



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 27, 2010

Dana L. Hofstetter
608 W. Franklin Street
Boise, ID 83702

RE: SRBA Subcase Nos. 63-9758 (Quail Hollow, LLC)

Dear Dana:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please have it signed on the indicated signature line and the recommendation initialed. After signature, please file the SF5 with the SRBA Court and provide copies to the parties.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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	)	Subcase No. 63-9758
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

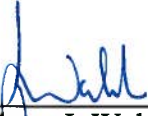
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Quail Hollow, LLC

RESPONDENT(s):
David Hendrickson
Bluegrass, LLC



Andrew J. Waldera 5/20/10
Date
Attorney for Claimant/Respondent



Andrew J. Waldera 5/20/10
Date
Attorney for Respondent

OBJECTOR/RESPONDENT:

Edwards Family, LLC

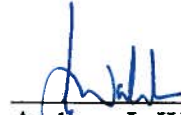
By: _____

Date

Title:

OBJECTOR:

David Hendrickson



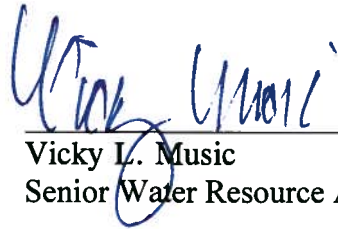
Andrew J. Waldera

Attorney for Objector

5/20/10

Date

DWR Concurrence:

 5-26-10

Vicky L. Music

Date

Senior Water Resource Agent

 5-5-10

Nicholas B. Spencer

Date

Deputy Attorney General

Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW**RIGHT NUMBER:** 63-9758**NAME AND ADDRESS:** QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714**SOURCE:** Source: Tributary:
GROUND WATER**QUANTITY:** 1.310 CFS 497.000 AFY

The rights listed below are limited to a total combined diversion rate of 1.31 cfs and to a total combined annual diversion volume of 497 AF. Combined Right Nos. 63-4037 and 63-9758.

The rights listed below are limited to a total combined diversion rate of 1.69 cfs. Combined Right Nos.: 63-4037, 63-9758 and 63-21875.

~~Right Nos. 63-4037 and 63-9758 are limited to a total combined diversion rate of 1.31 cfs and to a total combined annual diversion volume of 497 AF.~~

PRIORITY DATE: 03/19/1996**POINT OF DIVERSION:**T04N R02E S28 NWNE
Within ADA CountyT04N R02E S28 NWNE
Within ADA CountyT04N R02E S28 NWSW
Within ADA CountyNBS
JW
VLM

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/15 11/15	1.310 CFS 495.00 AFY
	AESTHETIC	01/01 12/31	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.

PLACE OF USE: IRRIGATION within ADA County

T04N R02E S21 SWSW 0.7
T04N R02E S21 SESW 1.5
T04N R02E S21 NWSE 5.1
T04N R02E S21 SWSE 34.7
~~T04N R02E S21 SWSE 4.0~~
~~T04N R02E S21 SESE 31.0~~
T04N R02E S28 NWNE 20.5
~~T04N R02E S28 NWNE 16.0~~
T04N R02E S28 NENW 28.7
~~T04N R02E S28 NENW 31.0~~
T04N R02E S28 NWNW 11.4
~~T04N R02E S28 NWNW 17.0~~
T04N R02E S28 SWNW 0.3

T04N R02E S28 SENW 7.1

~~T04N R02E S28 SENW 11.0~~

AESTHETIC Same As IRRIGATION

110 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110 acres in a single irrigation season. Combined Right Nos.: 63-4037, 63-9758 and 63-21875.

Place of use is also known as Quail Hollow Golf Course.

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

Right No. 63-9758 is subject to the conditions of the Amended Preliminary Order in the matter of Application for Transfer 4804.

Failure of the right holder to comply with the conditions of Transfer 4804 is cause for the Director to rescind approval of the transfer.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63S.

This right does not grant any right-of-way or easement across the land of another.

The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used.

The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Modifications or variance from the license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

~~The right holder shall accomplish the change authorized by Transfer 4804 within one (1) year of the date of the approval.~~

NBS
dw
PLM

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

BLUEGRASS, LLC
DAVID HENDRICKSON
QUAIL HOLLOW, LLC
Represented by:
ANDREW J. WALDERA
SCOTT L. CAMPBELL
101 S. CAPITOL BLVD., 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

EDWARDS FAMILY, LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney