

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 10 2011	
By _____	Clerk Deputy Clerk

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 63-00013, 63-00015,
63-31059, 63-31060 and 63-31062
(The Terteling Co. Inc.)

On November 12, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. On December 27, 2010, a *Motion to Alter or Amend* was filed for said rights. On April 6, 2011, the Special Master issued an *Order Amending August 23, 2010, Memorandum Decision and Order on Motions for Summary Judgment*, in resolution of the *Motion to Alter or Amend*. No Challenges were filed to the *Order Amending August 23, 2010, Memorandum Decision and Order on Motions for Summary Judgment* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 10, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00013

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 10 2011

By _____

Clerk
Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 0.66 CFS
400.00 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.

PRIORITY DATE: 07/01/1922

POINT OF DIVERSION: T04N R02E S22 NWSW Within Ada County
S28 NWSW
S29 NESE
NESE

All wells divert low temperature geothermal water.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		01-01 TO 12-31	0.66 CFS
			38.00 AFY
Heating		01-01 TO 12-31	0.66 CFS
			400.00 AFY
Domestic		01-01 TO 12-31	0.04 CFS
			0.60 AFY

Domestic use is for business offices.
Irrigation use is for inside commercial greenhouses and outside irrigation.
Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.

PLACE OF USE:			
Irrigation	T04N R02E S22	NESW 7.0	Within Ada County
	S29	NESE 7.5	SESW 0.5
	15.0 Acres Total		
Heating	T04N R02E S22	NESW	Within Ada County
	S29	NESE	SESW
Domestic	T04N R02E S22	NESW	Within Ada County
	S29	NESE	SESW

Right 63-13 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a

PLACE OF USE (continued)

combined total of 178 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, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, and 63-31056. Right Nos. 63-12, 63-13, and 63-15 are not subject to this combined place of use limitation when used in S29.

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

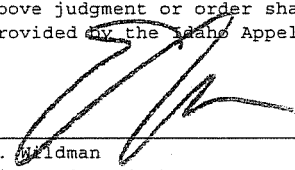
Diversion from the Windsock well (NWNWSW S22 T4N R2E) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000. Upon written complaint of significant reduction from the holder of such a water right to the Watermaster or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock well is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock well; or (c) require mitigation for diversion of water from the Windsock well.

This water right is subject to the terms of a private Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002, as Instrument No. 102097169.

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.


Eric J. Fridman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00015

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 10 2011

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

SOURCE: GROUND WATER

QUANTITY: 0.80 CFS
400.00 AFY

By _____ Clerk
Deputy Clerk

The total instantaneous diversion of water from all points of diversion under Rights 63-12, 63-13 and 63-15 shall not exceed 0.86 cfs, nor a total combined annual volume of 400.0 af. Rights 63-12, 63-13 and 63-15 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for irrigation of 6.0 acres, 0.6 af for domestic use, and 400.0 af for heating and all combined uses.

PRIORITY DATE: 03/23/1927

POINT OF DIVERSION: T04N R02E S22 NWSW Within Ada County
S28 NWSW
S29 NESE
NESE

All wells divert low temperature geothermal water.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		01-01 TO 12-31	0.80 CFS
			38.00 AFY
Heating		01-01 TO 12-31	0.80 CFS
			400.00 AFY
Domestic		01-01 TO 12-31	0.04 CFS
			0.60 AFY

Domestic use is for business offices.
Irrigation use is for inside commercial greenhouses and outside irrigation.
Low temperature geothermal water diverted under this right shall not be used for domestic or irrigation purposes unless it is first used for heating purposes.

PLACE OF USE:	Location	Quantity
Irrigation	T04N R02E S22	NESW 7.0
	S29	NESE 7.5
	15.0 Acres Total	
Heating	T04N R02E S22	NESW
	S29	NESE
Domestic	T04N R02E S22	NESW
	S29	NESE

The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season.
Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603,

PLACE OF USE (continued)

63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, and 63-31056. Right Nos. 63-12, 63-13, and 63-15 are not subject to this combined place of use limitation when used in S29. Right 63-15 is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

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

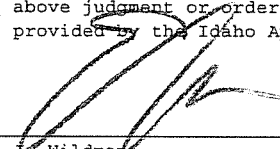
Diversion from the Windsock well (NWNWSW S22 T4N R2E) shall not significantly reduce artesian pressure for water rights under the authority of Water District 63-S with a priority date earlier than December 20, 2000. Upon written complaint of significant reduction from the holder of such a water right to the Watermaster or upon IDWR's own initiative, and upon a preliminary finding by IDWR that there has been a significant reduction in pressure, the director may require the right holder to: (a) conduct further monitoring to determine whether diversion from the Windsock well is causing the significant reduction in pressure; (b) curtail diversion of water from the Windsock well; or (c) require mitigation for diversion of water from the Windsock well.

This water right is subject to the terms of a private Agreement dated January 24, 2002, recorded at the Ada County Recorder's Office on August 27, 2002, as Instrument No. 102097169.

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.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-31059

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 10 2011

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

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 07/01/1994

POINT OF DIVERSION: T04N R02E S21 NESE Within Ada County

This well diverts low temperature geothermal water.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Domestic

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CFS

Domestic use is for heating 1 home.

PLACE OF USE:

Domestic
T04N R02E S21 NESE

Within Ada County

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

The quantity of water decreed for this water right for domestic
use 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).

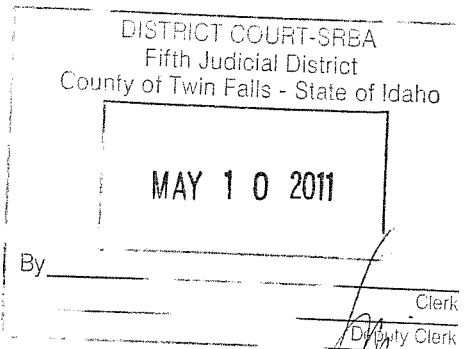
RULE 54(b) CERTIFICATE

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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 63-31060



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

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1910

POINT OF DIVERSION: T04N R02E S14 SESW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home and up to one-half acre irrigation.

PLACE OF USE:	Stockwater		Within Ada County
	T04N R02E S14	SESW	
	Domestic		Within Ada County
	T04N R02E S14	SESW	

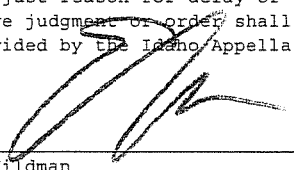
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
use and stockwater use 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

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 10 2011

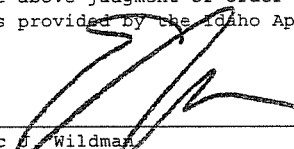
By _____ Clerk

Deputy Clerk

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RULE 54(b) CERTIFICATE

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 10, 2011, with sufficient first-class postage to the following:

THE TERTELING CO INC

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

EDWARDS FAMILY LLC

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

~~EDWARDS FAMILY LLC~~

~~Represented by:
DEBRA K. ELLERS
PO BOX 1030
MCCALL, ID 83638
Phone: 208-315-2827~~

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098