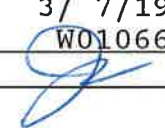


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: **A63-00308**
Date Received: 3/ 7/1990
Receipt No: W010664
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THE TERTELING COMPANY INC 208-338-5200
Address: 3823 N 36TH ST
BOISE ID 83703

AND

Name: TERTELING TRUST NO 7 208-338-5200
Address: 3823 N 36TH ST
BOISE ID 83703

2. Date of Priority: JUL 23, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	22	NE	NW			ADA
			NW	NW			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	11/01	1.000		
IRRIGATION STORAGE	03/15	11/01			17.00
AESTHETIC STORAGE	01/01	12/31			17.00
WILDLIFE STORAGE	01/01	12/31			17.00
STOCKWATER	01/01	12/31	1.000		
GW RECHARGE STORAGE	01/01	12/31			17.00

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

8. Total consumptive use is 94.5 Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	14	SW	SW		GWR S	
		15	SE	SE		GWR S	
		22	NW	NW		IRR	5.0
			SW	NW		IRR	11.0
			SW	NW		GWR S	
Section Acres							16.0
Total Acres							16.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-07595, 63-3603, 63-9288, 63-3604

14. Remarks:

AC. IRR.=67.

THE TWO DECREED POINTS OF DIVERSION FOR THIS RIGHT WERE CHANGED IN THE EARLY 1960'S (WITHOUT GOING THROUGH FORMAL TRANSFER PROCESS) TO A TOTAL OF FOUR DIVERSION POINTS FROM STEWART CREEK, THREE IN THE NWNW AND THE OTHER IN THE SENW, SEC. 22. LIKEWISE, THE SOLELY IRRIGATION USE HAS BEEN ENLARGED TO INCLUDE AESTHETIC AND WILDLIFE STORAGE, STOCKWATER, AQUIFER RECHARGE, AND IRRIGATION STORAGE.

REMARKS FROM DESC. OF DIVERTING WORKS: TWO DIVERSION DAMS IN STEEWART CREEK IN THE N1/2NW1/4, S22, DIVERT WATER TO STORAGE FOR IRRIGATION, SESTHETICS, AND WILDLIFE PURPOSES IN TWO PONDS IN THE N1/2NW1/4 & SE1/4NW1/4, S22. a DIVERSION STRUCTURE IN THE NWNW, S22, DIVERTS WATER UNDER THIS RIGHT FROM THE CREEK TO A POND IN THE SWNW, S22, WHERE IT IS USED FOR AESTHETICS, STOCKWATER AND AQUIFER RECHARGE (INCLUDING SOME IN SECTIONS 14 & 15), AND FROM WHICH IT IS DIVERTED FOR IRRIGATION. NONE OF THESE CHANGES WHICH WERE EFFECTED IN THE 1940S, HAS INCREASED THE CONSUMPTIVE USE UNDER THE RIGHT.

REMARKS FROM NON-IRRIGATION USES: AESTHETIC AND WILDLIFE STORAGE SERVES THE TERTELING RESIDENTIAL AND RANCH PROPERTY. STOCK INCLUDES APPROXIMATELY 25 LLAMAS. IRIGATION STORAGE SERVES THE CURRENTLY IRRIGATED LANDS ON THE PROPERTY. THIS IRRIGATION USE COVERS A PORTION OF THE SAME LANDS IRRIGATED UNDER WATER RIGHT 63-07595. HOWEVER, THIS RIGHT 63-00308 IS AVAILABLE FOR DIVERSION ONLY THROUGH ABOUT JUNE 30 EACH YEAR, DEPENDING ON

14. Remarks: Continued

SNOWPACK AND IS USED ONLY THROUGH THIS EARLY-SEASON PERIOD. AFTER THAT, THE GROUNDWATER RIGHT (63-07595) IS USED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

THOMAS J. BOOTH
Decree Plaintiff

C.O. SMITH
vs Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
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 _____

Address _____

Date _____

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 63-00308
Receipt Number _____

**AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW
(Neal right amended claim)

RECEIVED

JUN 09 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant Terteling Trust No. 7 and 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) July 23, 1899
3. Source of water supply (a) Stewart Creek
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 4N Range 2E Section 22
1/4 of NE 1/2 of NW 1/4, Govt. Lot, B.M., County of Ada
Additional points of diversion if any: NW NW § 22
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. Two diversion dams in Stewart Creek in the N1/2 NW § 22 divert water to storage for irrigation, aesthetics, and wildlife purposes in two ponds in N1/2 NW and SE1/4 NW1/4 § 22. A diversion structure in the NW NW § 22 diverts water under this right from the creek to a pond in the SW NW § 22, where it is used for aesthetics, stockwater, and aquifer recharge (including some in sections 14 and 15), and from which it is diverted for irrigation. None of these changes, which were effected in the 1940s, has increased the consumptive use under the right.

Last Name Terteling Ident No. 63-00308

6/99 Revision
SCANNED
JUN 11 2010

6. Water is claimed for the following purposes:

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

For irrigation purposes from 3/15 to 11/1 amount 1 or _____

For irrigation storage purposes from 3/15 to 11/1 amount 1 or _____

For aesthetic storage purposes from 1/1 to 12/31 amount 1 or _____

For wildlife storage purposes from 1/1 to 12/31 amount 1 or _____

For stockwater purposes from 1/1 to 12/31 amount 1 or _____

For aquifer storage purposes from 1/1 to 12/31 amount 1 or _____

7. Total quantity claimed (a) 1 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 94.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Aesthetic and wildlife storage serves the Terteling residential and ranch property. Stock includes approximately 25 llamas. Irrigation storage serves the currently irrigated lands on the property. This irrigation use covers a portion of the same lands irrigated under water right 36-07595. However, this right no. 63-00308 is available for diversion only through about June 30 each year, depending on snowpack and is used only through this early-season period. After that, the ground water right (63-07595) is used.

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 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	22						5*	11*										16
4N	2E	22							E										
4N	2E	14											E						
4N	2E	15																E	

* Ends in June

Total number of acres irrigated 16

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 ()

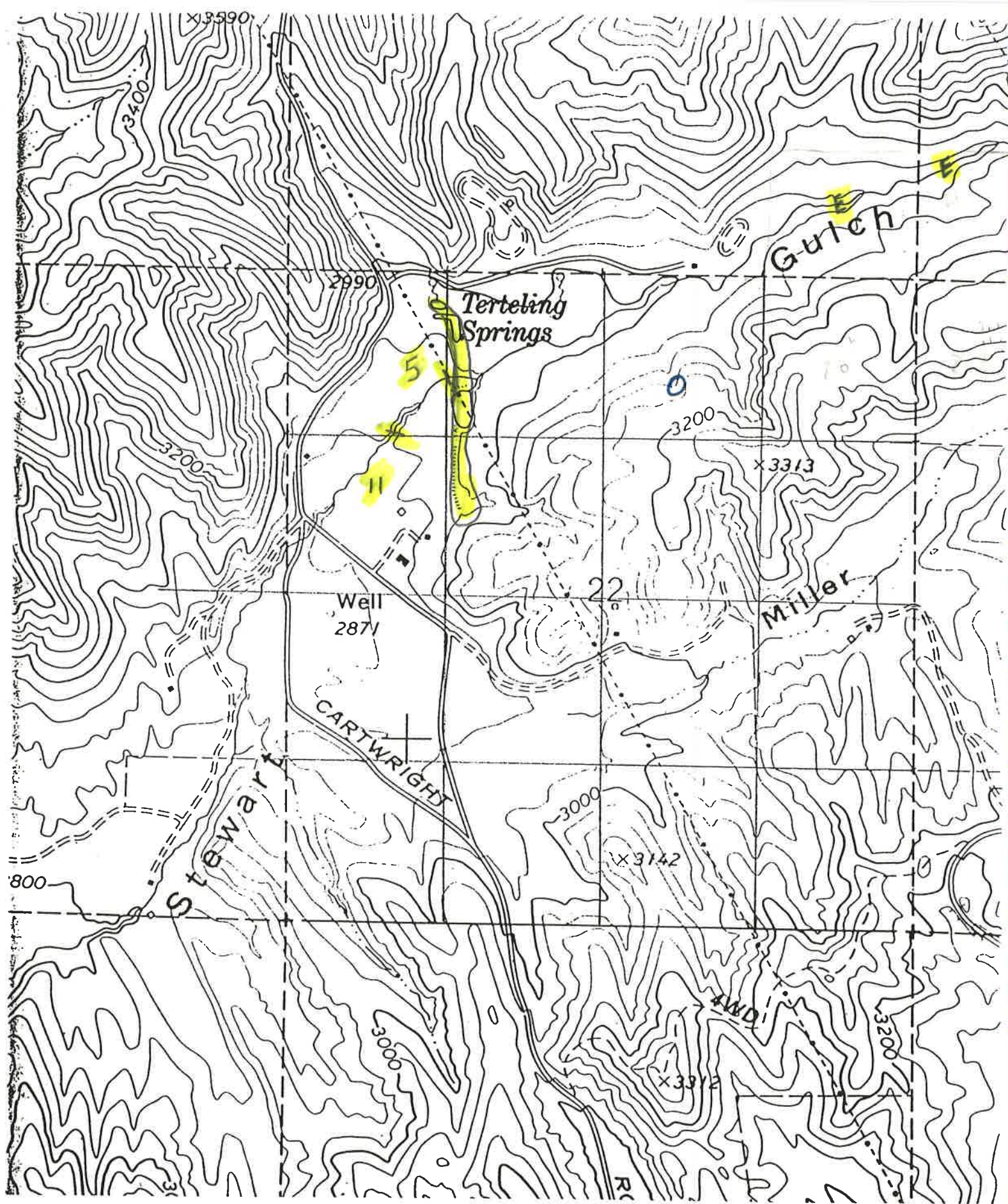
14. Remarks:

