

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-21875  
Date Received: 3/28/1990  
Receipt No: W011756  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BLUEGRASS LLC Phone: (208) 344-6397  
4705 N 36TH  
BOISE ID USA 83703

2. Date of Priority: 03/15/1943

3. Source: STEWART GULCH CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 02E   | 28      | NW NW NE              | ADA    |      |

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.67   |            |

7. Total Quantity Appropriated is:  
0.67 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED  
OCT 05 2006

| Township      | Range | Section | 1/4 of 1/4    | Lot | Use        | Acres |
|---------------|-------|---------|---------------|-----|------------|-------|
| 04N           | 02E   | 21      | SE            | SW  | IRRIGATION | 5     |
|               |       |         | NW            | SE  | IRRIGATION | 10    |
|               |       |         | SW            | SE  | IRRIGATION | 10    |
|               |       |         | Section Acres |     |            |       |
| 04N           | 02E   | 28      | NW            | NE  | IRRIGATION | 10    |
|               |       |         | SW            | NE  | IRRIGATION | 5     |
|               |       |         | NE            | NW  | IRRIGATION | 10    |
|               |       |         | SE            | NW  | IRRIGATION | 5     |
| Section Acres |       |         |               | 30  |            |       |
| Total Acres   |       |         |               | 55  |            |       |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

DESCRIP. OF DIVERT. WORKS: PUMP W/3" INTAKE & 3" OUTFLOW TO POND THEN PUMPED THOROUGH SPRINKLER SYSTEM TO IRRIGATE (NOW QUAIL HOLLOW GOLF COURSE). AESTHETIC USE OF PONDS IS PART OF SYSTEM. NON IRRIG. USES: WATER DIVERTED FROM SOURCE & STORED WATER USED FOR IRRIGATION & AESTHETICS. PONDS ARE PRESENT ALL YEAR. THUS, USES INCLUDE DIVERSION TO STORAGE (.67 CFS), IRRIGATION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION, AND AESTHETICS STORAGE.

PONDS APPROX. 2 A.F. BUT THIS MAY BE REVISED IF ADDITIONAL INFORMATION IS SUPPLIED.

CHANGE IN OWNERSHIP LG 10/14/05

15. Basis of Claim: Beneficial Use

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUL 14 2005

WATER RESOURCES  
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s).     | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|---------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-21875                  | 63-21875                     | N     |                       |                              |       |
| 63- <del>21875</del> 4307 | 63-4307                      | N     |                       |                              |       |
| 63-9758                   |                              |       |                       |                              |       |
|                           |                              |       |                       |                              |       |
|                           |                              |       |                       |                              |       |

not claimed-  
in GRBA

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

VAN CROFT CORPORATION

4. New Owner/Claimant(s)

Bluegrass LLC/Robert M. Donnelly

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

4705 N. 36th WAY

City, State and ZIP Code

BOISE ID 83703

New Telephone Number

( ) 208 344 6397

5. Date you acquired the property

MARCH 29 1999

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

ISSUED COURTESY OF:

ALLIANCE TITLE & ESCROW CORP.

READ & APPROVED BY GRANTEE(S): Lud

SPACE ABOVE THIS LINE FOR RECORDING DATA  
Order No.: 99081089 EBN

### CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, VANCROFT CORPORATION, AN IDAHO CORPORATION

organized and existing under the laws of the State of Idaho, with its principal office at P.O. BOX 510563, a corporation  
SALT LAKE CITY, UT 84151 of County of ADA, State of Idaho,  
GRANTOR, hereby GRANT, BARGAIN, SELL AND CONVEY unto BLUEGRASS, LLC.

GRANTEE(S), whose current address is: 2748 WAGONWHEEL COURT, CARROLLTON, TX 75006  
the following described real property located in ADA County, State of Idaho, more particularly  
described as follows, to wit:

Lot 2 and 6 in Block 1 and Lot 1 in Block 2 of NIBLER  
SUBDIVISION, according to the Official Plat thereof, filed  
in Book 59 of Plats at Page(s) 5789-91, records of Ada  
County, Idaho.

Together with any and all water rights appurtenant thereto, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantee(s) heirs and assigns forever. And the said Grantor does hereby covenant to and with the said  
Grantee(s), that Grantor is the owner in fee simple of said premises; that said premises are free from all  
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered  
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and  
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,  
if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend  
the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly  
authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held  
and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized  
officers this 29th day of March, in the year of 1999.

(Corporate Seal)

VANCROFT CORPORATION

(Corporate Name)

By: Veronica C. Montgomery  
VERONICA C. MONTGOMERY, Vice President

Attest: \_\_\_\_\_

Secretary

STATE OF IDAHO  
COUNTY OF ADA

On this 29th day of March, in the year of 1999, before me, the undersigned, a Notary  
Public in and for said State, personally appeared VERONICA C. MONTGOMERY

known or identified to me to be the Vice President of the corporation that executed  
the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to  
me that such corporation executed the same.

KERENSA MAJERUS  
NOTARY PUBLIC  
STATE OF IDAHO

Signature: Kerensa Majerus

Name: KERENSA MAJERUS

(Type or print)

Residing at: BOISE, ID

My Commission Expires: 01/09/03



Date: July 12 2005

To: Vicky Music  
Idaho Dept of Water Resources

From: Bob Donnelly  
Phone: 368 3134  
Email: bdonnelly@micron.com

Subject: Water Rights in Stewart Gulch/Quail Hollow

Vicky, I've enclosed the following

1. 63 - 2103B. I deleted the original green Place of Use on your map and added a red place of use for the homestead in the 4600 block of N 36<sup>th</sup> St that was torn down and will be rebuilt. The use was for domestic use and irrigating a small yard.
2. 63 - 2103A. I completed the Notice of Error Reply to state this right, which is from the same spring as 2103B has been in continuous use for domestic use at my home at 4705 N 36<sup>th</sup> St.
3. 63 - 21875, 4037, 9758. I completed a change of ownership form and attached the warrantee deed and map of showing Quail Hollow Golf Course. Please let me know if there is any problem with these rights numbers correlating with those you show for Quail Hollow/Van Croft.
4. The rights are shown in my name but as you can see, the Golf Course and the property with the 2103B rights are owned by Bluegrass LLC, of which I am the sole owner. If I need to re-file these in the name of Bluegrass, please let me know.

