

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: A63-31061
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: DEC 31, 1920

3. Source: SPRING Trib. to: STEWART CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	21	SW		NE		ADA

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 10 RANGE CATTLE; DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	21	NE	SE		IRR	3.0
			NE	SE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	21	NE	SE		STOCK	
						Section Acres	3.0
						Total Acres	3.0

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:
A63-28364

14. Remarks:
CONCRETE COLLECTION BOX IN SPRING WITH PIPE TO PLACE OF USE.
GRAVITY FLOW. THIS RIGHT USED IN CONJUNCTION WITH A NEARBY 8"
WELL, 98' DEEP WITH 1 1/2 HP SUBMERSIBLE PUMP, WHICH IS BEING
CLAIMED SEPARATELY AS A63-28364.

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
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CIVIL CASE NUMBER: 39576
Ident. Number A63-31061
Receipt Number W025312

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
(Tom Terteling residence irrigation)

RECEIVED
JUN 09 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) December 31, 1920
3. Source of water supply (a) spring
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 4N Range 2E Section 21,
_____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Ada (residence at 5115 Cartwright
Rd, Boise, ID)

Additional points of diversion if any: well in NE SE S 21, T 4N, R 2E *JS*

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot, _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the date of any
changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Concrete collection box in spring with pipe to place of use. Gravity flow. Alternate point of
diversion is nearby 8" diameter ground water well, 98 feet deep with a one and a half HP submersible
pump, WHICH IS BEING SEPARATELY CLAIMED AS A63-28364. *THIS RIGHT USED IN CONJUNCTION WITH A*

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 0.06 or 9
For DOMESTIC purposes from 1-1 to 12-31 amount .04 or _____
For STOCK WATER purposes from 1-1 to 12-31 amount .04 or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) 9 (acre feet)

8. Total consumptive use claimed is 9 acre feet per annum.

Last Name Terteling Ident No. _____

5/99 Revision

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

STOCKWATER, 10 HEAD, DOMESTIC, 1 HOME.

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	21													3				3
															D				
															S				

Total number of acres irrigated 3

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

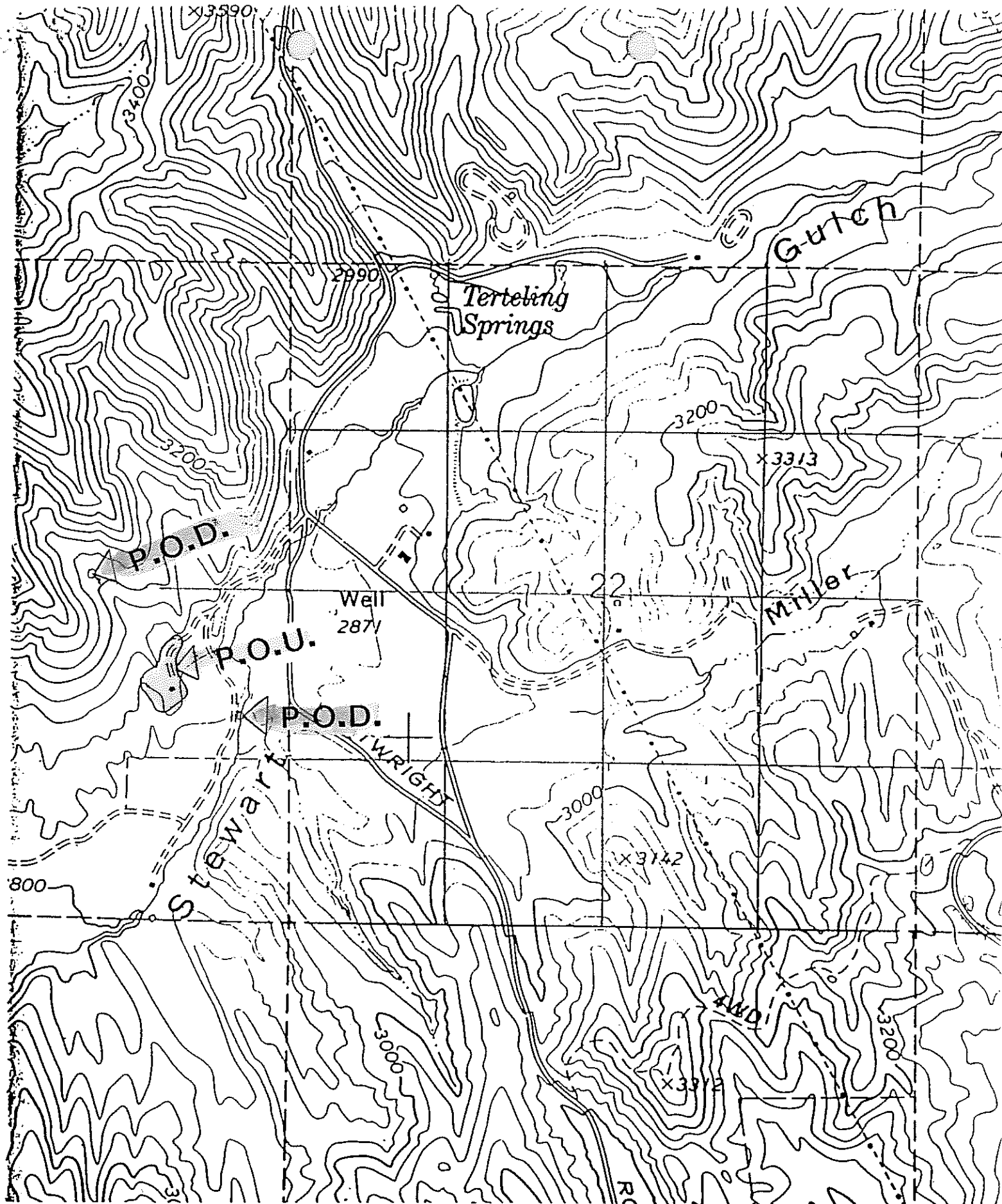
12. Do you own the property listed above as place of use? Yes X No _____

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.

A domestic water right is being claimed separately for the dwelling associated with this place of use (claim no. 63-28364). or None ()

14. Remarks:



Last Name Terteling Ident No. _____

Township 4N Range 2E Section 21 NESE

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

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

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

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

Signature of Authorized Agent J.L. Terteling

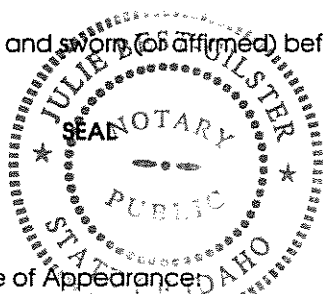
Title and Organization President of The Terteling Company, Inc. Date 6-7-99

State of Idaho/or _____)

County of Ada) SS.

_____)

Subscribed and sworn (or affirmed) before me this 17th day of June, 1999



Notary Public Julie Best-Terteling

Residing at Nampa, ID

My Commission Expires 1-21-2001

17. Notice of Appearance

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

Signature Jeffrey C. Fereday

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

Date June 4, 1999

09/22/2005

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

RIGHT NUMBER: 63-31061

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

SOURCE: SPRING

TRIBUTARY: STEWART CREEK

QUANTITY: 0.040 CFS

When combined with water right 63-28364 the quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1938

POINT OF DIVERSION:

T04N R02E S21 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home and up to .5 acre of irrigation.		

PLACE OF USE: STOCKWATER Within ADA County

T04N R02E S21 NESE

DOMESTIC Within ADA County

T04N R02E S21 NESE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 10 range cattle.

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

Property is also known as 5115 Cartwright Rd, Boise, Idaho.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31061 V1

WATER RIGHT NUMBER: 63-31061 V1

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

Priority Date: 03/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	STEWART CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4NE1/4	Sec. 21, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

STOCKWATER Within ADA County

T04N R02E S21 NESE

DOMESTIC Within ADA County

T04N R02E S21 NESE

Conditions of Approval:

1. X02 Stockwater use is for 10 range cattle.
2. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. N14 When combined with water right 63-28364 the quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home and up to .5 acre of irrigation.
5. J01 Property is also known as 5115 Cartwright Rd, Boise, Idaho.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31061 V1

Remarks:

Comments:

1. vmusic 9/22/2005 IRRIGATION USE
Comment: SEE MEMO IN FILE. CANNOT FIND THAT 3 ACRES HAS EVER BEEN IRRIGATED HERE. MAYBE 1 ACRE BUT IF SO FORFEITED FOR NON USE FROM 1964 TO 1999 PER AERIAL REVIEW. JOE Ts AFFIDAVIT STATES ONLY THAT IRRIGATION USE WAS AROUND HOUSE.
2. vmusic 9/22/2005 OVERLAP
Comment: 63-28364 DECREED FOR DOMESTIC FROM WELL. COMBINED USE REMARK.
3. vmusic 9/22/2005 ADDRESS
Comment: 5115 CARTWRIGHT RD. TOM Ts HOUSE.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	9/22/2005 10:02:18 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 1938 AERIAL
POD	9/22/2005 10:03:14 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	9/22/2005 10:11:34 AM	vmusic	Updated shape for Active POU
Contacts	9/22/2005 9:57:19 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31061 V1

POD	9/22/2005 10:07:18 AM	vmusic	Updated shape
Source	9/22/2005 10:07:54 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	9/22/2005 10:08:35 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS
Use	9/22/2005 10:12:04 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - AERIALS
Season	9/22/2005 10:12:53 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31061 V1

Quantity	9/22/2005 10:13:38 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - NOT REQUIRED FOR DE MINIMUS Q
Summary	9/22/2005 10:23:47 AM	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? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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:

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

63-31051

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

63-31052

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

63-31053

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

63-31054

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

63-31055

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

63-31056

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

63-31058

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

63-31060

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

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

63-31061

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

63-31062

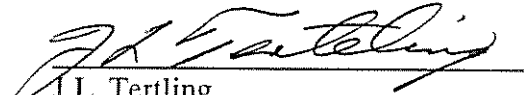
This water right is diverted from the Old Barn well for domestic, irrigation and stockwater uses. It has been diverted for those purposes since I have lived on the ranch. The 1949 aerial photo attached hereto as Exhibit "D" establishes the existence of the home as of at least that time.

63-31086

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

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

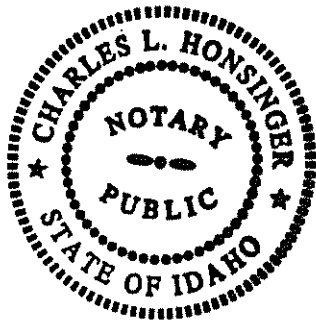
Further your affiant sayeth naught.


J.L. Tertling

STATE OF IDAHO)
)ss.
County of Ada)

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

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



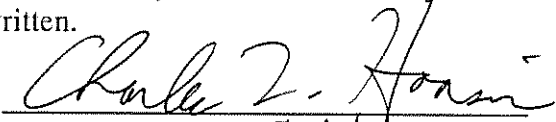

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 7/30/2010

Exhibit A

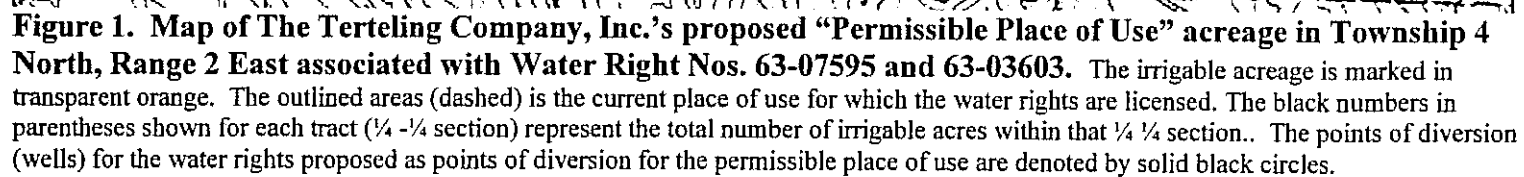


Exhibit B

Perkeling PEACEFUL COVE
SWIMMING POOL
BOISE, IDAHO

Log of well.