The two decreed points of diversion for this right were changed in the early 1960s (without going through the formal transfer process) to a total of four diversion points from Stewart Creek, three in the NW NW and the other in the SE NW § 22. Likewise, the solely irrigation use has been enlarged to include aesthetic and wildlife storage, stockwater, aquifer recharge, and irrigation storage.

Last Name Terteling Ident No. 63-00308

6/99 Revision

SCANNED
JUN 11 2010



Last Name Terteling Ident No. _____
Township 4N Range 2E Section 22

SCANNED
JUN 11 2010

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

Decree X

If applicable provide IDWR Water Right Number 63-00308

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, Trustee of Terteling Trust No. 7 and President of The Terteling Company, Inc., that I have signed the foregoing document in the space below as Trustee of Terteling Trust No. 7 and as President of The Terteling Company, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

J.L. Terteling TRUSTEE J.L. Terteling PRESIDENT

Title and Organization Trustee of Terteling Trust No. 7 and President of The Terteling Company, Inc.

Date June 7, 1999

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 7th day of June, 1999

SEAL

Notary Public

Residing at Nampa, ID

My Commission Expires 4-21-2001

17. Notice of Appearance:

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

Signature Jeffrey C. Fereday

Address 277 North 6th Street, Suite 200, Boise, ID 83702

Date June 7, 1999

Last Name Terteling Ident No. 63-00308

6/99 Revision

SCANNED

JUN 11 2010

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: A63-00308
Date Received: 3/ 7/1990
Receipt No: W010664
Received By: DE JED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TERTELING TRUST NO 7 208-338-5200
Address: 877 WEST MAIN STREET SUITE 706
BOISE ID 83702

2. Date of Priority: JUL 23, 1899

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

4. Point of Diversion:

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

5. Description of diverting works:
EARTH AND CONCRETE DAM ACROSS CREEK DIVERTS FLOW INTO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/01	1.000		
IRRIGATION STORAGE	03/01	11/01			17.00
IRRIGATION FROM STORAGE	03/15	11/01	1.000		

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

8. Total consumptive use is 94.5 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	21	NE	SE		IRR	3.0
						Section Acres	3.0
		22	NE	NW		IRR	7.0
			NW	NW		IRR	5.0
			SW	NW		IRR	11.0
			NE	SW		IRR	1.0
						Section Acres	24.0
						Total Acres	27.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-07595, 63-3603, 63-9288, 63-3604

14. Remarks:
AC. IRR.=67.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

THOMAS J. BOOTH
Decree Plaintiff

C.O. SMITH
vs Decree 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: _____

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JUL 25 1994

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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JUL 25 1994

**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

Date Received

Receipt Number

A63-00308
3-7-90
W010664

RECEIVED
MAR 07 1990

**NOTICE OF CLAIM
TO A**

**WATER RIGHT
ACQUIRED UNDER STATE LAW**

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) XXX Terteling XXX Trust No. 7 Phone (208) 338-5200

Mailing Address 877 West Main Street, Suite 706, Boise, ID Zip 83702

2. Date of Priority (Only one (1) per claim) July 23, 1899

3. Source of water supply (a) Stewart Creek

which is tributary to (b) Boise River

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

Additional points of diversion if any: T.04N., R.02E., Sec. 22, SW $\frac{1}{4}$, NW $\frac{1}{4}$; T.04N., R.02E., Sec. 22,
NE $\frac{1}{4}$, NW $\frac{1}{4}$; T.04N., R.02E., Sec. 21, NE $\frac{1}{4}$, SE $\frac{1}{4}$

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Earthen and concrete dam across creek
diverts flow into distribution system.

MICROFILMED

JUL 25 1994

SCANNED

JUN 11 2010

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 3/15 to 11/1 amount 1.0 or _____

For Irrigation Storage purposes from 3/1 to 11/1 amount _____ or 17

For Irrigation from Storage purposes from 3/15 to 11/1 amount 1.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

8. Total consumptive use claimed is 94.5 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
O4N	O2E	22					7	5	11		1								24
		21													3				3

Total number of acres irrigated ~~XXXX~~ 27.0

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-07595, 63-3603, 63-9288, 63-3604 or None ()

14. Remarks: None

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JUL 25 1994

SCANNED

JUN 11 2010

Terteling Trust No. 7

Last Name XXXXXX Ident No. _____

Copies: White -State, Yellow -Claimant

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

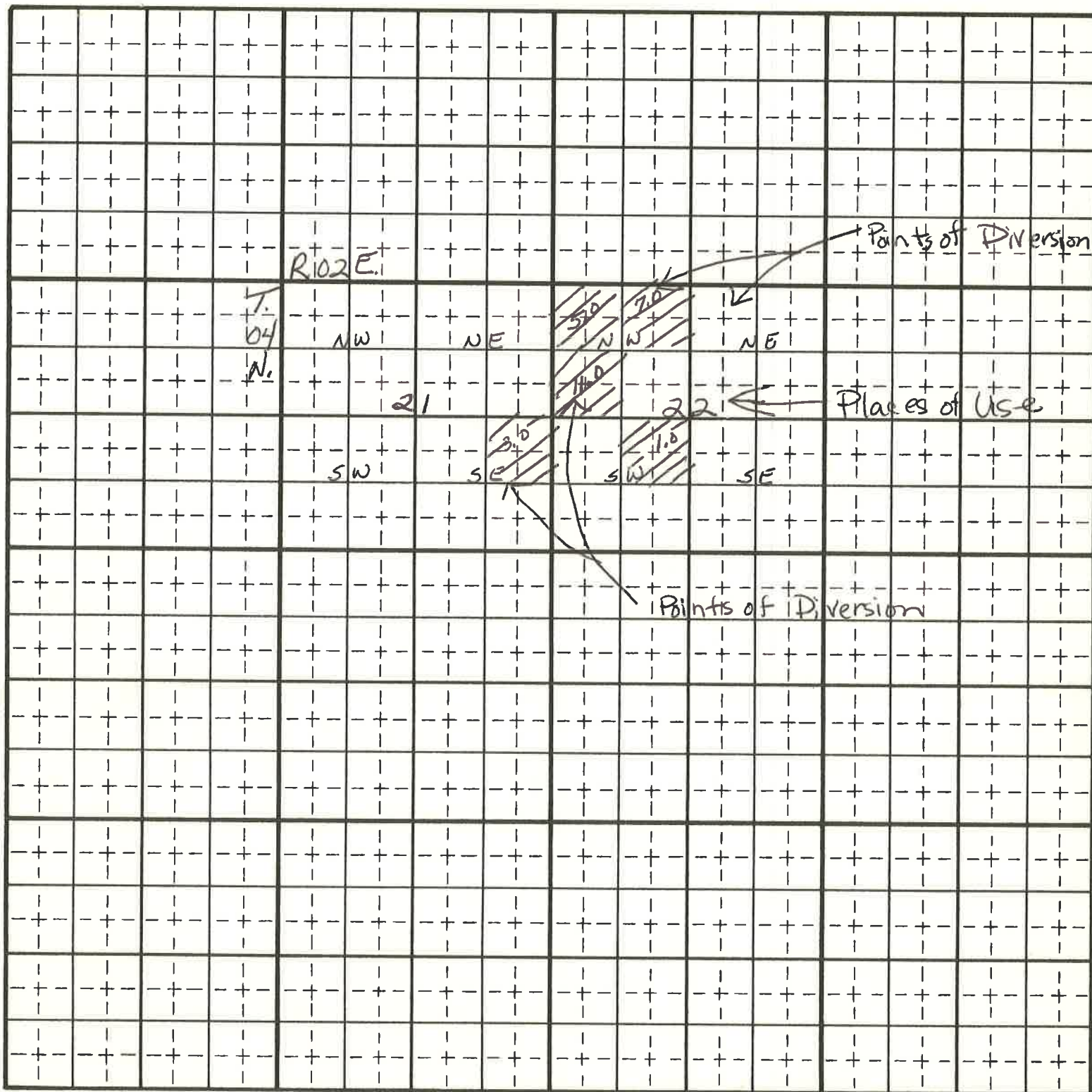
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Page 2

