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DEPARTMENT OF
WATER RESOURCES

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Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

July 7, 2010

Mr. Ray Williams
Paralegal
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: SRBA Subcase Nos. 63-4037, 63-21875

Dear Mr. Williams:

Enclosed please find the executed original Standard Forms Five for the above-referenced SRBA Subcases.

Please contact me with any questions or concerns regarding the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles L. Honsinger".

Charles L. Honsinger

enclosures

cc: Andy Waldera
client

**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. 63-21875
	)	
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
Attorney for Claimant/Respondent Date



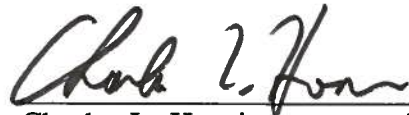
Andrew J. Waldera 5/20/10
Attorney for Respondent Date

OBJECTOR(s)/RESPONDENT(s):

Edwards Family, LLC

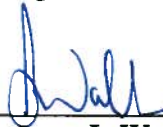
The Terteling Co., Inc.

By: _____ Date _____
Title: _____

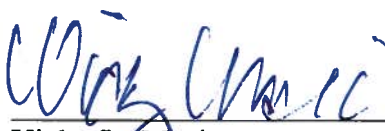
 07/07/10
Charles L. Honsinger Date
Attorney for Objector/Respondent

OBJECTOR:

Bluegrass, LLC

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

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: 63-21875

NAME AND ADDRESS:

QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714

~~BLUEGRASS LLC~~
~~4705 N 36TH~~
~~BOISE ID 83703~~

SOURCE:

Source:
STEWART GULCH CREEK

Tributary:
BOISE RIVER

QUANTITY: 0.380 CFS

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.

~~This right when combined with Right Nos. 63-4037 and 63-9758 shall provide~~
~~no more than .02 cfs per acre.~~

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T04N R02E S28 NWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.380 CFS

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 S28 NWNE 20.5

T04N R02E S28 NENW 28.7

T04N R02E S28 NWNW 11.4

T04N R02E S28 SWNW 0.3

T04N R02E S28 SENW 7.1

110 ACRES TOTAL

31.2 ACRES TOTAL

NBS

dw

VLM
C.2A

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

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

This right is limited to the irrigation of 31.2 acres within the place of use described above in a single irrigation season.

~~Right Nos. 63 4037 and 63 21875 are limited to the irrigation of a combined total of 82.7 acres in a single irrigation season.~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

NBS
DW
VWM
C.L.H.

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

THE TERTELING CO., INC.
Represented by:
CHARLES L. HONSINGER
455 S. THIRD STREET
P.O. BOX 2773
BOISE, ID 83701-2773

Signature of person or attorney

**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. 63-4037
	)	
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

OBJECTOR(s)/RESPONDENT(s):
David Hendrickson
Bluegrass, LLC



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



Andrew J. Waldera 5/20/10
Attorney for Objectors/Respondents Date

OBJECTOR/RESPONDENT:

Edwards Family, LLC

RESPONDENT:

The Terteling Co., Inc.

By: _____ Date _____
Title: _____

Charles L. Honsinger 07/07/10
Charles L. Honsinger Date
Attorney for Objector

DWR Concurrence:

Vicky L. Music 5-26-10
Vicky L. Music Date
Senior Water Resource Agent

Nicholas B. Spencer 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: 63-4037

NAME AND ADDRESS:

QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714

BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 1.000 CFS
231.750 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: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE
Within ADA County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/01 11/15	1.000 CFS 231.75 AFY

~~Low temperature geothermal water diverted under this right shall not be used for irrigation purposes unless it is first used for heating purposes.~~

PLACE OF USE: IRRIGATION within ADA County

T04N R02E S21 SWSW 0.7

T04N R02E S21 SESW 1.5

~~T04N R02E S21 SESW 1.3~~

NBS
W
VLM
C2K

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

T04N R02E S21 NWSE 5.1
T04N R02E S21 SWSE 34.7
T04N R02E S28 NWNE 20.5
T04N R02E S28 NENW 28.7
T04N R02E S28 NWNW 11.4
T04N R02E S28 SWNW 0.3
T04N R02E S28 SENW 7.1

~~T04N R02E S21 SWSE 14.0~~
~~T04N R02E S28 NWNE 15.0~~
~~T04N R02E S28 NENW 5.0~~
~~T04N R02E S28 NWNW 16.2~~

NBS
JW
VLM
C.2.14

110 ACRES TOTAL

~~51.5 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.

This right is limited to the irrigation of 51.1 acres within the place of use described above in a single irrigation season.

~~Right Nos. 63-4037 and 63-21875 are limited to the irrigation of a combined total of 82.7 acres in a single irrigation season.~~

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S.

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 - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

Right no. 63-9758 is also diverted through point of diversion described above.

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:

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Signature of person or attorney