Thanks,

Bob Donnelly

OK AM - NOT CLAIMED  
63-9758  
63-4037  
63-21875

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-21875  
Date Received: 3/28/1990  
Receipt No: W011756  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: VANCROFT CORPORATION 208-384-0414  
Address: 3222 S. PASS COURT  
BOISE, ID 83705

2. Date of Priority: MAR 15, 1943

3. Source: STEWART GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 02E   | 28      | NW     | NW     | NE     |     | ADA    |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.670 |      |        |

7. Total Quantity Appropriated is:  
0.670 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 192.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
SEE REMARKS

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 04N      | 02E   | 21      | SE     | SW     |     | IRR | 5.0   |
|          |       |         | NW     | SE     |     | IRR | 10.0  |
|          |       |         | SW     | SE     |     | IRR | 10.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 25.0  |
|          |       | 28      | NW         | NE  | IRR           | 10.0  |
|          |       |         | SW         | NE  | IRR           | 5.0   |
|          |       |         | NE         | NW  | IRR           | 10.0  |
|          |       |         | SE         | NW  | IRR           | 5.0   |
|          |       |         |            |     | Section Acres | 30.0  |
|          |       |         |            |     | Total Acres   | 55.0  |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
63-04037 & 63-09758

14. Remarks:

DESCRIP. OF DIVERT. WORKS: PUMP W/3" INTAKE & 3" OUTFLOW TO POND THEN PUMPED THOROUGH SPRINKLER SYSTEM TO IRRIGATE (NOW QUAIL HOLLOW GOLF COURSE). AESTHETIC USE OF PONDS IS PART OF SYSTEM. NON IRRIG. USES: WATER DIVERTED FROM SOURCE & STORED WATER USED FOR IRRIGATION & AESTHETICS. PONDS ARE PRESENT ALL YEAR. THUS, USES INCLUDE DIVERSION TO STORAGE (.67 CFS), IRRIGATION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION, AND AESTHETICS STORAGE. PONDS APPROX. 2 A.F. BUT THIS MAY BE REVISED IF ADDITIONAL INFORMATION IS SUPPLIED.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

## CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[✓] Water Right Number(s): A63-04037 / A63-02103, A63-21875

[ ] Name and Address of Former Claimant(s): Victor L s/o Ruth E. Niblen

4705 N. 36<sup>th</sup>

Burien ID. 83703

[✓] New Claimant(s): Vanneroff Corporation

[✓] New Mailing Address: 3222 South Pass Court

Burien ID. 83705

New Telephone Number: (208) 384-0414

[✓] Does the change in ownership result in a splitting of the water right claimed? yes no

If yes, then describe the portion of the water right that is now claimed by the new owner:

For A63-02103 - all except 50% of domestic (on .02 cfs) for home & yard in SESW S.21 goes to new owner

Other claims: A63-04037 & A63-21875 are conveyed in entirety.

[✓] Attach proof of ownership

Describe proof attached: copy of Warranty deed  
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[✓] Signature of New Claimant(s): Mari Montgomery Jordan  
President

Date: 6/18/90

RECEIVED

JUN 18 1990

MICROFILMED

SEP 08 1992  
Department of Water Resources  
Western Regional Office

CHANGE IN OWNERSHIP

Page 2

[ ] Signature of Former Claimant(s): \_\_\_\_\_

Date: \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED  
SEP 08 1992

## WARRANTY DEED

FOR VALUE RECEIVED, VICTOR L. NIBLER and RUTH NIBLER, husband and wife (the "Grantor"), does hereby grant, bargain, sell and convey unto VANCROFT CORPORATION, an Idaho corporation whose address is 3222 South Pass Court, Boise, Idaho 83705 (the "Grantee"), the real property located in Ada County, Idaho, and described on Exhibit A hereto and incorporated herein, together with its appurtenances, including any and all water rights, (hereinafter the "Premises").

The Grantor does hereby covenant to and with the Grantee, that Grantor is the owner in fee simple of the Premises; that the Premises are free and clear from all encumbrances except as set forth on Exhibit B attached hereto and incorporated herein (the "Permitted Exceptions") and that Grantor will warrant and defend the same from all other claims whatsoever.

TO HAVE AND TO HOLD the Premises unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed effective this 8 day of June, 1990.

Ada County, Idaho ss  
Request of

"Grantor"

SECURITY TITLE

TIME 10:45 A.M.

DATE

6-11-90

JOHN EASTDA

RECORDER

By

Deputy

Victor L. Nibler  
Victor L. Nibler

Ruth E. Nibler  
Ruth E. Nibler

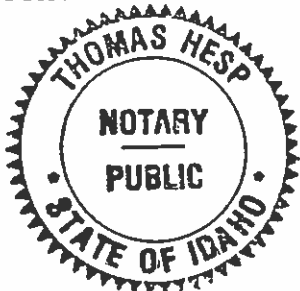
STATE OF IDAHO

County of Ada

ss.

On this 8 day of June, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Victor L. Nibler and Ruth E. Nibler, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Thomas Hesp  
Notary Public for Idaho  
Residing at Boise, Idaho  
My commission expires: 11/29/95

MICROFILMED

SEP 08 1992

EXHIBIT A

DESCRIPTION OF PROPERTY

The NW 1/4, and the W 1/2 NE 1/4, Section 28, and the SW 1/4 and the W 1/2 SE 1/4, and the W 1/2 NE 1/4, and the NE 1/4 NE 1/4, Section 21, Township 4N, Range 2E, Boise Meridian, Boise, Ada County, Idaho excepting therefrom the following:

Commencing at the Quarter corner common to Section 28 and 29, T. 4N, R. 2E, B.M.; thence  
South 89°53' East 50 feet to the REAL PLACE OF BEGINNING; Thence  
North 497.3 feet; thence  
North 8°58'40" East 464.16 feet; thence  
North 43°06' East 870.8 feet; thence  
South 58°14' East 1632.0 feet; thence  
South 39°23' West 951.72 feet; thence  
North 89°53' West 1451.2 feet to the REAL PLACE OF BEGINNING. A parcel of land containing 50.58 acres, more or less. (SEE WARRANTY DEED, Instrument No. 404319, December 6, 1956.)

And further excepting therefrom the following:

Commencing at the Quarter corner common to Section 28 and 29, T. 4N, R. 2E, B.M.; thence  
North along the Section line 898.2 feet to an iron pin, the REAL PLACE OF BEGINNING; thence  
North 301.3 feet to an iron pin; thence  
South 46°54' East 205.9 feet to an iron pin; thence  
South 43°06' West 220.0 feet to the PLACE OF BEGINNING. A parcel of land containing 0.52 acres, more or less. (SEE WARRANTY DEED, Instrument No. 506934, July 10, 1961.)

And further excepting therefrom the following:

Commencing at the Southwest corner of the Northwest 1/4 of Section 28, T. 4N, R. 2E, B.M.; thence  
North 00°30'30" East along the West Section Line of said Section 28, a distance of 87.38 feet to a point, also said point being the REAL POINT OF BEGINNING;  
thence  
South 53°30'30" East, a distance of 9.28 feet to a point; thence  
South 40°45'40" East, a distance of 64.43 feet to a point; thence  
North 0°30'30" East, a distance of 463.69 feet to a point; thence  
North 09°30'12" East, a distance of 464.17 feet to a point; thence  
North 43°37'00" East, a distance of 870.80 feet to a point; thence  
North 46°23'00" West, a distance of 50.23 feet to a point; thence  
South 43°37'00" West, a distance of 996.51 feet to a point; thence  
South 00°30'30" West, a distance of 810.82 feet to the REAL POINT OF BEGINNING.

---

A parcel of land containing 2.4039 acres, more or less. (SEE QUITCLAIM DEED, Instrument No. 8710730.)

And further excepting therefrom the following:

Commencing at the Brass Cap marking the Southwest corner of the North 1/2 of Section 28, T. 4N, R. 2E, B.M.; thence South 89°39'23" East 4034.27 feet along the Southerly boundary of the said North 1/2 of Section 28 to an iron pin marking the Southeast corner of the West 1/2 of the Northeast 1/4 of the said Section 28; thence North 00°01'58" East 2644.81 feet along the Easterly boundary of the said West 1/2 of the Northeast 1/4 of Section 28 to an iron pin, marking the Southeast corner of the West 1/2 of the Southeast 1/4 of the said Section 21; thence North 68°49'12" West 1498.94 feet to a point, also said point being the REAL POINT OF BEGINNING; thence North 77°41' East 162.90 feet to a point; thence South 24°14' East 163.90 feet to a point; thence South 09°44' East 116.70 feet to a point; thence South 25°51' East 66.40 feet to a point; thence South 32°30' West 45.10 feet to a point; thence South 82°13' West 64.70 feet to a point; thence South 76°23' West 83.60 feet to a point; thence South 84°38' West 74.61 feet to a point; thence South 72°11' West 161.01 feet to a point; thence North 02°37'32" West 280.03 feet to a point; thence North 45°31' East 189.06 feet to the POINT OF BEGINNING. A parcel of land containing 2.4039 acres, more or less. (SEE WARRANTY DEED, Instrument No. 8742940.)

And further excepting therefrom the following:

NIBLER'S 4 ACRE HOMESITE

Commencing at the Section corner common to Sections 20, 21, 28 and 29, T. 4N, R. 2E, B.M.; Thence S 89°26'15" E. 1875.64 feet along the line common to Sections 21 and 28 to a point on the Southwesterly property line of this parcel, said point being the REAL POINT OF BEGINNING; Thence N. 35°30'51" W. 116.81 feet to a point; Thence N. 54°29'09" E. 427.89 feet to a point; Thence S. 35°30'51" E. 398.67 feet to a point; Thence along a curve to the right 51.76 feet, having a central angle of 19°07'56", a radius of 155.00 feet, tangents of 26.12 feet, and a chord of 51.52 feet which bears S. 38°26'59" W. to a point; Thence S. 48°00'57" W. 62.81 feet to a point; Thence along a curve to the right 111.04 feet, having a central angle of 16°57'56", a radius of 375.00 feet, tangents of 55.93 feet, and a chord of 110.63 feet which bears S. 56°29'55" E. to a point; Thence S. 64°58'53" W. 208.90 feet to a point; Thence N. 35°30'51" W. 261.23 feet to the REAL POINT OF BEGINNING.

## EXHIBIT B

### PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 1990 and subsequent years.
2. Reservations in U.S. Patent recorded in Book 1 of Patents at Page 60, Book 4 of Patents at Page 5, Book 6 of Patents at Page 78, Book 6 of Patents at Page 104, Book 6 of Patents at Page 112, as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with local customs, laws and decisions of Courts, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law ... and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States."
3. Power line easement as granted by Frank Dobson and Lulu B. Dobson, his wife to Idaho Power Company, a corporation, by instrument recorded September 19, 1930, in Book 12 of Miscellaneous at Page 437, as Instrument No. 141535, of Official Records; including the right from time to time to cut, trim, and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. The exact location and extent of said easement is not disclosed of record.
4. Power line easement as granted by Frank Dobson and Lulu B. Dobson, his wife to Idaho Power Company, a corporation, by instrument recorded February 27, 1931, in Book 12 of Miscellaneous at Page 547 as Instrument No. 143612, of Official Records; including the right from time to time to cut, trim, and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. The exact location and extent of said easement is not disclosed of record.
5. Power line easement as granted by Western Loan & Investment Co. to Idaho Power Company, a corporation, by instrument recorded March 18, 1939, in Book 16 of Miscellaneous at Page 223, as Instrument No. 188931, of Official Records; including the right from time to time to cut, trim, and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. The exact location and extent of said easement is not disclosed of record.