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

JUL 25 1994

SCANNED

JUN 11 2010

Last Name Terteling Trust No. 7

Ident No. XXXXXXXXXX

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
Decree ☒
If applicable provide IDWR Water Right Number 63-00308
Court _____ Case Number _____ Decree Date 5-26-1934
Plaintiff vs Defendant Thomas J. Booth vs. C.O. Smith

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

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

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

For Organizations: I do solemnly swear or affirm that I am ~~President~~ Trustee
Title
of ~~The Terteling XXXX~~ Trust No. 7 , that I have signed the foregoing
Organization
document in the space below as ~~President~~ Trustee of ~~The Terteling XXXX~~ Trust No. 7
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *J. A. Terteling*
Title and Organization Trustee, Terteling Trust No. 7 Date _____
~~President, Terteling Trust No. 7~~

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

Subscribed and sworn (or affirmed) before me this 2nd day of March 19 90

SEAL

Notary Public *Flinda A. Hough*

Residing at *Boise, Id*

My Commission Expires *5-7-91*

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Terteling Trust No. 7 Ident. Number _____
~~The Terteling XXXX~~

MICROFILMED

JUN 25 1994

SCANNED

Copies White-State, Yellow-Claimant

JUN 11 2010

Water Right Number - 63-00308

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEAL

NORA B.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/23/1899 14 WESTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
STEWART CREEK BOISE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04N 02E 22 NW NE (1) ADA
SW NW (1) ADA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.000

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

04N 02E 22 NE NW 01 IRRIGATION (1) ADA
04N 02E 22 NW NW 01 IRRIGATION (1) ADA
04N 02E 22 SW NW 01 IRRIGATION (1) ADA
04N 02E 22 NW SW 01 IRRIGATION (1) ADA

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
AC. IRR.=67.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

MICROFILMED
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Prefix Translation: WATER RIGHT

+ - Decree Date - +
05/26/1934

+ - - Audit Fields - 02/11/86 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	07/01/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	63
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	05/26/1934	Presumption Flag	-				

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JUN 11 2010

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME WrittingCLAIM IDENT. NO. A63-00308DATE RECEIVED 3/2/90 RECEIPT # 1001044 FEE PAID \$ 22.00 FEE REQ'D \$ 22.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
If multiple domestic, is single ownership indicated?	☐	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.	☒	☐	
If no, was water right no. found?	☐	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	☒	☐	
(If yes, attach a proof report & complete number change)	☒	☐	
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid?	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct?	☒	☐	*

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	YES	NO
23. Is this claim being rejected and returned to claimant?	☐	☒
24. Can this claim be data entered?	☒	☐
25. Was claim modified?	☐	☒
If yes, do modifications require notification to claimant?		
Note: Modifications made must be explained in comments stating where the information for any changes was found.		

Claim reviewed by: RTF Date 12-14-92
Claim data entered by: ZAL Date 12-15-92

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: late fee paid
additional pps, storage added

11/28/2005

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

RIGHT NUMBER: 63-308

NAME AND ADDRESS: TERTELING TRUST NO 7
3823 N 36TH ST
BOISE ID 83703

THE TERTELING CO INC
3823 N 36TH ST
BOISE ID 83703

SOURCE: STEWART CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.280 CFS

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

PRIORITY DATE: 07/23/1899

POINT OF DIVERSION:

T04N R02E S22 NENW Within ADA County

T04N R02E S22 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.240 CFS
STOCKWATER	01/01 12/31	0.040 CFS
AESTHETIC STORAGE	01/01 12/31	17.00 AFY
IRRIGATION STORAGE	03/01 11/15	17.00 AFY

PLACE OF USE:

IRRIGATION Within ADA County

T04N R02E S22 NWNW 5.0 T04N R02E S22 SWNW 11.0

IRRIGATION STORAGE Within ADA County

T04N R02E S22 NWNW T04N R02E S22 SWNW

AESTHETIC STORAGE Within ADA County

T04N R02E S22 NWNW T04N R02E S22 SWNW

STOCKWATER same as IRRIGATION

16 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 171 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31053, 63-31054, 63-31055, 63-31054.

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 - Decreed

Water Right 63-308

1

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11/28/2005

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

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

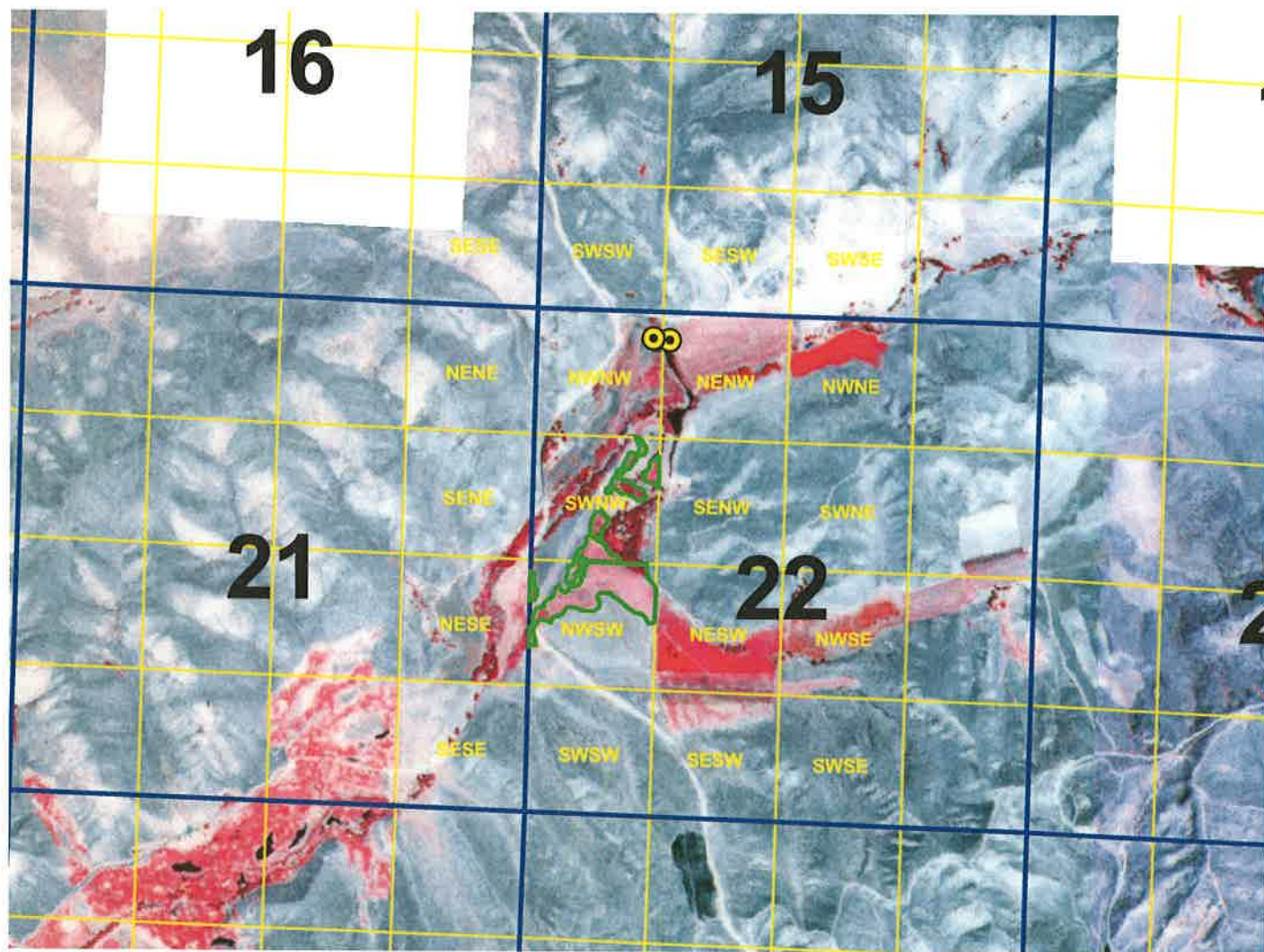
Stockwater use is for 25 llamas.

