except tract of land conveyed to Milton LaFollette, containing 46.12 acres, as described in deed recorded in Book 32 of Deeds at page 76, records of Ada County, Idaho; also excepting one-fourth acre, conveyed to Daniel Quinby by Deed recorded in Book 57 of Deeds at page 20, records of Ada County, Idaho, together with all water rights, ditches, ditch rights, rights-of-way, easements, wells and springs used in connection therewith or appurtenant thereto and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

neal
POU
W/2 NW } Sec 22
NWSW }
NENW }
except 46.12 ac
.25 ac

and that her points of diversion for her two ditches from said Stewart Creek, which said two ditches carry said water to said sixty-seven (67) acres of land, are as follows:

POD's
NWNE 22
SWNW 22

The point of diversion of the ditch from the North side of Stewart Creek is in

> The Northwest Quarter of the Northeast Quarter of Section twenty-two (22), Township four (4) North, Range two (2) East.

The point of diversion of the ditch on the South side of Stewart Creek is in

> The Southwest Quarter of the Northwest Quarter of Section twenty-two (22), Township four (4) North, Range two (2) East, Boise-Meridian;

and the said Nora B. Neal, a widow, and her successors, are entitled to a permanent injunction against all the other parties herein mentioned, and their agents, attorneys, heirs, successors, assigns and all others acting in aid or assistance of them, and each and every of them, from in any manner interfering with the said right to the use of the waters of Stewart Creek, except to divert the water of Stewart Creek to fulfill their own rights to the extent thereof as herein specifically set forth, at the points of diversion, and for the acreage herein specifically set forth as the respective places of beneficial use.

to the use of the waters of Stewart Creek in the amount of one-tenth (1/10) of one (1) cubic foot per second of time or five (5) miners inches, with date of priority as of April 1, 1915, and with the place of use of said waters on two and seven-hundredths (2.07) acres of the following described lands, to-wit:

C.O. Smith
.1, 5"
4/1/1915
2.07 acres

> The South Half of the Southeast quarter of Section thirteen (13) in Township four (4) North, of Range two (2) East; and the Southeast quarter of the Southwest quarter and Lot four (4) of Section eighteen (18) in Township four (4) North of Range three (3) East of the Boise-Meridien, which said two and seven-hundredths (2.07) acres of said land lie immediately adjacent to Stewart Creek;

POU:
S½SE SEC 13
SE SW¼ LOT 4 SEC 18

and that the [redacted] the three ditches from said Stewart Creek, which said three ditches carry said water to said two and seven-hundredths (2.07) acres of land are in

> The Southeast quarter of the Southeast quarter of Section thirteen (13), Township four (4) North, Range two (2) East, of the Boise-Meridian;

POD: SESE SEC 13

and the said C. O. Smith, and his successors, are entitled to a permanent injunction against all the other parties herein mentioned, and their agents, attorneys, heirs, successors, assigns and all others acting in aid or assistance of them, and each and every of them, from in any manner interfering with the said right to the use of the waters of Stewart Creek, except to divert the water of Stewart Creek to fulfill their own rights to the extent thereof as herein specifically set forth, at the points of diversion, and for the acreage herein specifically set forth as the respective kinds of beneficial use.

And, as the diversion of the waters of Stewart Creek to fulfill the water right of C. O. Smith does not injure the prior rights herein mentioned, all the parties hereto, and their successors and assigns, should be permanently enjoined from in any manner interfering with the said right of C. O.

4.

That each and every of the parties hereto, their servants, attorneys, employees, privies and successors in interest, are hereby enjoined and restrained from any and all interference with or diversion or use of the waters of said Stewart Creek, except as provided in this decree, whenever such interference, diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties to this action.

5.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the complaint and answer, and all pleadings filed in this cause, be, and the same are hereby, amended to conform to the facts as found by the Court herein.

6.

That each of the parties to this action, or their predecessors in interest, whose rights are adjudicated by this action, did respectively appropriate and divert from Stewart Creek the quantities of water hereinafter stated, and as early as the dates respectively as hereinafter stated, and did respectively appropriate and divert such quantities of water for a beneficial use, and that ever since said dates of the several appropriations such water has been by said parties and their grantors and predecessors in interest so diverted and used under full claim of right, openly, notoriously, continuously and adversely as against the world and that the several appropriators have paid the taxes on said several water rights in conjunction with the lands upon which said waters have been used.

7.

That the following named parties, parties to this

Neal (cont'd)

POU:
W/2 NW ¼ SEC 22
NW SW ¼
except:
Milton LaFollette 46.12 acres
Daniel Quinby .25 ac.

in

The West Half of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter, and the Northeast Quarter of the Northwest Quarter, all in Section twenty-two (22), Township four (4) North, Range two (2) East, of the Boise-Meridian, except tract of land conveyed to Milton LaFollette, containing 46.12 acres, as described in deed recorded in Book 52 of Deeds at page 76, records of Ada County, Idaho; also excepting one-fourth acre, conveyed to Daniel Quinby by Deed recorded in Book 57 of Deeds at page 30, records of Ada County, Idaho, together with all water rights, ditches, ditch rights, rights-of-way, easements, wells and springs used in connection therewith or appurtenant thereto and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining,

in the following amount from the following date:

63-0308

ICES
7/23/1899

One (1) cubic foot per second of time from the date of priority, [redacted].