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6. Easement as granted by Victor L. Nibler and Ruth E. Nibler to The Mountain States Telephone and Telegraph Company by instrument recorded March 2, 1967, as Instrument No. 659097, of Official Records; for operation, maintenance and repair of its lines. The exact location and extent of said easement is not disclosed of record.
7. An easement for the purpose shown below and rights incidental thereto as contained in a document.  
Purpose: sewer and water lines and other utility facilities, whether above ground or underground and a road and related improvements providing public ingress to and egress from  
  
Recorded: August 23, 1978  
  
Instrument No.: 7845243 of Official Records  
The exact location and extent of said easement is not disclosed of record.
8. An easement for the purpose shown below and rights incidental thereto as contained in a document.  
Purpose: access and utilities  
  
Recorded: July 24, 1987  
  
Instrument No.: 8742940 of Official Records  
The exact location and extent of said easement is not disclosed of record.
9. Power line easement as granted by Victor L. Nibler and Ruth E. Nibler, his wife to Idaho Power Company, a corporation, by instrument recorded October 1, 1987, as Instrument No. 8755532, of Official Records ... including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
10. Power line easement as granted by Victor L. Nibler and Ruth E. Nibler, his wife to Idaho Power Company, a corporation, by instrument recorded November 18, 1983, as Instrument No. 8362310, of Official Records ... including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
11. An easement for the purpose shown below and rights incidental thereto as contained in a document.  
Purpose: locating, establishing, constructing,

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maintaining, repairing, and operating  
underground sanitary sewer lines

Recorded: January 14, 1988

Instrument No.: 8802157 of Official Records

Said instrument was corrected and recorded October 12, 1988 as  
Instrument No. 8850182.

12. Underground power line easement as granted by Victor L. Nibler and Ruth E. Nibler, his wife to Idaho Power Company, a corporation by instrument recorded May 2, 1988 as Instrument No. 8820687 of Official Records.

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**SEP 08 1992**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-21875  
Date Received: 3/28/1990  
Receipt No: W011756  
Received By: DE AN

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: VICTOR L. NIBLER 208-342-6333  
Address: 4705 N. 36TH  
BOISE, ID 83703

AND/OR  
Name: RUTH E. NIBLER 208-342-6333  
Address: 4705 N. 36TH  
BOISE, ID 83703

2. Date of Priority: MAR 15, 1943

3. Source: STEWART GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 02E   | 28      | NW     | NW     | NE     |     | ADA    |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.670  |      |        |

7. Total Quantity Appropriated is:  
0.670 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 192.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
SEE REMARKS

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04N      | 02E   | 21      | SE     | SW  |     | IRR           | 5.0   |
|          |       |         | NW     | SE  |     | IRR           | 10.0  |
|          |       |         | SW     | SE  |     | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 25.0  |
|          |       | 28      | NW     | NE  |     | IRR           | 10.0  |
|          |       |         | SW     | NE  |     | IRR           | 5.0   |
|          |       |         | NE     | NW  |     | IRR           | 10.0  |
|          |       |         | SE     | NW  |     | IRR           | 5.0   |
|          |       |         |        |     |     | Section Acres | 30.0  |
|          |       |         |        |     |     | Total Acres   | 55.0  |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
63-04037 & 63-09758

14. Remarks:

DESCRIP. OF DIVERT. WORKS: PUMP W/3" INTAKE & 3" OUTFLOW TO POND THEN PUMPED THOROUGH SPRINKLER SYSTEM TO IRRIGATE (NOW QUAIL HOLLOW GOLF COURSE). AESTHETIC USE OF PONDS IS PART OF SYSTEM. NON IRRIG. USES: WATER DIVERTED FROM SOURCE & STORED WATER USED FOR IRRIGATION & AESTHETICS. PONDS ARE PRESENT ALL YEAR. THUS, USES INCLUDE DIVERSION TO STORAGE (.67 CFS), IRRIGATION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION, AND AESTHETICS STORAGE. PONDS APPROX. 2 A.F. BUT THIS MAY BE REVISED IF ADDITIONAL INFORMATION IS SUPPLIED.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

# Fees

Steve Lyster  
IDWR  
3/21/90

334-2190

## ① A63-02103 CLAIM

IRRIG 5 ac. - 4 acres paid\*, owe \$1  
Domestic 2 homes - no fee

\$101

For claim = \$50  
Late fee = \$50  
acre fee = \$1  
TOTAL \$101

## ② Stewart gulch grandfather irrig claim

irrig 55 ac. - 30 acres paid\*, owe \$25

\$125

For claim = \$50  
Late fee = \$50  
acre fee = \$25  
TOTAL \$125

A63-21875

## ③ GWR well irrig claim

irrig. 5 acres - owe \$5 for acres

\$105

For claim = \$50  
Late fee = \$50  
acre fee = \$5  
TOTAL 105

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\* in old golf course (N. 31st) well A63-04037

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

A63-39576-21875

3/28/90

W011756

*Free*  
*See attached*  
*note*  
*SL*

**NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Victor L. &/or Ruth E. Nibler Phone ( ) 342-6333Mailing Address 4705 N. 36<sup>th</sup> Boise ID Zip 837032. Date of Priority (Only one (1) per claim) 3/15/19433. Source of water supply (a) Stewart gulch  
which is tributary to (b) Boise River4. a. Location of existing point of diversion is: Township 4N Range 2E Section 28.NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, — B.M., County of ADAAdditional points of diversion if any: —

b. If instream flow, beginning point of claimed instream flow is:

Township — Range — Section —, — 1/4 of — 1/4 of — 1/4,Govt. Lot — B.M., County of —ending point is: Township — Range — Section —, — 1/4 of — 1/4 of— 1/4, Govt. Lot — B.M., County of —5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

Pump with 3" intake & 3" outflow to ponds, then  
pumped through sprinkler system to irrigate (now Quail  
Hollow Golf Course). Aesthetic use of ponds is part  
of system.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .67 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .67 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 192.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) See Remarks

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4N  | 2E  | 21  |        |       |       |       |        |       |       |       |        |       |       | 5     |        | 10    | 10    |       | 25     |
|     |     | 28  |        | 10    | 5     |       | 10     |       | 5     |       |        |       |       |       |        |       |       |       | 30     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 55

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
63-04037 & 63-09758 or None ( )

14. Remarks: Water diverted from source; stored. Stored water used for irrigation & aesthetics. Ponds are present all year. Thus, water include diversion to storage (.67 cfs), irrigation storage, irrigation farm storage, irrigation, and aesthetics storage. Ponds approx. 2 A.F. but this may be revised if additional information is supplied.