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



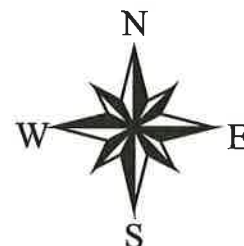
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 22
Water Right (s): 63-308



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 16



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

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JUN 11 2010

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-308 V1

WATER RIGHT NUMBER: 63-308 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TERTELING TRUST NO 7 3823 N 36TH ST BOISE, ID 83703 (208)338-5200
Original Owner	NORA B NEAL , ID
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: 07/23/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
STEWART CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.240 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
AESTHETIC STORAGE	01/01 to 12/31		17.00 AF
IRRIGATION STORAGE	03/01 to 11/15		17.00 AF
<u>Total Diversion:</u>		0.280 CFS	

Location of Point(s) of Diversion

STEWART CREEK ADA County	NW1/4NW1/4	Sec. 22, Twp 04N, Rge 02E, B.M.
STEWART CREEK ADA County	NE1/4NW1/4	Sec. 22, Twp 04N, Rge 02E, B.M.

Place of UseIRRIGATION Within ADA County

T04N R02E S22 NWNW 5.0 T04N R02E S22 SWNW 11.0

Total Acres: 16

AESTHETIC STORAGE Within ADA County

T04N R02E S22 NWNW T04N R02E S22 SWNW

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JUN 11 2010

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-308 V1

IRRIGATION STORAGE Within ADA County

T04N R02E S22 NWNW T04N R02E S22 SWNW

Total Acres: 16

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C03 Right includes accomplished change in points of diversion pursuant to Section 42-1425, Idaho Code.
2. 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.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. X02 Stockwater use is for 25 llamas.
5. E56 The rights listed below are limited to the irrigation of a combined total of 171 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31053, 63-31054, 63-31055, 63-31054.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

1. vmusic 5/23/2005 PODs

Comment: ACCOMPLISHED TRANSFER IN PODs IN THE EARLY 1960S. THE MAP INCLUDED WITH THE AMENDED CLAIM AND THE AMENDED CLAIM CONTRADICT EACH OTHER RE THE LOCATION OF THE PODs. MAP LOCATES A POD IN SECTION 21 BUT NO MENTION OF SEC 21 POD IN NARRATIVE ON AMD CLAIM.

2. vmusic 5/23/2005 USES

Comment: ONLY USE DECREED WAS IRRIGATION. CLAIMED GROUNDWATER RECHARGE/STORAGE, WILDLIFE, AESTHETIC STORAGE, IRRIGATION STORAGE, STOCKWATER. DID NOT RECOMMENDE WILDLIFE AND IRRIGATION STORAGE. THESE USES ARE AN EXPANSION OF THE DECREED RIGHT. RECOMMENDED IRRIGATION, AESTHETIC STORAGE, STOCKWATER.

3. vmusic 5/23/2005 QUANTITY

Comment: CLAIMED THE ENTIRE DECREED 1 CFS FOR 16 ACRES. RECOMMENDED .24 CFS FOR IRRIGATION WHICH IS THE DECREED DUTY OF WATER OF .015 CFS PER ACRE. REC .04 CFS FOR SW FOR A TOTAL Q OF .28 CFS

4. vmusic 5/23/2005 DECREE

Comment: BASIS OF CLAIM IS STEWART CREEK DECREE [IDWR NO 63-H] , BOOTH ET AL V SMITH. 63-308 IS 50 INCHES FOR IRRIGATION OF UP TO 67 ACRES.

5. vmusic 5/23/2005 CLAIM

Comment: CLAIM IS NOT CLEAR AS TO LOCATION OF IRRIGATED ACRES AND PODs.

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	5/23/2005 8:58:44 AM	vmusic			Active

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JUN 11 2010

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-308 V1

Priority Date	5/23/2005 9:20:03 AM	vmusic	Active
POD	5/23/2005 10:08:14 AM	vmusic	Active
Source	5/23/2005 10:14:32 AM	vmusic	Active
POU	5/23/2005 10:15:08 AM	vmusic	Active
Use	5/23/2005 10:39:39 AM	vmusic	Active
Season	5/23/2005 10:40:36 AM	vmusic	Active
Quantity	5/23/2005 10:41:58 AM	vmusic	Active
Summary	05/23/2005	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/23/2005 10:09:53 AM	vmusic	Updated shape
POU	5/23/2005 10:38:34 AM	vmusic	Updated shape for Active POU
POU	5/23/2005 10:39:09 AM	vmusic	Updated shape for Active POU
Season	5/23/2005 10:40:37 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?
Summary	5/23/2005 10:56:28 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	5/23/2005 8:58:44 AM	vmusic	(No) 1. Do you want to schedule an appointment?

Comment for 1: DESKTOP REVIEW

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JUN 11 2010

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-308 V1

POD	5/23/2005 10:09:32 AM	vmusic	Updated shape
General	5/23/2005 9:20:04 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/23/2005 10:08:15 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?
Source	5/23/2005 10:14:33 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/23/2005 10:15:08 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Quantity	5/23/2005 10:41:58 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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?
POU	5/23/2005 10:38:14 AM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-308 V1

Use	5/23/2005 10:39:39 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
-----	-----------------------	--------	--

Water Supply Bank:

SCANNED
JUN 11 2010

Music, Vicky

From: Music, Vicky
Sent: Wednesday, June 29, 2005 4:07 PM
To: Charlie Honsinger (E-mail)
Cc: Shurte, Jan
Subject: SRBA Claims 63-12, 63-13, 63-15, 63-308

Hi Charlie -

I received the NOAs for the claims referenced above. For the most part, no changes to the recommendations will be made. See reasons below.

63-12, 63-13 and 63-15

Re ownership - All were claimed in the name of the Terteling Co. Inc. If the claimant wants the rights in the name of another business entity, a change of ownership must be filed.

Re remarks in purpose and period of use - these are not explanatory but further described the approved uses and were properly located in the element portion of the recommendation.

Re place of use - The water right holder IS restricted to use within the recommended 1/4 1/4 sections. The place of use approved under the transfer is very specific, there is no permissible place of use under the transfer, and the map and pou comport with the map submitted in the application for transfer # 68558.

Re explanatory remarks - Adjudication agents have been instructed to include in the recommendation all conditions upon which a transfer is approved. When the water rights have been decreed and are moved to the water rights section of the database, the conditions are preserved. Hence, they will stay.

Re a "reasonable pumping level" remark - I see I missed condition # 7 in the amended transfer 68558, amended after the order amending preliminary order and denying petition of reconsideration was issued in 2002. Therefore, I will add the following condition #7 in its entirety in explanatory remarks:

" The Silkey v. Tiegs decree specifically addressed the protected artesian pressure in the aquifer. The Department, in deference to the Silkey decree, will refrain from examining whether the artesian pressure in Stewart Gulch constitutes a reasonable pumping level and is in the public interest pursuant to I.C. 42-226 until such time as the court address the issue in the Snake River Basin Adjudication. "

63-308

re ownership - claimed in the name of The Terteling Co Inc. and Terteling Trust No. 7. If claimant desires right be held in another name, a change of ownership form is needed.

re place of use and map - the original claim filed in 1990 and the amended claim filed in 1999 both include maps of the place use. The maps contradict each other and the map attached to the 1999 claim locates the pou in QQ sections not even claimed. Please clarify the pou. Additionally, a field exam will be needed. Should we coordinate it with Ed Squires?

I hope this is helpful.
Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau

SCANNED
JUN 11 2010

RECEIVED

JUN 28 2005

WATER RESOURCES
WESTERN REGION

**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: July 15, 2005

Water Right Number: 63-308

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

T-7, LLC
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):
Name and Address
Place of use
2. Describe the changes you wish to make in the proposed recommendation:
Clarify that T-7, LLC and not Terteling Trust No. 7 is water right owner

Clarify place of use
3. Give a brief explanation as to why you disagree with these portions:

Ownership information is erroneous - T-7, LLC is the owner, not Terteling Trust No. 7.

