

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 24 2010	
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**

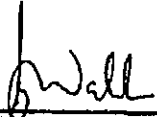
In Re SRBA	)	Subcase No. 63-21875
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

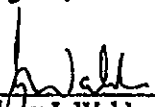
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Quail Hollow, LLC



Andrew J. Waldera 9/22/10
Attorney for Claimant/Respondent Date

RESPONDENT(s):
David Hendrickson
Bluegrass, LLC



Andrew J. Waldera 9/22/10
Attorney for Respondent Date

OBJECTOR(s)/RESPONDENT(s):
Edwards Family, LLC

By: _____ Date _____
Title: _____

The Terteling Co., Inc.

Charles L. Honsinger 9/20/10
Charles L. Honsinger Date
Attorney for Objector/Respondent

OBJECTOR:
Bluegrass, LLC

Andrew J. Waldera 9/22/10
Andrew J. Waldera Date
Attorney for Objector

DWR Concurrence:

Vicky L. Music 9/21/10
Vicky L. Music Date
Senior Water Resource Agent

Nicholas B. Spencer 9-20-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

9/15/10

RIGHT NUMBER: 63-21875

NAME AND ADDRESS:

QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714

BLOUGRASS LLC
4705 W 24TH
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 2.69 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

This water right shall be used for irrigation purposes instead of the low temperature
geothermal water authorized under Water Right Nos. 63-4037 and 63-9758 whenever
possible.

PLACE OF USE:

IRRIGATION

within ADA County

T04N R02E S21 SWSW 0.7

T04N R02E S21 SWSW 1.3

T04N R02E S21 NWSW 5.1

T04N R02E S21 SWSW 34.7

T04N R02E S28 NWNE 20.5

T04N R02E S28 NWNW 28.7

T04N R02E S21 NWSE 1.2

T04N R02E S21 SWSW 10.0

T04N R02E S28 NWNE 4.5

T04N R02E S28 NWNW 10.0

SF5 SUBCASE NO.: 63-21875

T04N R02E S28 NWNW 11.4

T04N R02E S28 SEWN 0.3

T04N R02E S28 SEWN 7.1

T04N R02E S28 SEWN 8.4

110 ACRES TOTAL

31.2 ACRES TOTAL

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 water right is subject to the terms of an a private Agreement dated
July 13, 2010, recorded at the Ada County Recorder's Office on
September 22, 2010 as Instrument No. 110099560.

NBS
VHM
C.2.H.
JW

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 12-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on September 24, 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

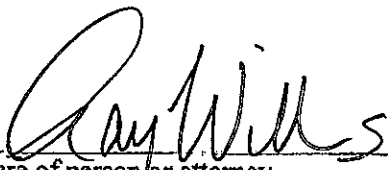
2. Copies to:

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