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Last Name Nelson Ident No. AG3-21875

Copies: White -State, Yellow-Claimant

**Scale: 2 inches equals 1 mile**

See attached map

A 16x16 grid of squares, each containing a crosshair pattern. The grid is used for drawing a 16x16 square.

~~MICROFILMED~~

SEP 08 1992

Last Name

N. Sken

Ident No.

A63-21875

**Copies: White-State, Yellow-Claimant**

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐  
Decree ☐  
If applicable provide IDWR Water Right Number N/A  
Court ☐ Case Number ☐ Decree Date ☐  
Plaintiff vs Defendant ☐

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

\* Signature of Claimant (s) Victor L. Hibler X Date 3/28/90  
Date ☐

For Organizations: I do solemnly swear or affirm that I am ☐

Title

of ☐ , that I have signed the foregoing

Organization

document in the space below as ☐

Title

of ☐

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ☐

Title and Organization ☐

Date ☐

State of Idaho/or ☐ )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 28 day of March 19 90

SEAL

Notary Public John Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, ☐ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature ☐

Address ☐

Date ☐

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SEP 08 1992

Last Name N. Slen

Ident. Number A63-21875

Copies White-State, Yellow-Claimant



**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                      Date  
Attorney for Claimant/Respondent

---

Andrew J. Waldera                      Date  
Attorney for Respondent

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

The Terteling Co., Inc.

\_\_\_\_\_  
By: Date  
Title:

\_\_\_\_\_  
Charles L. Honsinger Date  
Attorney for Objector/Respondent

**OBJECTOR:**  
Bluegrass, LLC

\_\_\_\_\_  
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

BLUEGRASS LLC  
4708 N 26TH  
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.~~

NBS  
VLM

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 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 S21 NWSE 1.7

T04N R02E S21 SWSE 10.0

T04N R02E S28 NWNE 4.5

T04N R02E S28 NENW 10.0

T04N R02E S28 NWNW 11.4

T04N R02E S28 SWNW 0.3

T04N R02E S28 SENW 7.1

T04N R02E S28 SEWN 5.0

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  
, 2010, recorded at the Ada County Recorder's Office on  
, 2010 as Instrument No.

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

## 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

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF 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 36<sup>TH</sup>~~  
~~BOISE ID 83703~~

SOURCE: STEWART GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.380 CFS

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T04N R02E S28 NWNE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.380 CFS       |

PLACE OF USE: IRRIGATION in ADA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T04N R02E S21 | SESW | 1.30  | T04N R02E S21 | NWSE | 1.70  |
| T04N R02E S21 | SWSE | 24.00 | T04N R02E S28 | NWNE | 19.50 |
| T04N R02E S28 | NENW | 15.00 | T04N R02E S28 | NWNW | 16.20 |
| T04N R02E S28 | SENW | 5.00  |               |      |       |

82.7 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.

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

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

Water Rights: 63-4037, 63-21875

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 12, 2008

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on May 12, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

### 2. Copies to:

Clive Strong  
Off ice of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

### 3. Copies to all parties to the subcase:

Quail Hollow LLC  
6553 W. Plantation Dr.  
Garden City ID 83714

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Bluegrass LLC  
4705 N. 36th  
Boise ID 83703

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

  
\_\_\_\_\_  
Signature of person mailing this document



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

May 12, 2008

QUAIL HOLLOW LLC  
6553 W PLANTATION DR  
GARDEN CITY ID 83714

Re: Water Right Nos. 63-4037, 63-21875

Dear Mr. Hendrickson:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

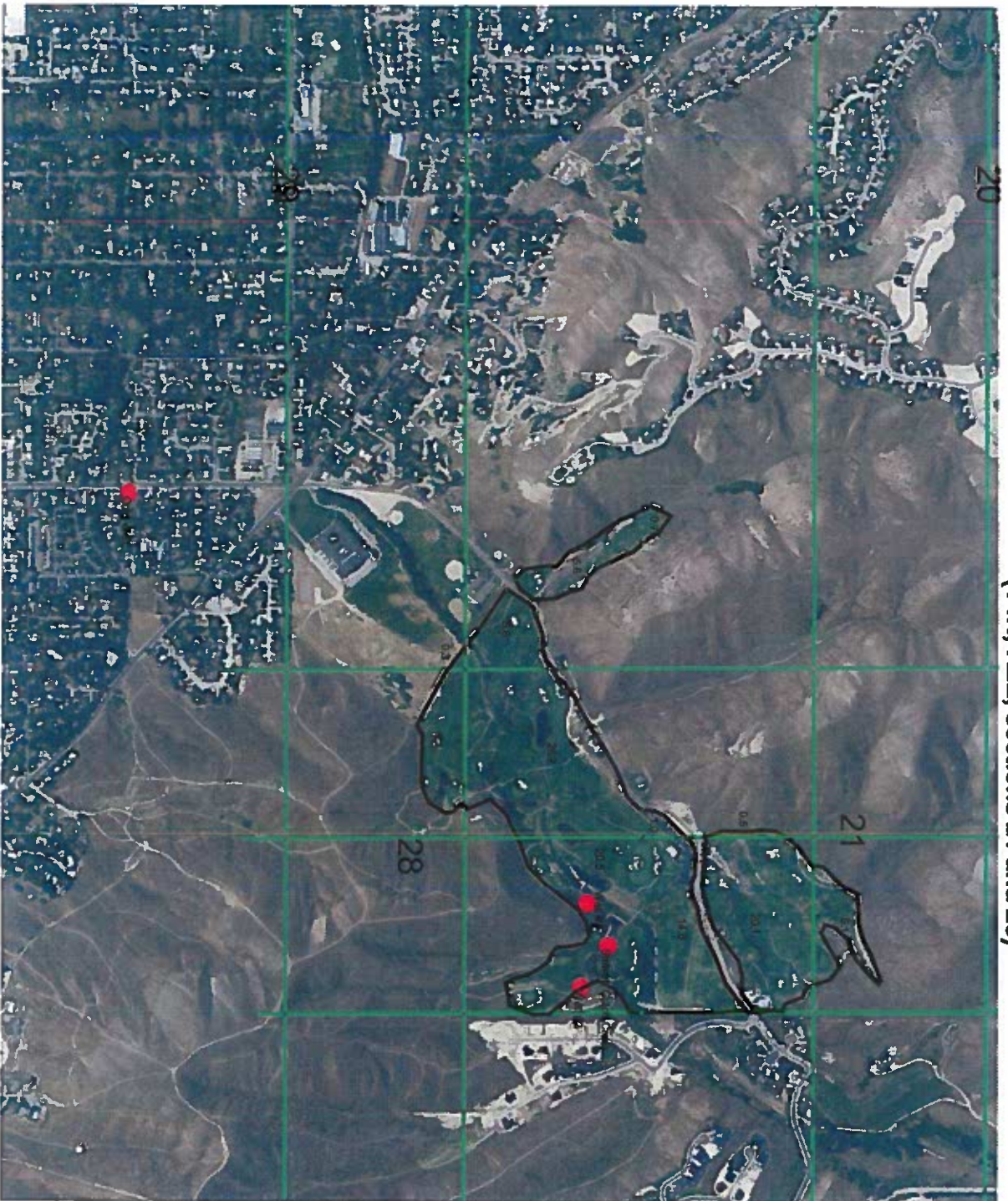
A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