Map attached to recommendation is very confusing

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

DATE:

06/27/05

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

SCANNED

JUN 11 2010

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JUN 28 2005

WATER RESOURCES
WESTERN REGION

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

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

June 27, 2005

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

Re: SRBA Notices of Error

Dear Ms. Music:

Enclosed please find SRBA Notices of Error for Water Right nos. 63-12, 63-13, 63-15 and 63-308 that I hereby submit on behalf of my clients The Terteling Company, Inc., and T-7, LLC. I look forward to resolving the issues raised in those Notices of Error.

Please contact me with any questions or concerns. Thank you.

Sincerely,



Charles L. Honsinger

enclosure

cc: Tom Terteling
Ed Squires

SCANNED
JUN 11 2010

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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

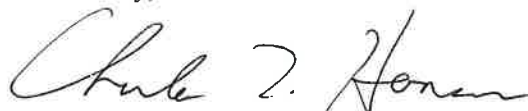
Re: Terteling Company and T-7, LLC water rights

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.

SCANNED
JUN 11 2010

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

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JUN 11 2010

<u>Basin</u>	<u>Sequ</u>	<u>Suf</u>	<u>Basis</u>	<u>Status</u>	<u>Right ID</u>	<u>Owner(s)</u>	<u>Source Table</u>
63	12540			Active	110399	THE TERTELING CO INC (Cu	wrWaterApplication
63	27670		Decreed	Active	119795	THE TERTELING CO INC (Cu	PD Issued
63	28364		Decreed	Active	126717	THE TERTELING CO INC (Cu	PD Issued
65	22013		Decreed	Active	545345	THE TERTELING CO INC (Cu	PD Issued
65	22016		Decreed	Active	545346	THE TERTELING CO INC (Cu	PD Issued
65	22018		Decreed	Active	545347	THE TERTELING CO INC (Cu	PD Issued
65	22019		Decreed	Active	545348	THE TERTELING CO INC (Cu	PD Issued
65	22021		Decreed	Active	545349	THE TERTELING CO INC (Cu	PD Issued

<u>Basin</u>	<u>Sequ</u>	<u>Suf</u>	<u>Basis</u>	<u>Status</u>	<u>Right ID</u>	<u>Owner(s)</u>	<u>Source Table</u>	
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	✓

FROM

Jan Thunte

DATE 5-24-00

TO

File for 63-00308

SCANNED

JUN 11 2010

SUBJECT

Explanation of cfs for storage.

Vertelings want to leave the cfs for storage due to the fact that there is a natural dam in the creek where it sinks & then wells recieve the water. The idea is that the storage occurs underground and is diverted thru other wells under other rights. When recommending this, the question will be whether to include storage or not. It will have to be referred to the legal staff. Jan

SIGNATURE

WR5809NP
No. 63-00308

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/08/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORA B. NEAL	07/23/1899	IRRIGATION	00/00 00/00	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: STEWART CREEK

Tributary to: BOISE RIVER

Stage: DECREED

Point(s) of Diversion: T04N R02E S22 NWNE SWNW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
04N	02E	22	:					:	I	I	I		:			I		:						

Pou County: ADA

Remarks: AC. IRR.=67.

Dates:	App. Received:	Priority Date:	07/23/1899
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 63 Field Exam Fee:

highlighted
info = match
w/claim -
see next page
for differences

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JUN 11 2010

AJ5809NP
No. A63-00308

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/08/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TERTELING TRUST NO 7	07/23/1899	IRRIGATION	03-15 11-01	1.00 CFS	
			IRRIGATION STORAGE	03-01 11-01		17.00 AFA
			IRRIGATION FROM STORAGE	03-15 11-01	1.00 CFS	
			TOTAL DIVERSION:		1.00 CFS	
			CONSUMPTIVE USE:			94.50 AFA

Water Source: STEWART CREEK

Tributary to: BOISE RIVER

Stage: DECREED

Point(s) of Diversion:

T04N R02E S21
S22

NESE
NWNE

NENW

SWNW

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	02E	21	:																	:	3.0
04N	02E	22	:																	:	24.0
			:																	:	27.0
																				TOTAL ACRES	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: ADA

Other Rights: 63-07595, 63-3603, 63-9288, 63-3604

Remarks: GEN AC. IRR.=67.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 63

Field Inspection Flag:
Presumption Flag:

*changed place of use
added points of diversion & storage
component
less acres than decreed*

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JUN 11 2010

action, are entitled to the use of the waters of Stewart Creek upon the lands mentioned and described in the findings of fact and Conclusions of law, heretofore set out, in the following amounts, from the following dates, from the following points of diversion, and for the following places of use:

That the plaintiffs, Thomas Booth, Willie Booth and Thomas J. Booth, jointly, be and are hereby awarded the use of the waters of Stewart Creek, diverted from two points on said Stewart Creek in

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

through what are now known as the ~~Booth~~ Main ditch of Thomas Booth, for use upon forty-four (44) acres of land lying within

The Southeast quarter of the Northeast quarter, the East Half of the Southeast quarter of Section twenty-one (21), and the East Half of the Northeast quarter of Section twenty-eight (28), Township four (4) North, Range two (2) East, Boise-Meridian,

In the following amount from the following date:

63-003-77

Nine-tenths (9/10) of one (1) cubic foot per second of time from the date of priority, July 23, 1899.

That the plaintiff, ~~Thomas J. Booth~~, be, and is hereby, awarded the use of the waters of Stewart Creek, diverted from two points on said Stewart Creek in

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

for her said ditch which diverts water from the North side of Stewart Creek; and the point of diversion of her ditch on the South side of Stewart Creek is in

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 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 37 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,

in the following amount from the following date:

63.0308
One (1) cubic foot per second of time from the date of priority, July 23, 1899.

That the plaintiff, H. A. Halliwill, be, and is hereby, awarded the use of the waters of Stewart Creek, diverted from one point on said Stewart Creek in

The Southeast quarter of the Southwest quarter of Section fourteen (14), Township four (4) North, Range two (2) East, Boise-Meridian, through what is now known as the one Main ditch of H. A. Halliwill, for use upon three and three-tenths (3.3) acres of land lying within

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,

in the following amount from the following date:

63.0308
One-fifth (1/5) of one (1) cubic foot per second of time from the date of priority, July 23, 1899.



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

December 4, 2003

T-7 LLC
3823 N 36TH ST
BOISE ID 83703

RE: Notice of Change of Water Right Ownership No. 63-308, 63-22047, 63-27649, 63-27671, 63-30006, 63-30007, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, 63-31056, and 63-31057

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted to our office. However, we cannot continue to process the ownership change without additional legal documentation. In order to complete this change, we need a copy of the warranty deed(s) showing the transfer from Terteling Trust No. 7 to T-7 LLC; which includes the legal description of the property by $\frac{1}{4}\frac{1}{4}$, Section, Township and Range.

Please note for your information that claim number 63-22047 is in the name of Terteling Trust No. 8, rather than Terteling Trust No. 7.

Please submit the requested information, and we will be able to complete the review of the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

DH: dh

Enclosures

Deed received 12/9/03.

SCANNED
JUN 11 2010

RECEIVED

DEC - 2 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-308	Claim		63-22047	Claim	
63-27649	Claim		63-27671	Claim	
63-30006	Claim		63-30007	Claim	
63-31050	Claim		63-31052	Claim	
63-31053	Claim		63-31054	Claim	
63-31055	Claim		63-31056	Claim	

RECEIVED

DEC 03 2003

WATER RESOURCES
WESTERN REGION

63-31057 Claim

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
 Terteling Trust NO 7
 3823 N. 36th Street, Boise, ID 83703
4. New Owner/Claimant(s)
 T-7 LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 3823 N. 36th Street
 New Mailing Address
 Boise, Idaho 83703
 City, State and ZIP Code
 New Telephone Number
 () 208-338-5200
 2002
5. Date you acquired the property

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JUN 11 2010



TOM E. TERTELING

THE TERTELING COMPANY, INC.

3823 N. 36th Street • Boise, Idaho 83703
 (208) 381-5213 • (208) 867-1166 • Fax (208) 381-5200
 tom@tertco.com

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only DAI Date 12-3-03 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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JUN 11 2010



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 373-3744

8151 W. Rifleman Street / Boise, Idaho 83704
(208) 377-2700

COPY

RECEIVED

DEC 09 2003

**WATER RESOURCES
WESTERN REGION**

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED

The Trustees of the Terteling Trust No. 7

GRANTOR(s) does (do) hereby GRANT, BARGAIN, SELL and CONVEY unto

T-7, LLC, an Idaho limited liability company

GRANTEE(S), whose current address is: 3823 N. 36th Steret, Boise, Idaho 83703
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit;

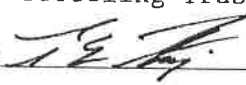
See the attached Exhibit A for legal description, which by this
reference is incorporated herein.