42 ft.	top soil sand	42 ft.
2 ft.	hard soap stone	44 "
16 ft.	blue shale	60 "
2 ft.	sand, little flow	62 "
23 ft.	blue shale	85 "
2 ft.	sand, more water	87 "
53 ft.	blue shale	140 "
5 ft.	sand more water	145 "
19 ft.	sand stone	164 "
2 ft.	sand, little more water	66 ft.
9 ft.	blue shale	205 "
5 ft.	sand, <u>little</u> water	210 "
7 ft.	soap stone	287 "
3 ft.	sand	295 "
18 ft.	soap stone	398 "
1 ft.	hard rock	399 "
1 ft.	sticky soap stone	435 "
1 ft.	hard rock	436 "
1 ft.	sticky soap stone	454 "
1 ft.	hard soap stone	458 "
1 ft.	sticky soap stone	473 "
1 ft.	hard soap stone	478 "
1 ft.	sticky soap stone	498 "
1 ft.	hard rock, gravel	500 "
1 ft.	hard soap stone	
	with small layers	521 ft.
	same stone	

521 ft.

4 ft. hard sand stone 525"
10 ft. hard soap stone with
lava streaks 535"

32 ft. lava rock occasional
soft streaks 567"

15 ft. porous lava rock.
hot water 582"

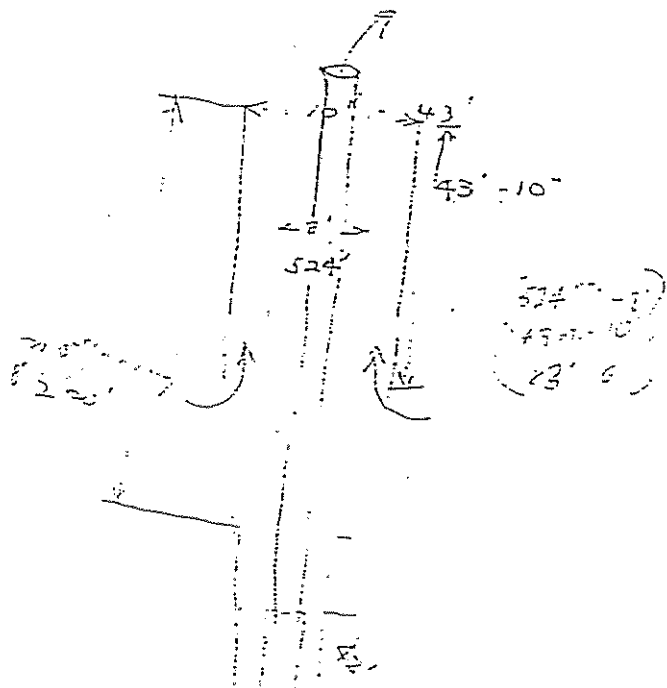
13 ft. hard rock 595"

well drilled - 595 ft. deep.

43 ft. 10 in. pipe in well

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

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



CL 21105
7/31/47

① Remarks: This well consists of an 8" casing 15' deep, 8" and 10". Hot water flows through the 10" casing from a depth of at least 150'. From 150' the hot water is pumped @ 56.9 gpm to the surface. Between the 6" and 8" casings is air space. The 10" and 8" casings extend through the permeable zone allowing the cold water to flow to the surface through the space between the 10" and 8" casings @ 39.6 gpm from a depth of 150 ft.

② 6" artesian well @ 150'.