LH:l  
Enclosures

cc: Bluegrass LLC

**Quail Hollow Golf Course**  
**Place of Use for 63-9758, 63-4037, and 63-21875**  
**(T4N, R2E, sections 21 and 28)**



-  Irrigation
-  POD
-  QA
-  Sections



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

MAR 20 2008

WATER RESOURCES  
WESTERN REGION

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

| Water Right No(s) | Adjudication Claim No(s) | Split(s) | Water Right No(s) | Adjudication Claim No(s) | Split(s) |
|-------------------|--------------------------|----------|-------------------|--------------------------|----------|
| 63-4037           | 63-4037                  |          |                   |                          |          |
| 63-21875          | 63-21875                 |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Bluegrass, LLC  
4705 N. 36th St.  
Boise, ID 83703

4. New Owner/Claimant(s) Quail Hollow, LLC  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 6553 W. Plantation Dr.

City, State and ZIP Code Garden City, ID 83714

New Telephone Number ( 208 ) 344-7807 Email: dhboise1@cableone.net

5. Date you acquired the property October 4, 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

*For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.*

7. Signature(s) of New Owner(s) or Claimant(s)   
 (title if applicable)  
David E. Hendrickson, Quail Hollow, LLC Manager  
 (title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

Received by   
 Received by   
 Processed by  AJ

Date 3-20-08  
 Date 3-20-08  
 Date 5-9-08

Receipt Amt. N/A  
 Receipt No. \_\_\_\_\_  
 WR \_\_\_\_\_ Date \_\_\_\_\_

## ADDENDUM TO REAL ESTATE PURCHASE AND SALE AGREEMENT

This is an Addendum to the Real Estate Purchase and Sale Agreement ("Addendum"), dated this 4 day of October, 2007 by and between BLUEGRASS, LLC, an Idaho limited liability company, ("Seller") and QUAIL HOLLOW, LLC, an Idaho limited liability company, ("Buyer").

### WITNESSETH:

WHEREAS, Seller has entered into a Real Estate Purchase and Sale Agreement dated September 18, 2007 ("Agreement"), naming David E. Hendrickson as Buyer;

WHEREAS, David E. Hendrickson has, and by these presents, confirmed his assignment of all the Buyer's interest therein to Quail Hollow, LLC, a limited liability company of Idaho wholly owned by David E. Hendrickson; and

WHEREAS, the Parties wish to confirm and detail certain water rights to be conveyed under the Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Parties hereby mutually agree as follows:

1. Assignment. David E. Hendrickson hereby assigns all of his right, title and interest in the Agreement to Quail Hollow, LLC, an Idaho limited liability company, and Quail Hollow, LLC has hereby agreed to assume all of the rights and responsibilities of Buyer.

2. Consent to Assignment. Bluegrass, LLC, an Idaho limited liability company, hereby consent to the assignment of David E. Hendrickson referred to in Paragraph 1 above.

3. Water Rights Claims. There is currently pending before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly known as "Snake River Basin Water Adjudication," three (3) claims for water rights in which Bluegrass, LLC and David E. Hendrickson are co-applicants and co-claimants to, namely, Water Rights Nos. 63-4037, 63-9758, and 63-21875. The Warranty

Deed executed by Seller under the Agreement shall specifically mention these water rights and convey them from Seller to Buyer.

All other provisions of the Agreement not expressly amended by this Addendum are hereby ratified and confirmed.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the Parties have executed this Addendum as of the day and year set forth above.

**Seller:**

**BLUEGRASS, LLC,**  
an Idaho limited liability company

By: Robert M. Donnelly  
Robert M. Donnelly, Member

**Buyer:**

**QUAIL HOLLOW, LLC**  
an Idaho limited liability company

By: David E. Hendrickson  
David E. Hendrickson, Member



Order No.: 11044667-NB

## WARRANTY DEED

### FOR VALUE RECEIVED

**Blue Grass, LLC, an Idaho limited liability company,**

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

**Quail Hollow LLC, an Idaho limited liability company**

GRANTEE(S), whose current address is: 6553 W. Plantation Drive, Boise Idaho 83714  
the following described real property in ADA County, State of Idaho, more particularly  
described as follows, to wit:

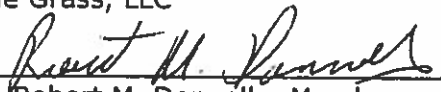
**Lots 2 and 6 in Block 1 and Lot 1 in Block 2 of Nibler Subdivision, according to  
the official plat thereof, filed in Book 59 of Plats at Page(s) 5789 through 5791,  
records of Ada County, Idaho.**

Together with Snake River Adjudication Water Rights 63-4037, 63-9758, and 63-21875

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and  
assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said  
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said  
premises are free from all encumbrances EXCEPT those to which this conveyance is  
expressly made subject and those made, suffered or done by the Grantee(s); and subject to  
reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of  
record, and general taxes and assessments, (including irrigation and utility assessments, if  
any) for the current year, which are not yet due and payable, and that Grantor(s) will  
warrant and defend the same from all lawful claims whatsoever.