Tax Parcel S0622212500

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: October 30, 2002

The Terteling Trust No. 7

By: 

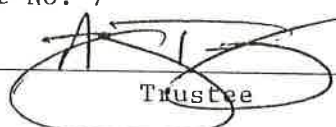

Trustee

EXHIBIT A

The Northwest quarter of the Northwest quarter (NW1/4 NW1/4) and the Northeast quarter of the Northwest quarter (NE1/4 NW1/4) and the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) and the Southeast quarter of the Northwest quarter (SE1/4 NW1/4) and the Northwest quarter of the Southwest quarter (NW1/4 SW1/4) all in Section Twenty-Two (22) Township Four (4) North, Range Two (2) East of the Boise Meridian in Ada County, Idaho.

Together with all water and water rights, ditches and rights of way for ditches used in connection therewith;

Subject to easements, restrictions, limitations, encumbrances, and reservations of record.



5100 N CARTWRIGHT RD
S0622212500



Map created with ArcIMS - Copyright (C) 1996-2000 ESRI Inc.



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Public Property Tax MDI - [Public Property Master [PT229F]]

File Select Edit Tools Window Help

IDA COUNTY
STATE OF IDAHO

Year: 2003 ☒ Taxes Owning

Parcel #: 50622212500

Property Type: Real

Sub Property Type: None

Status: Active

Primary Code Area: 206

Physical Inspection Date: 12/29/2000

Appraisers Initials: DRJ

Drop HOE ☐
 Bankruptcy ☐
 Circuit Breaker ☐
 Urban Renewal ☐
 Ownership Change ☐

Property Desc. Cancel Help

PHYSICAL LOCATION

Property Address: 5100 N CARTWRIGHT RD
 BOISE ID 83702-0000

Group Type: SECT Group #: 0622

Description: 4N 2E 22

Section/Township/Range: 22 4N 2E Zoning Code: RP

OWNER INFORMATION

Name: T-7 LLC

Mailing Address: 3823 N 36TH ST
 BOISE ID 83703-0000

Add Info

PARCEL VALUES

Active	Assessment Roll	Property Occupancy	State Category Code	Acreage	Assessed Value	Valuation Method
Active	Primary	Non-Occupancy	10	99.000	102,500	INCOME
Active	Primary	Non-Occupancy	40	18.000	5,600	INCOME
Active	Primary	Non-Occupancy	50	70.000	2,400	INCOME

Total Parcel Values

Assessed Amt: 1,025,200

HO Value: -(50,000)

Taxable Amt: 975,200

CHARACTERISTICS

Land 1 Commercial Personal Residential 3 Farm 1 Manufactured

Ready

trpublic /Y08SYTCP /NUM

SCANNED
JUN 11 2010

Public Property Tag M01 - Public Property Master [PT224F]

Year: 2003 ☒ Taxes Owning

Parcel #: 00622212500

Property Type: Real

Sub Property Type: None

Status: Active

Primary Code Area: 206

Physical Inspection Date: 12/29/2000

Appraisers Initials: DRJ

Drop HOE ☐
 Bankruptcy ☐
 Circuit Breaker ☐
 Urban Renewal ☐
 Ownership Change ☐

Property Desc. Cancel Help

PHYSICAL LOCATION

Property Address: 5100 N CARTWRIGHT RD
 BOISE ID 83702-0000

Group Type: SECT Group #: 0622

Description: 4N 2E 22

Section/Township/Range: 22 4N 2E Zoning Code: RP

OWNER INFORMATION

Name: T-7 LLC

Mailing Address: 3823 N 36TH ST
 BOISE ID 83703-0000

Add'l Info

PARCEL VALUES

Active	Assessment Roll	Property Occupancy	State Category Code	Acreage	Assessed Value	Valuation Method
Active	Primary	Non-Occupancy	10	99.000	102,500	INCOME
Active	Primary	Non-Occupancy	40	18.000	5,600	INCOME
Active	Public Property Description - Display [PT224F]					

Total Parcel Values

Assessed Amt	1,026,200
HO Value	-(50,000)
Taxable Amt	976,200

Public Property Description - Display [PT224F]

State Parcel #: 04N02E222500

Property Description: NW4 & NW4SW4
 SEC 22 4N 2E
 #120000-S 210000-C 221200-C

Total Acreage: 200.000

Ready trpublic V06SYTCP NUM

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☒ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin Who What When Where

Clear Search Help

Query parameters:

basinFrom = 63

OrganizationName = terteling

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details General Provision	1	63	308 CLAIM			Decreed	Active	1899-07-23	1	STEWART CREEK	AESTHETIC STORAGE, GROUND WATER RECHARGE STORAGE, IRRIGATION, IRRIGATION STORAGE, STOCKWATER, WILDLIFE STORAGE	TERTELING TRUST NO 7 (Current); THE TERTELING CO INC (Current)

Details General Provision	2	63	3603 claim			License	Active	1967-04-26	1.03	GROUND WATER	IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)
Details General Provision	3	63	7595 claim			License	Active	1973-03-07	2	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	THE TERTELING CO INC (Current)
Details General Provision	4	63	22047 ✓ claim			Beneficial Use	Active	1957-06-01	0.04	GROUND WATER	STOCKWATER	TERTELING TRUST NO 8 (Current)
Details General Provision	5	63	27649 ✓ claim			Beneficial Use	Active	1899-06-01	0.066	SPRINGS	AESTHETIC STORAGE, IRRIGATION, IRRIGATION STORAGE, RECREATION STORAGE, WILDLIFE STORAGE	TERTELING TRUST NO 7 (Current)
Details General Provision	6	63	27671 ✓ claim			Beneficial Use	Active	1925-12-31	0.045	GROUND WATER	FISH PROPAGATION, IRRIGATION	TERTELING TRUST NO 7 (Current)
Details General Provision	7	63	30006 ✓ claim			Beneficial Use	Active	1925-12-31	0.04	GROUND WATER	AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE	TERTELING TRUST NO 7 (Current)
Details General Provision	8	63	30007 ✓ claim			Beneficial Use	Active	1899-12-31	0.022	SPRING	IRRIGATION	TERTELING TRUST NO 7 (Current)
Details General Provision	9	63	31050 ✓ claim			Beneficial Use	Active	1948-04-24	0.02	GROUND WATER	AESTHETIC, FISH PROPAGATION, IRRIGATION, STOCKWATER, WILDLIFE	TERTELING TRUST NO 7 (Current)
Details General Provision	10	63	31052 ✓ claim			Beneficial Use	Active	1948-04-24	0.12	GROUND WATER	AESTHETIC, AESTHETIC STORAGE, FISH PROPAGATION, HEATING, IRRIGATION, RECREATION, WILDLIFE, WILDLIFE STORAGE	TERTELING TRUST NO 7 (Current)
Details General Provision	11	63	31053 ✓ claim			Beneficial Use	Active	1941-01-01	0.06	GROUND WATER	DOMESTIC, IRRIGATION	TERTELING TRUST NO 7 (Current)

Details General Provision	12	63	31054 ✓ claim			Beneficial Use	Active	1940-11-01	0.055	GROUND WATER	AESTHETIC, FIRE PROTECTION, IRRIGATION, RECREATION, STOCKWATER, WILDLIFE STORAGE	TERTELING TRUST NO 7 (Current)
Details General Provision	13	63	31055 ✓ claim			Beneficial Use	Active	1948-03-01	0.04	STEWART CREEK	AESTHETIC STORAGE, IRRIGATION, IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE	TERTELING TRUST NO 7 (Current)
Details General Provision	14	63	31056 ✓ claim			Beneficial Use	Active	1930-06-01	0.04	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	TERTELING TRUST NO 7 (Current)
Details General Provision	15	63	31057 ✓ claim			Beneficial Use	Active	1994-06-20	0.02	GROUND WATER	DOMESTIC	TERTELING TRUST NO 7 (Current)

