

Attorneys for Bluegrass, LLC and David Hendrickson

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22-797.0

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

Subcase No. 63-04037

AFFIDAVIT OF ROBERT DONNELLY

STATE OF IDAHO)
) ss.
County of Ada)

ROBERT DONNELLY, having been duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 years and make this affidavit based upon personal information.
2. I own water right no. 63-04037 and the real property to which it is appurtenant via my ownership of Bluegrass, LLC.

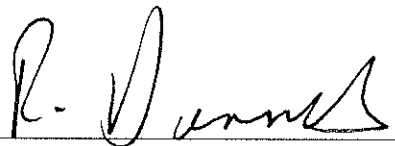
3. David Hendrickson is the lessee of the property to which water right no. 63-04037 is appurtenant. Mr. Hendrickson operates and manages Quail Hollow Golf Club and uses water right no. 63-04037 for irrigation purposes on the golf course.

4. I received notice that the Director's Report recommending water right no. 63-04037 issued. However, at that time I was not concerned with the water rights associated with the golf course, rather I was concerned with addressing other water rights matters pertinent to other property I own. I did not follow up on the golf course water rights or notify Mr. Hendrickson of the Director's Report until the second week of April.

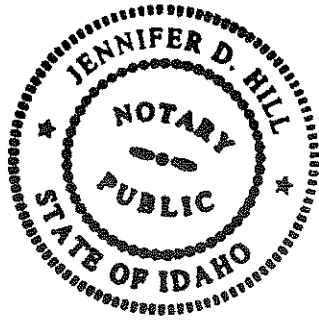
5. Over time, several of my water rights have required various corrections. Consequently, I have been engaged in that process with Vicky L. Music of the Idaho Department of Water Resources for the past one and one half years. In my dealings with Ms. Music, particularly at the time of the Director's Report's issuance, I was not aware of the objection process, the possible need to object, or the need to do anything further regarding my water rights other than undertake the various corrections that Ms. Music was assisting me with.

6. Because I am not familiar with Idaho Department of Water Resources or SRBA Court requirements/procedures, I have historically relied upon the advice and direction of Idaho Department of Water Resources personnel regarding issues involving my water rights. At the time of the Director's Report's issuance, I had never had discussions with Idaho Department of Water Resources personnel regarding the objection process, its procedure, or the need for me to do so in relation to any of my water rights.

Further your affiant sayeth naught.


Robert Donnelly

SUBSCRIBED AND SWORN to before me this 24 day of May, 2006.



Jennifer D Hill
NOTARY PUBLIC FOR IDAHO
Residing at Mendham NJ
My Commission Expires 8/25/06

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2006, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ROBERT DONNELLY** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
Fax: (208) 387-6700

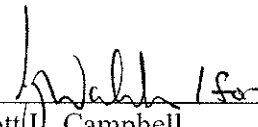
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Charles L. Honsinger
RINGERT CLARK CHTD.
455 S. Third Street P.O. Box 2773
Boise, ID 83701-2773
Fax: 342-4657

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Dana L. Hofstetter
608 W. Franklin
Boise, ID 83702
Fax: 424-8774

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Scott L. Campbell