That the plaintiff, [redacted], be, and is hereby, awarded the use of the waters of [redacted], diverted from one point on said Stewart Creek in

Hallwell

The Southeast Quarter of the Southwest Quarter of Section fourteen (14), Township four (4) North, Range two (2) East, Boise-Meridian,

POD: SESW SEC 14

through what is now known as the one [redacted], for use upon three and three-tenths (3.3) acres of land lying within

POU: 3.3 acres

NENE SEC 22
SESE SEC 15
S/2 SW SEC 14

The Northeast Quarter of the Northeast Quarter of Section twenty-two (22), the Southeast Quarter of the Southeast Quarter of Section fifteen (15), and the South Half of the Southwest Quarter of Section fourteen (14), Township four (4) North, Range two (2) East, Boise-Meridian,

.2 CFS
7/23/1899

in the following amount from the following date:

63-309

One-fifth (1/5) of one (1) cubic foot per second of time from the date of priority, [redacted].

That the defendant, [redacted], be, and is hereby, awarded the use of the waters of [redacted], diverted from three points on said Stewart Creek in

Smith

POD: SESE SEC 13

The Southeast Quarter of the Southeast Quarter of Section thirteen (13), Township four (4) North, Range two (2) East, of the Boise-Meridian,

the party by whom such costs and disbursements were incurred.

Dated, May 26th, 1934.

Thos. L. Ambrose
Judge

State of Idaho
County of Ada } ss

CERTIFICATE

I, STEPHEN UTTER, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original Findings of Fact + etc Ely Decree

filed in the above entitled action and remaining now on file in my office at Boise City, Ada County, Idaho.

Given under my hand and the seal of said Court, at office in Boise City, Ada County, Idaho, this the 26th day of May 1934.

By B. Boyle Deputy. Stephen Utter Clerk.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-31058 **Date:** 9-15-01

				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Sum
Claim	4N	2E	14												5					5
GIS															5					5
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 5

Total GIS Acres: 5

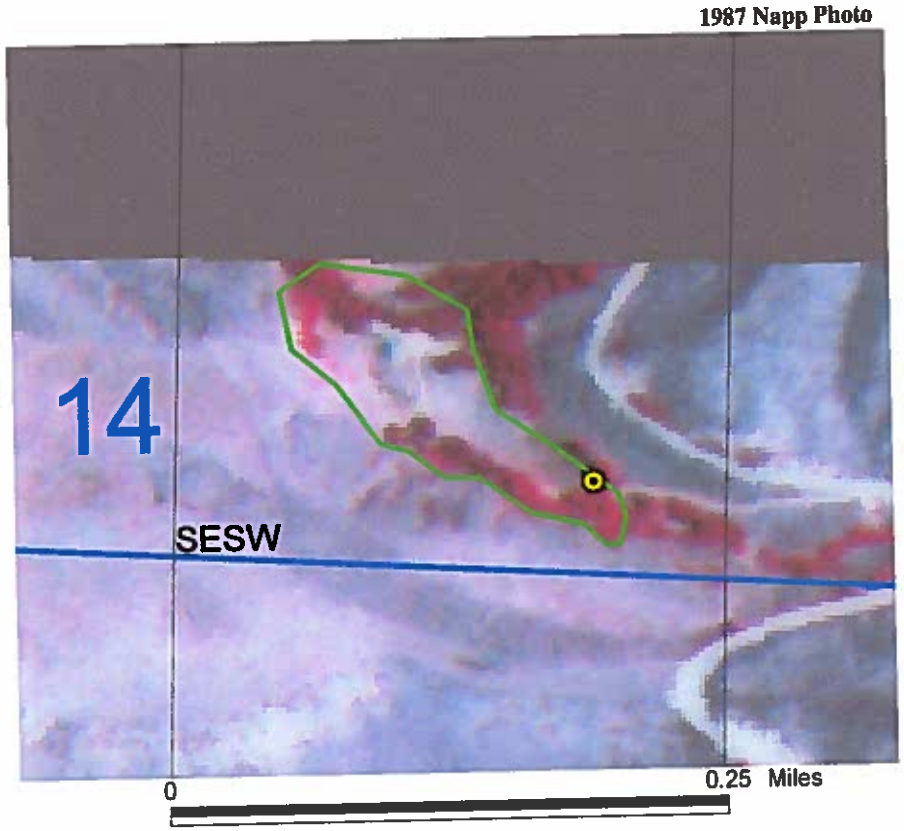
Overlapping POU Claim #'s:

COMMENTS:

I think this is close but the map I have is cut off in the POD and there just aren't any defined boundaries!!

Idaho Department of Water Resources

Claim Number: 63-31058
Legal: T04N, R02E, S14
Reviewed By:



Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