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details General Provision	16	63	3603 claim			License	Active	1967-04-26	1.03	GROUND WATER	IRRIGATION	TERTELING TRUST NO 7 (Current)
Details General Provision	17	63	7595 claim			License	Active	1973-03-07	2	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	TERTELING TRUST NO 7 (Current)
Details General Provision	18	63	9029 ↓			License	Active Transferred	1977-09-09	4	GROUND WATER	MUNICIPAL ?	UNITED WATER IDAHO INC (Current)

Number of records = 18

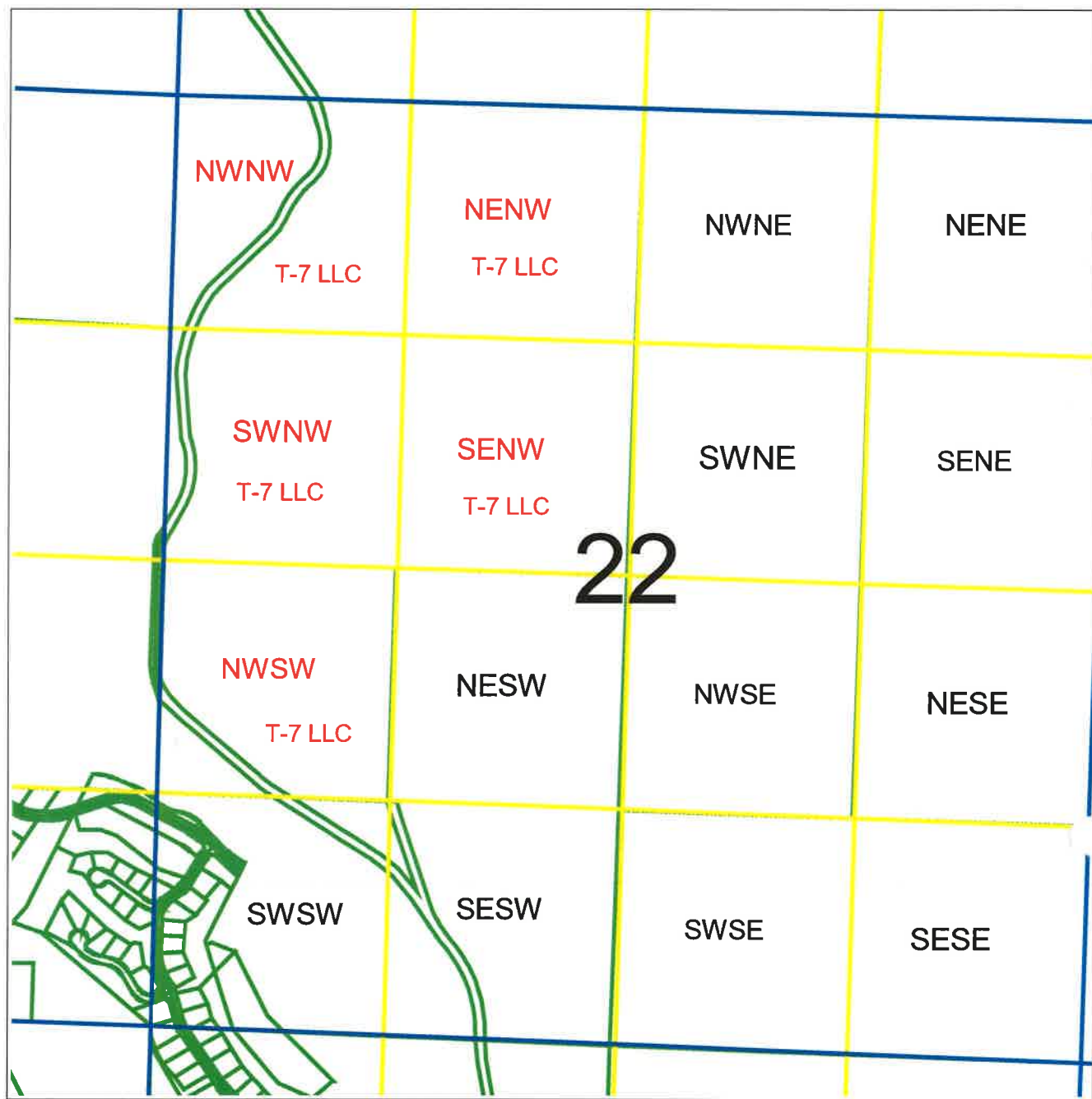
claim + rec.
Still shows "Mioron" in d-base.

T-7 LLC

63-308, 63-27649, 63-27671,
63-30006, 63-30007, 63-31050,
63-31052, 63-31053, 63-31054,
63-31055, 63-31056, & 63-31057

4N 2E

-  Tax Lot Data
-  Section Line
-  QQ Line
-  T-7 Property



0 0.5 1 Miles

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-308

WATER RIGHT NUMBER: 63-308

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TERTELING TRUST NO 7 3823 N 36TH ST BOISE, ID 83703 (208)338-5200
Current Owner	THE TERTELING CO INC 3823 N 36TH ST BOISE, ID 83703 (208)338-5200
Original Owner	NORA B NEAL

Priority Date: 07/23/1899

Basis: Decreed

Status: Active

Source

STEWART CREEK

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

STOCKWATER

~~AESTHETIC STORAGE~~~~GROUND WATER RECHARGE
STORAGE~~~~IRRIGATION STORAGE~~~~WILDLIFE STORAGE~~

From To

3/15 to 11/01

1/01 to 12/31

1/01 to 12/31

1/01 to 12/31

3/15 to 11/01

1/01 to 12/31

Diversion Rate

1,000 CFS

1,000 CFS

Annual Volume

17.00 AF

17.00 AF

17.00 AF

17.00 AF

Total Diversion:

1,000 CFS

Location of Point(s) of Diversion

STEWART CREEK

NW1/4NW1/4

Sec. 22, Twp 04N, Rge 02E, B.M.

ADA County

STEWART CREEK

NE1/4NW1/4

Sec. 22, Twp 04N, Rge 02E, B.M.

ADA County

Place of Use

IRRIGATION

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	02E	22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	16.0
								5.0	11.0										

Total Acres: 16

all acc in nature of use - pond present in 1864

acc dx in POPS in early 1860s

SW is for 13K acres

Q for SW not acct of mgs bin

SW = 13K acres

Split?

duty of water = 1.0 cfs/67 ac

.0146 ≈ .015

(.015)(16) = .24

8/1-11/15

3/15-11/15

exit

exit

4 POPS

OK

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-308

GROUND WATER RECHARGE
STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
NO	04N	02E	14										X						
NO	04N	02E	15															X	
OK	04N	02E	22						X										

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

1. General AC. IRR.=67.
 THE TWO DECREED POINTS OF DIVERSION FOR THIS RIGHT WERE CHANGED IN THE EARLY 1960'S (WITHOUT GOING THROUGH FORMAL TRANSFER PROCESS) TO A TOTAL OF FOUR DIVERSION POINTS FROM STEWART CREEK, THREE IN THE NWNW AND THE OTHER IN THE SENW, SEC. 22. LIKEWISE, THE SOLELY IRRIGATION USE HAS BEEN ENLARGED TO INCLUDE AESTHETIC AND WILDLIFE STORAGE, STOCKWATER, AQUIFER RECHARGE, AND IRRIGATION STORAGE.
 REMARKS FROM DESC. OF DIVERTING WORKS: TWO DIVERSION DAMS IN STEEWART CREEK IN THE N1/2NW1/4, S22, DIVERT WATER TO STORAGE FOR IRRIGATION, SESTHETICS, AND WILDLIFE PURPOSES IN TWO PONDS IN THE N1/2NW1/4 & SE1/4NW1/4, S22. a DIVERSION STRUCTURE IN THE NWNW, S22, DIVERTS WATER UNDER THIS RIGHT FROM THE CREEK TO A POND IN THE SWNW, S22, WHERE IT IS USED FOR AESTHETICS, STOCKWATER AND AQUIFER RECHARGE (INCLUDING SOME IN SECTIONS 14 & 15), AND FROM WHICH IT IS DIVERTED FOR IRRIGATION. NONE OF THESE CHANGES WHICH WERE EFFECTED IN THE 1940S, HAS INCREASED THE CONSUMPTIVE USE UNDER THE RIGHT.
 REMARKS FROM NON-IRRIGATION USES: AESTHETIC AND WILDLIFE STORAGE SERVES THE TERTELING RESIDENTIAL AND RANCH PROPERTY. STOCK INCLUDES APPROXIMATELY 25 LLAMAS. IRRIGATION STORAGE SERVES THE CURRENTLY IRRIGATED LANDS ON THE PROPERTY. THIS IRRIGATION USE COVERS A PORTION OF THE SAME LANDS IRRIGATED UNDER WATER RIGHT 63-07595. HOWEVER, THIS RIGHT 63-00308 IS AVAILABLE FOR DIVERSION ONLY THROUGH ABOUT JUNE 30 EACH YEAR, DEPENDING ON SNOWPACK AND IS USED ONLY THROUGH THIS EARLY-SEASON PERIOD. AFTER THAT, THE GROUNDWATER RIGHT (63-07595) IS USED.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-308