Dated this 4 day of October, 2007

Blue Grass, LLC

  
by: Robert M. Donnelly, Member

State of Idaho

County of Ada

On this 4 day of October, 2007, before me the undersigned, a Notary Public in and for said state, personally appeared Robert M. Donnelly known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as the Member of Blue Grass, LLC and acknowledged to me that Robert M. Donnelly executed the same as such Member.

  
Notary Public

Name: \_\_\_\_\_  
Residing at \_\_\_\_\_ ~~Residing in Boise, Idaho~~ \_\_\_\_\_  
My Commission Expires: ~~Commission expires 07-30-09~~

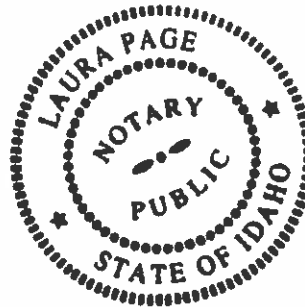


Exhibit "B" to Warranty Deed

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: March 18, 1939  
Book: 16 of Miscellaneous at  
Page: 223, of Official Records.

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: September 19, 1930  
Book: 12 of Miscellaneous at  
Page: 437, of Official Records.

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: February 27, 1931  
Book: 12 of Miscellaneous at  
Page: 547, of Official Records.

An easement for public utilities and incidental purposes in favor of The Mountain States Telephone and Telegraph Company

Recorded: March 2, 1967  
Instrument No: 659097, of Official Records.

Conditions and provisions contained in instrument

Executed By: Ada County Highway District  
Recorded: October 27, 1993  
Instrument No: 9389380, of Official Records.

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: November 18, 1983  
Instrument No: 8362310, of Official Records.

An easement for access and utilities and rights incidental thereto as contained in a Warranty Deed

Recorded: July 24, 1987  
Instrument No: 8742940, of Official Records

The exact location and extent of said easement is not disclosed of record.

An easement for underground sanitary sewer lines and the terms and conditions thereof in favor of Northwest Boise Sewer District

Recorded: January 14, 1988  
Instrument No: 8802157, of Official Records.

Corrected grant of easement

Recorded: October 12, 1988  
Instrument No: 8850182, of Official Records.

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: May 2, 1988  
Instrument No: 8820687, of Official Records.

A easement for roadway drainage and the terms and conditions thereof in favor of Tee Limited, Inc.

Recorded: September 10, 1991  
Instrument No: 9150430, of Official Records.

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: August 15, 2000  
Instrument No: 100064342, of Official Records.

An easement for public utilities and incidental purposes in favor of Idaho Power Company, a corporation

Recorded: August 15, 2000  
Instrument No.: 100064342  
Re-recorded: October 19, 2000  
Instrument No: 100083420, of Official Records.

Protective Covenants, Conditions, Restrictions and/or Easements, and other matters imposed by instrument recorded May 31, 2001 as Instrument No. 101052421, of Official Records.

This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin as provided in 42 U.S.C. Section 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. Section 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.

Terms, conditions, provisions, easements and obligations set forth in that certain Easement Agreement

Between: Bluegrass, LLC and Cable One, Inc., a Delaware corporation  
Recorded: November 17, 2004  
Instrument No: 104145945, of Official Records.

Terms, conditions, provisions, easements and obligations set forth in that certain Permanent Easement Agreement

Between: Tee, Ltd., an Idaho corporation, Tommy T. Sanderson and Roxanne Sanderson and Vancroft Corporation, an Idaho corporation  
Recorded: November 3, 1993  
Instrument No: 9392442, of Official Records.

Terms, conditions, provisions, easements and obligations set forth in that certain Assignment and Assumption of Permanent Easement Agreement

Between: Vancroft Corporation, an Idaho corporation, Assignor and Bedard & Musser, a partnership, Assignee  
Recorded: November 4, 1993  
Instrument No: 9392667, of Official Records.

Terms, conditions, provisions, easements and obligations set forth in that certain Landscape Agreement

Between: David E. Hendrickson dba Quail Hollow Golf Course and Siebel, Inc., an Idaho corporation  
Recorded: April 27, 1994  
Instrument No: 94038748, of Official Records.

Any rights, interest, or claims which may exist or arise by reason of the following shown on ALTA Survey prepared by Briggs Engineering Inc., Drawing No. 70827-ALTA, as follows:

- a. Approximately 10 feet of pavement for 36th Street encroaching at the Southeast corner of Lot 2, Block 1.
- b. The fence appurtenant to the subject property is off line and does not conform to the property line.  
Affects the South line of Lot 6, Block 1 and the Northeast corner of Lot 1, Block 2.
- c. The edge of pavement at the Northeast corner of subject property adjacent to Lot 3, Block 2.
- d. A water line over the Northeast corner that serves the subject property and Lot 3, Block 2.

Water rights, claims or title to water.

Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.



# ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY FILED EFFECTIVE

(Instructions on back of application)

07 SEP 18 PM 3:46

1. The name of the limited liability company is:

Quall Hollow LLC

SECRETARY OF STATE  
STATE OF IDAHO

2. The street address of the initial registered office is:

6553 W. Plantation Drive, Garden City, ID 83714

and the name of the initial registered agent at the above address is:

David E. Hendrickson

3. The mailing address for future correspondence is:

6553 W. Plantation Drive, Garden City, ID 83714

4. The limited liability company will be:

Manager-managed ☒ or Member-managed ☐ (please check the appropriate box)

5. If manager-managed, list the name(s) and address(es) of at least one initial manager.  
If member-managed, list the name(s) and address(es) of at least one initial member.