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

W
J. R. Tetzlaff
Applicant
By J. R. Holt Agent

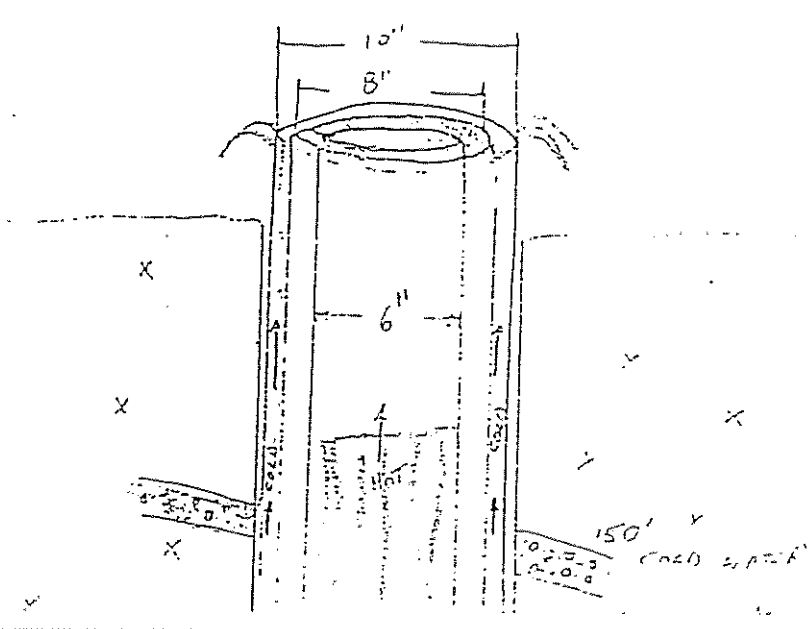


Exhibit C

BUJ-10-2



Exhibit D



**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. Stenson
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

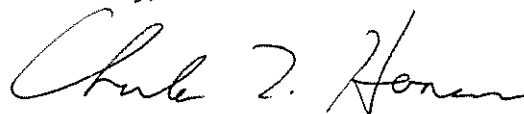
Re: Terteling Company and T-7, LLC water rights

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	✓
65	7450		License	Active	279509	THE TERTELING CO INC (Cu	wrAdjudicationClaim	Disallowed
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 NOS. 63-31061 AND 63-31086
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: EVIDENCE OF HISTORIC IRRIGATION
DATE: 9/22/2005
CC: NA

These 2 claims are for the house located at 5115 Cartwright [Tom T's house]. 63-31061 is claimed for .06 cfs for domestic, stockwater and irrigation of 3 acres. 63-31086 is claimed for .06 cfs for irrigation of 3 acres adjacent to the house on the west and northeast both with priority dates of 1938.

I reviewed aerial photographs for the following years: 1939, 1964, 1975 [X9 Orthophoto quad], 1987, 1995, 2000 and 2003. The only aerials that showed what might be interpreted as irrigated fields are the 1939 and the 1964. In these 2 photos the small fields W and NE of the house looks mowed or cultivated. 1 acre at the most may have been irrigated.

In the rest of the photos, there is clearly not 3 acres irrigated. The yard west and east of the house appears irrigated in the 1995, 2000 [infrared] and 2003 aerials though it looks like the 2 small fields may be mowed. The 2003 aerial is the clearest and the 2 small fields appear to be native vegetation with the exception of a row of trees lining the road. There is no sign of a diversion or delivery system at all.

Joe Terteling's affidavit states that the water was used for irrigation around the house since he moved here in the 1940s which sounds like a domestic use. There is not a house seen in the aerials in the present location of Tom's home until 1995. There is a structure northeast of Tom's house in the NENESE clearly seen in the 1964 aerial but I cannot tell if it is there in the 1939 aerial.

If the property had been irrigated, it was not 3 acres and was forfeited from 1964 – 1999 when the claim was filed. I will reduce acres to the .5-acre for 63-31061 and disallow 63-31086 for no beneficial use found.