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: 63
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:

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-308

05/23/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-31054	Claim	04N	02E	22	NE	NW		GROUND WATER	T-7 LLC
63-27649	Claim	04N	02E	22	NE	NW		SPRINGS STEWART CREEK	T-7 LLC
63-3604	Claim	04N	02E	22	NE	NW		SPRINGS STEWART GULCH CREEK	J L TERTELING
63-308	Claim	04N	02E	22	NE	NW		STEWART CREEK BOISE RIVER	THE TERTELING CO INC
63-31055	Claim	04N	02E	22	NE	NW		STEWART CREEK BOISE RIVER	T-7 LLC
63-27671	Claim	04N	02E	22	NW	NW		GROUND WATER	T-7 LLC
63-30007	Claim	04N	02E	22	NW	NW		SPRING STEWART GULCH CREEK	T-7 LLC
63-27649	Claim	04N	02E	22	NW	NW		SPRINGS STEWART CREEK	T-7 LLC
63-308	Claim	04N	02E	22	NW	NW		STEWART CREEK BOISE RIVER	THE TERTELING CO INC
63-31055	Claim	04N	02E	22	NW	NW		STEWART CREEK BOISE RIVER	T-7 LLC
63-3603	Water Right	04N	02E	22	NE	NW		GROUND WATER	TERTELING TRUST NO 7
63-7595	Water Right	04N	02E	22	NE	NW		GROUND WATER	TERTELING TRUST NO 7
63-3604	Water Right	04N	02E	22	NE	NW		SPRINGS STEWART GULCH CREEK	J L TERTELING

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-308

05/23/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-309	Water Right	04N	02E	14	SW	SW		IRRIGATION		H A HALLIWILL
63-308	Claim	04N	02E	14	SW	SW		GROUND WATER RECHARGE STORAGE		THE TERTELING CO INC
63-309	Water Right	04N	02E	15	SE	SE		IRRIGATION		H A HALLIWILL
63-308	Claim	04N	02E	15	SE	SE		GROUND WATER RECHARGE STORAGE		THE TERTELING CO INC
63-308	Claim	04N	02E	22	NW	NW		IRRIGATION	5/16	THE TERTELING CO INC
63-3603	Claim	04N	02E	22	NW	NW		IRRIGATION	3/68	THE TERTELING CO INC
63-7595	Claim	04N	02E	22	NW	NW		IRRIGATION	10/88	THE TERTELING CO INC
63-27649	Claim	04N	02E	22	NW	NW		IRRIGATION	2/6	T-7 LLC
63-30007	Claim	04N	02E	22	NW	NW		IRRIGATION	3/6.5	T-7 LLC
63-308	Water Right	04N	02E	22	NW	NW		IRRIGATION		NORA B NEAL
63-3603	Water Right	04N	02E	22	NW	NW		IRRIGATION	5/78	TERTELING TRUST NO 7
63-7595	Water Right	04N	02E	22	NW	NW		IRRIGATION	10/103	TERTELING TRUST NO 7
63-3603	Claim	04N	02E	22	NW	NW		STOCKWATER		THE TERTELING CO INC
63-7595	Claim	04N	02E	22	NW	NW		STOCKWATER		THE TERTELING CO INC
63-31055	Claim	04N	02E	22	NW	NW		STOCKWATER STORAGE		T-7 LLC
63-31055	Claim	04N	02E	22	NW	NW		AESTHETIC STORAGE		T-7 LLC
63-308	Claim	04N	02E	22	SW	NW		IRRIGATION	11/16	THE TERTELING CO INC
63-7595	Claim	04N	02E	22	SW	NW		IRRIGATION	25/88	THE TERTELING CO INC
63-27649	Claim	04N	02E	22	SW	NW		IRRIGATION	2/6	T-7 LLC
63-27671	Claim	04N	02E	22	SW	NW		IRRIGATION	8/8	T-7 LLC
63-30007	Claim	04N	02E	22	SW	NW		IRRIGATION	3.5/6.5	T-7 LLC
63-31050	Claim	04N	02E	22	SW	NW		IRRIGATION	1/1	T-7 LLC
63-31052	Claim	04N	02E	22	SW	NW		IRRIGATION	1/1	T-7 LLC
63-31053	Claim	04N	02E	22	SW	NW		IRRIGATION	1/1	T-7 LLC
63-31054	Claim	04N	02E	22	SW	NW		IRRIGATION	2/2	T-7 LLC
63-31056	Claim	04N	02E	22	SW	NW		IRRIGATION	2/2	T-7 LLC
63-308	Water Right	04N	02E	22	SW	NW		IRRIGATION		NORA B NEAL
63-3603	Water Right	04N	02E	22	SW	NW		IRRIGATION	3/78	TERTELING TRUST NO 7

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-308

05/23/2005

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-7595	Water Right	04N	02E	22	SW	NW		IRRIGATION	27/103	TERTELING TRUST NO 7
63-31050	Claim	04N	02E	22	SW	NW		STOCKWATER		T-7 LLC
63-31056	Claim	04N	02E	22	SW	NW		STOCKWATER		T-7 LLC
63-7595	Water Right	04N	02E	22	SW	NW		STOCKWATER		TERTELING TRUST NO 7
63-31050	Claim	04N	02E	22	SW	NW		WILDLIFE		T-7 LLC
63-31052	Claim	04N	02E	22	SW	NW		WILDLIFE		T-7 LLC
63-30006	Claim	04N	02E	22	SW	NW		WILDLIFE STORAGE		T-7 LLC
63-27671	Claim	04N	02E	22	SW	NW		FISH PROPAGATION		T-7 LLC
63-31050	Claim	04N	02E	22	SW	NW		FISH PROPAGATION		T-7 LLC
63-31052	Claim	04N	02E	22	SW	NW		FISH PROPAGATION		T-7 LLC
63-31052	Claim	04N	02E	22	SW	NW		HEATING		T-7 LLC
63-308	Claim	04N	02E	22	SW	NW		GROUND WATER RECHARGE STORAGE		THE TERTELING CO INC
63-7595	Claim	04N	02E	22	SW	NW		DOMESTIC		THE TERTELING CO INC
63-31053	Claim	04N	02E	22	SW	NW		DOMESTIC		T-7 LLC
63-31056	Claim	04N	02E	22	SW	NW		DOMESTIC		T-7 LLC
63-31057	Claim	04N	02E	22	SW	NW		DOMESTIC		T-7 LLC
63-30006	Claim	04N	02E	22	SW	NW		RECREATION STORAGE		T-7 LLC
63-31050	Claim	04N	02E	22	SW	NW		AESTHETIC		T-7 LLC
63-31052	Claim	04N	02E	22	SW	NW		AESTHETIC		T-7 LLC
63-30006	Claim	04N	02E	22	SW	NW		AESTHETIC STORAGE		T-7 LLC

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Notes from Booth v. Smith
filed 5/28/1934

① duty: "... at least one fiftieth ($1/50$)
of one (1) cubic foot per second of
time, per acre."

② measured at point of diversion

③ 63-308

priority = 7/23/1899

$Q = 1.0$ cfs

POD = two pts. in NWNE, S22, T4N, R2E
(north side of creek)

one pt in SWNW, S22, T4N, R2E
(south side of creek)

POU = 67.0 acres (W $\frac{1}{2}$ NW, NWSE, NENE)

rate = $1.0/67 = 0.015$ cfs/acre

after 4/1/07 each year

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-00308

Date: 4-10-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	2E	22						5	11										16
GIS									20	36										56
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 4

Total Claimed Acres: 16

Overlapping POU Claim #'s:

63-07595, 63-03603

Total GIS Acres: 56

COMMENTS:

Remarks legal for POD is not same as POD location claim.
I went with claim as remarks seemed off a bit (ie. reference to
Stewart Cr. in the NW 1/4 when it doesn't flow through there)

- couldn't determine claimed acres from image or map.

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JUN 11 2010

Idaho Department of Water Resources

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JUN 11 2010

Claim Number: 63-00308

Legal: T4N, R2E, S22

Reviewed By:

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

