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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

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

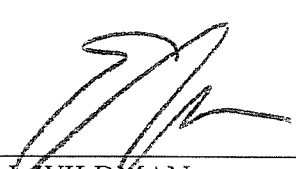
Subcases: 63-00012, 63-00308,
63-03603, 63-07595 and 63-31051
(The Terteling Co. Inc.)

On November 10, 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 63-00012

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

MAY 10 2011

By _____

Clerk
Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 0.14 CFS
101.40 AFY

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.

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.

PRIORITY DATE: 07/01/1921

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	0.14 CFS 38.00 AFY
Heating	01-01 TO 12-31	0.14 CFS 101.40 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		Within Ada County
T04N R02E S22	NESW 7.0	SESW 0.5
S29	NESE 7.5	
15.0 Acres Total		
Heating		Within Ada County
T04N R02E S22	NESW	SESW
S29	NESE	
Domestic		Within Ada County
T04N R02E S22	NESW	SESW
S29	NESE	

Right 63-12 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.

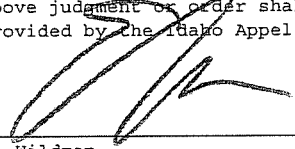
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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 63-00308

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

MAY 10 2011

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

SOURCE: STEWART CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.28 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 NWNW Within Ada County
NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.24 CFS
	Irrigation Storage	03-01 TO 11-15	17.00 AFY
	Stockwater	01-01 TO 12-31	0.04 CFS
	Aesthetic Storage	01-01 TO 12-31	17.00 AFY

PLACE OF USE:	Irrigation	Within Ada County
	T04N R02E S22	NWNW 5.0 SWNW 11.0
	16.0 Acres Total	
	Irrigation Storage	Within Ada County
	T04N R02E S22	NWNW SWNW
	Stockwater	Within Ada County
	Same as Irrigation	
	Aesthetic Storage	Within Ada County
	T04N R02E S22	NWNW SWNW

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,
63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053,
63-31054, 63-31055, and 63-31056.

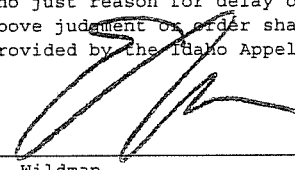
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 63-03603

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: 1.03 CFS
351.00 AFY

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

PRIORITY DATE: 04/26/1967

POINT OF DIVERSION: T04N R02E S22 NWSW Within Ada County
SWNW
NENW
NWNE

The well in the NWNWSW, S22 diverts low temperature geothermal water. The well located in the NWNENW, S22 has been measured at both 97 degrees F and 70 degrees F. The other points of diversion divert both low temperature geothermal and cold water.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.03 CFS 351.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.

PLACE OF USE:	Irrigation	Within Ada County
	T04N R02E S22	NENW 3.0 SWNW 3.0 NWSW 22.0 NWSE 13.0
		NWNW 5.0 NESW 20.0 SESW 12.0

78.0 Acres Total

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, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056.

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

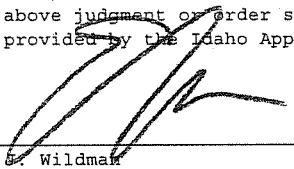
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

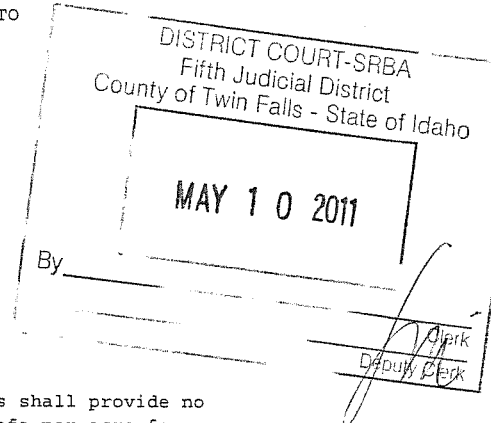
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 S. 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 63-07595



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

SOURCE: GROUND WATER

QUANTITY: 2.00 CFS
465.50 AFY

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

PRIORITY DATE: 03/07/1973

POINT OF DIVERSION: T04N R02E S22 SWNW Within Ada County
NWNE
NWSW

The well in the NWNWSW, S22 diverts low temperature geothermal water. The wells located in the SESWNW, S22 and NENWNE, S22 divert both low temperature geothermal and cold water.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS
			463.50 AFY
	Stockwater	01-01 TO 12-31	0.05 CFS
			2.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. Cold water will be used to the extent possible before the low temperature geothermal water authorized under this right is used.

PLACE OF USE:	Irrigation		Within Ada County
	T04N R02E S21	SENE 1.0	NESE 8.0
	S22	NWNE 8.0	NENW 21.0
		NWNW 10.0	SWNW 27.0
		SENE 1.0	NESW 3.0
		NWSW 14.0	SWSW 3.0
		SESE 3.0	NWSE 4.0
	103.0 Acres Total		

Stockwater		Within Ada County
T04N R02E S22	SWNW	

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, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056.

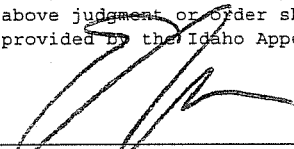
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4202.

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

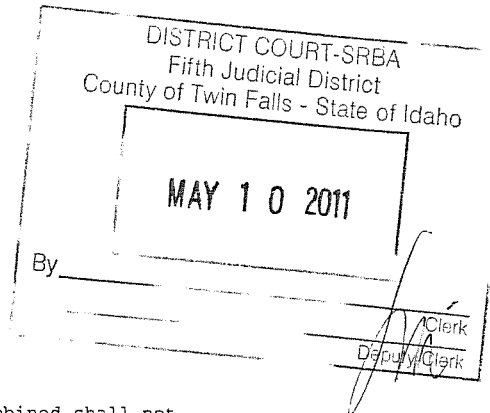
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 63-31051



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

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
38.00 AFY

Rights 63-12, 63-13, 63-15 and 63-31051 when combined shall not exceed a total annual maximum diversion volume of 38.0 af for the irrigation of 6.0 total acres included under commercial use of this right.

The total instantaneous diversion of water from all points of diversion under Right 63-31051 shall not exceed 0.12 cfs, nor total combined annual volume of 38.0 af.

PRIORITY DATE: 07/01/1921

POINT OF DIVERSION: T04N R02E S22 NWNE Within Ada County
NWSE
S29 NESE
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.12 CFS 38.00 AFY

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

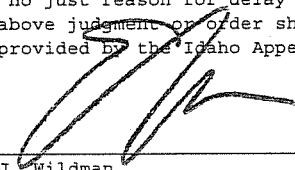
PLACE OF USE: Commercial Within Ada County
T04N R02E S22 NESW SESW
S29 NESE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. 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

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:

TERTELING TRUST NO 7
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

Handwritten signature of Julie Murphy in cursive script, positioned over the printed text 'Deputy Clerk'.