VLM

5115 CARTWRIGHT RD
2003 AERIAL PHOTO
63-31061, 63-31086



5115 CARTWRIGHT RD
2000 AERIAL PHOTO
63-31061, 63-31086

NESSE

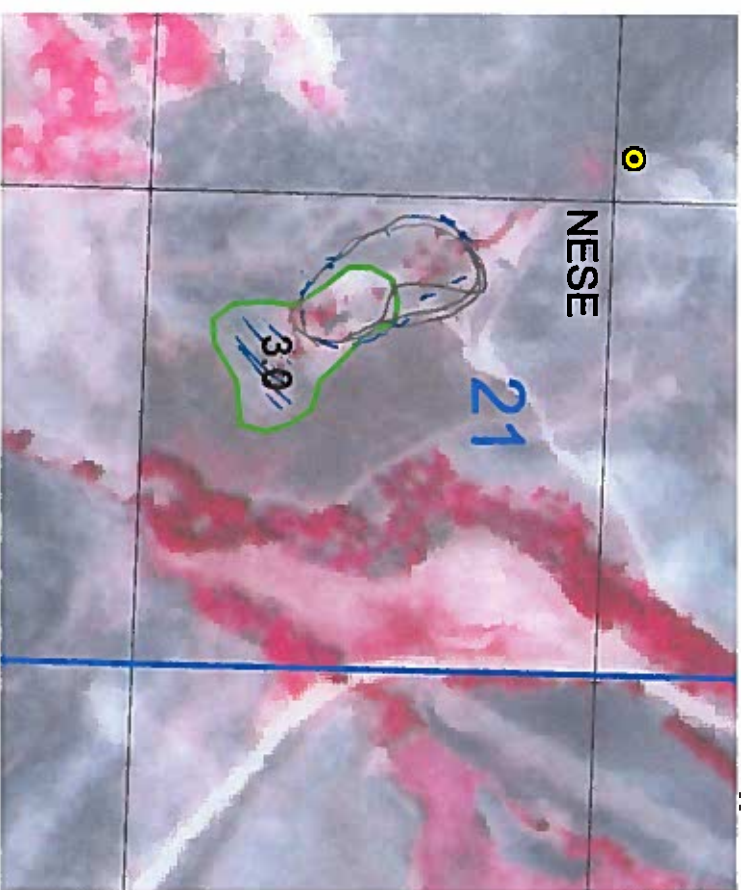


Idaho Department of Water Resources

Claim Number: 63-31061
 Legal: T04N, R02E, S21
 Reviewed By:

- ☒ Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines

no irr ac. shown
 1964-2003
 shown

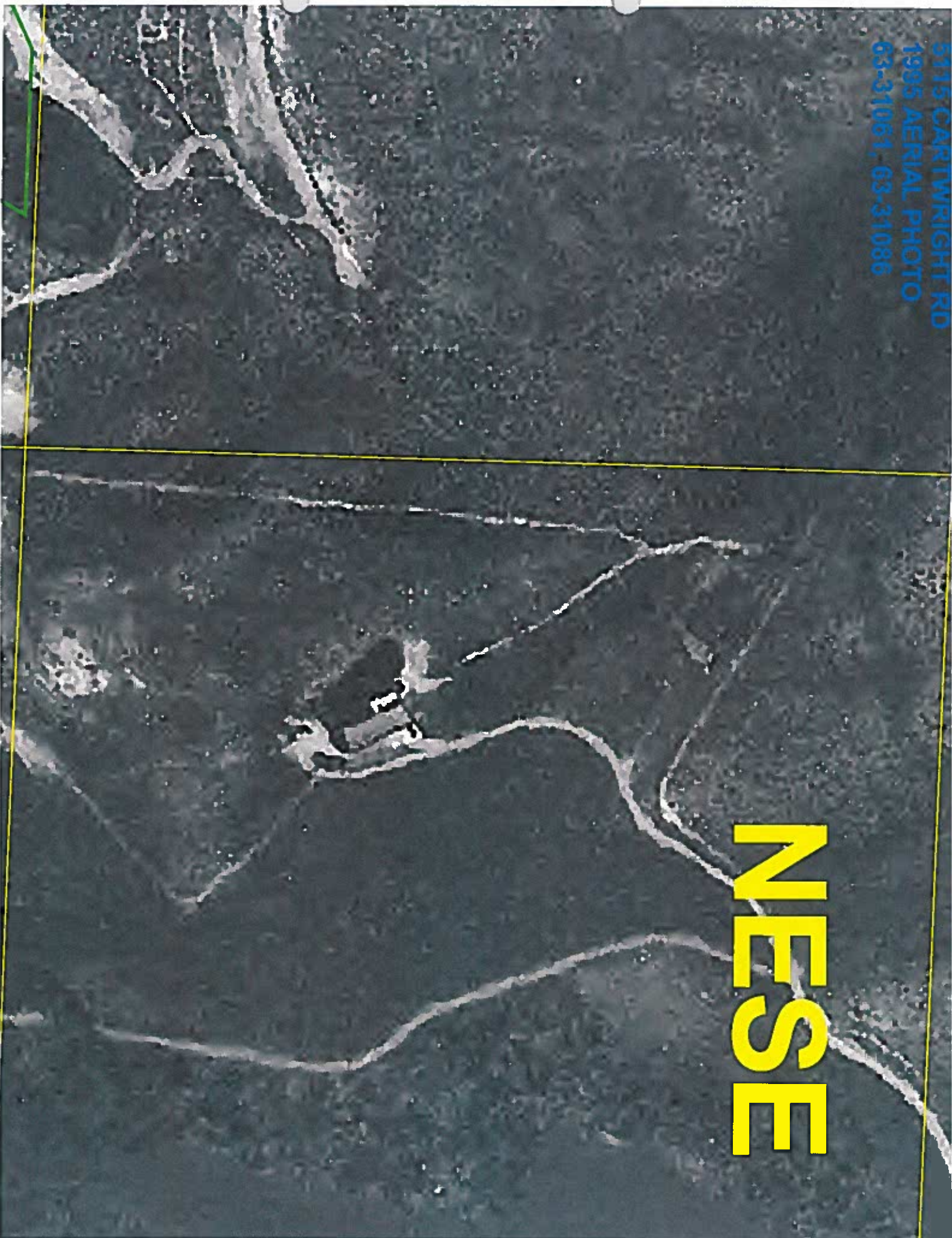


1987 Napp Photo

changed per
 Jan 7
 very aerial review:
 1987 NAPP - not 3 ac. irr, only yard
 2000 - only yard irr
 1985 - " " "
 2003 - only 3 ac. yard irr
 1989 - area NE of house may be
 irrigated
 1964 - 21 ac shown
 irr

5115 CARTWRIGHT RD
1905 AERIAL PHOTO
63-31061, 63-31086

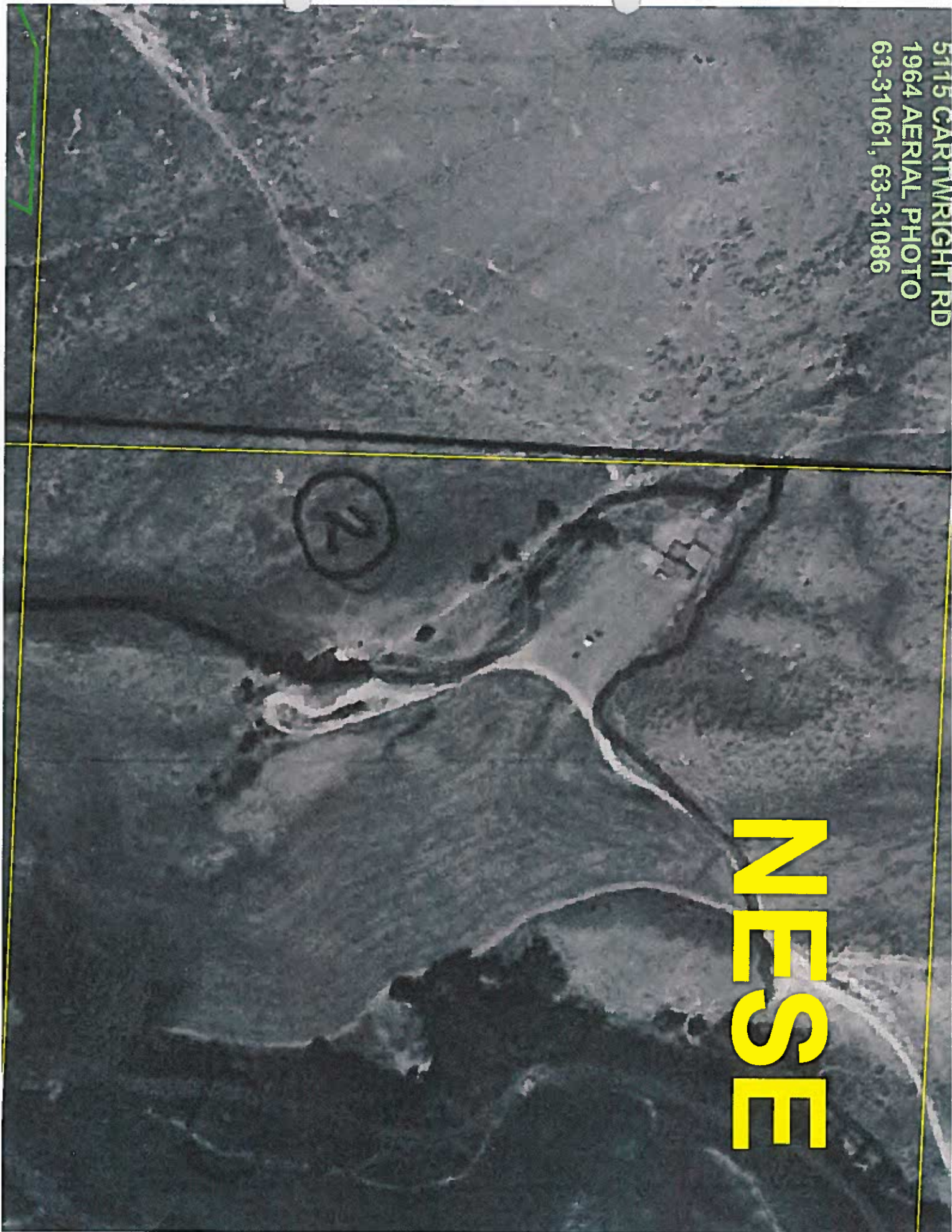
NESSE



5115 CARTWRIGHT RD
1964 AERIAL PHOTO
63-31061, 63-31086

NESSE

(N)



5115 CARTWRIGHT RD
1939 AERIAL PHOTO
63-31061, 63-31086

NESE



63-31061, 63-31086
x9 Orthophoto Aerial
1975 aerial photograph



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31061

09/22/2005

1

Right #	Type	Tw	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
7595	Claim	04N	02E	21	NE	SE		IRRIGATION	8/88	THE TERTEING CO INC
31061	Claim	04N	02E	21	NE	SE		IRRIGATION	3/3	THE TERTEING CO INC
31086	Claim	04N	02E	21	NE	SE		IRRIGATION	3/3	THE TERTEING CO INC
307	Water Right	04N	02E	21	NE	SE		IRRIGATION		THOMAS J BOOTH
7595	Water Right	04N	02E	21	NE	SE		IRRIGATION	8/103	TERTEING TRUST NO 7
31061	Claim	04N	02E	21	NE	SE		STOCKWATER		THE TERTEING CO INC
3364	Water Right	04N	02E	21	NE	SE		STOCKWATER		THE TERTEING CO INC
31059	Claim	04N	02E	21	NE	SE		DOMESTIC		THE TERTEING CO INC
31061	Claim	04N	02E	21	NE	SE		DOMESTIC		THE TERTEING CO INC
3364	Water Right	04N	02E	21	NE	SE		DOMESTIC		THE TERTEING CO INC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31061

WATER RIGHT NUMBER: 63-31061

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

Priority Date: ~~12/31/1920~~ 3/1/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	STEWART CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01	to 12/31	0.040 CFS	
IRRIGATION	3/15	to 11/15	0.060 CFS	
DOMESTIC	1/01	to 12/31	0.040 CFS	

Total Diversion: 0.080 CFS

Location of Point(s) of Diversion

SPRING	SW1/4NE1/4	Sec. 21, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	02E	21	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						X	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	02E	21	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						3.0	3.0

Total Acres: 3
DOMESTIC

When combined w/ 63-28364, not to > .04 cfs or 13k gpd.
 NO 90% not a det of his bldg
 Q not to > 13k gpd
 5015 Cartwright Rd, Boise, ID.

2000 MAY 31 PM 02:00
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-28364

NAME AND ADDRESS: THE TERTELING COMPANY INC
877 W MAIN ST #706
BOISE, ID 83702

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1920

POINT OF DIVERSION: T04N R02E S21 NESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

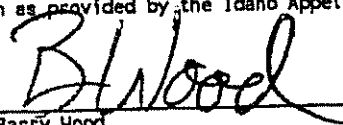
PLACE OF USE:	Stockwater		Within Ada County
	T04N R02E S21	NESE	
	Domestic		Within Ada County
	T04N R02E S21	NESE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31061

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	02E	21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

Conditions of Approval:

1. Attorney name added per notification from Charlie Honsinger. DB 3/1/2004
2. CONCRETE COLLECTION BOX IN SPRING WITH PIPE TO PLACE OF USE.
GRAVITY FLOW. THIS RIGHT USED IN CONJUNCTION WITH A NEARBY 8" WELL, 98ft DEEP
WITH 1 1/2 HP SUBMERSIBLE PUMP, WHICH IS BEING CLAIMED SEPARATELY AS A63-28364.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 3/7/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-31061 Date: 9-29-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	2E	21													3				3
GIS																3				3
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 3

Overlapping POU Claim #'s:

Total GIS Acres: 3

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-31061

Legal: T04N, R02E, S21

Reviewed By:



Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