Name

Address

David E. Hendrickson

6553 W. Plantation Dr., Garden City, ID 83714

6. Signature of at least one person responsible for forming the limited liability company:

Signature: David E. Hendrickson

Typed Name: David E. Hendrickson

Capacity: Manager

Secretary of State use only

Signature \_\_\_\_\_

Typed Name: \_\_\_\_\_

Capacity: \_\_\_\_\_

g:\corporate\llc\form\articlesoforganization.pdf  
Revised 06/2007

Web Form

IDAHO SECRETARY OF STATE  
09/18/2007 05:00  
CK: 36757 CT: 106546 DH: 1076259  
1 @ 100.00 = 100.00 ORGAN LLC # 2

W66785

RECEIVED  
MAR 27 2007  
CLERK OF DISTRICT COURT

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 )

A. Subcase 63-21875

(Insert water right number  
From the Objection Form)

Case No. 39576 )

**STANDARD FORM 2  
RESPONSE TO OBJECTION**

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: Bluegrass, LLC and David Hendrickson

Address: 4705 N. 36th Street

Boise, Idaho 83703

Daytime Phone: 208-344-7807

Name & Address of Attorney, if any:

Scott Campbell & Andrew Waldera  
Moffatt Thomas Barrett Rock & Fields  
PO Box 827  
Boise, Idaho 83701

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING**

Name: The Terteling Co Inc. (Response to Edwards Family LLC Objection)

Address: 3823 N. 36th Street

Boise, Idaho 83703

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use

11. Recommendation

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho )  
 )ss.  
County of Ada )

Andrew Waldera, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 3-23-07



Tiffany Hudak  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 9/16/09

## INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### F. CERTIFICATE OF MAILING

I certify that on March 23, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bluegrass, LLC  
Address: 4705 N. 36th Street, Boise, Idaho 83703

3. One copy to the party who filed the objection at the following address:

Name: The Terteling Co Inc. c/o Charles Honsinger, Ringert Clark Chtd.  
Address: PO Box 2773, Boise, Idaho 83701

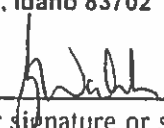
4. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Dana Hoffstetter  
Hofstetter Law Office, LLC  
608 W. Franklin  
Boise, Idaho 83702

  
Your signature or signature of attorney  
mailing on your behalf

RECEIVED

MAR 27 2017

DEPARTMENT OF  
WATER RESOURCES

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

A. Subcase 63-21875

(Insert water right number  
From the Objection Form)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Bluegrass, LLC and David Hendrickson

Address: 4705 N. 36th Street

Boise, Idaho 83703

Daytime Phone: 208-344-7807

Name & Address of Attorney, if any:

Scott Campbell & Andrew Waldera  
Moffatt Thomas Barrett Rock & Fields  
PO Box 827  
Boise, Idaho 83701

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING

Name: Edwards Family LLC

Address: 4106 Sand Creek Street

Boise, Idaho 83703

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
11. Recommendation
  - ☒ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

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State of Idaho )  
 )ss.  
County of Ada )

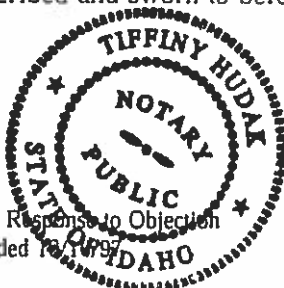
Andrew Waldera, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing response)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 3-23-07



Tiffany Hudak  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 9/16/09

## INSTRUCTIONS FOR MAILING

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Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bluegrass, LLC  
Address: 4705 N. 36th Street, Boise, Idaho 83703

3. One copy to the party who filed the objection at the following address:

Name: Edwards Family LLC  
Address: 4106 Sand Creek Street, Boise, Idaho 83703

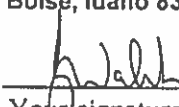
4. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Dana Hofstetter  
Hofstetter Law Office, LLC  
608 W. Franklin Street  
Boise, Idaho 83702

  
Your signature or signature of attorney  
mailing on your behalf

RECEIVED

MAR 05 2007

DEPARTMENT OF  
WATER RESOURCES

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

A. Subcase 63-21875

(Insert water right no.)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: THE TERTELING CO INC.

Address: 1665 Hill Road  
Boise, Idaho 83702

Daytime Phone: 208 338-5200

Name & Address of Attorney, if any:

Charles L. Honsinger  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, ID 83701

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU ARE  
RESPONDING

Name: EDWARDS FAMILY, LLC

Address: 4106 Sand Creek Street  
Boise, Idaho 83703

COPY

D. I am responding to the objections to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X Name and Address
2. X Source
3. X Quantity
4. X Priority Date
5. X Point(s) of Diversion
6. ☐ Instream Flow Description
7. X Purpose(s) of Use
8. X Period of Year
9. X Place of Use
10. X Recommendation:

X This water right should not exist.

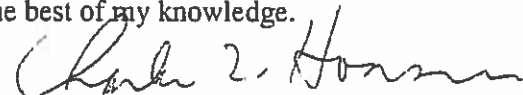
☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (must be completed)

State of Idaho       )  
                              ) ss.  
County of Ada       )

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

  
\_\_\_\_\_  
Charles L. Honsinger

Subscribed and sworn to before me on: March 2<sup>nd</sup> 2007



Kim A. White  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 04/21/10

### CERTIFICATE OF MAILING

I certify that on March 2, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

Scott Campbell  
Andy Waldera  
Moffat Thomas  
P.O. Box 829  
Boise, ID 83701

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

A handwritten signature in cursive script, reading "Charles Z. Homan".

Signature of Respondent or attorney mailing on  
Respondent's behalf

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 ) A. Subcase 63-21875  
 ) (Insert water right no.)  
Case No. 39576 )  
 )  
 )  
 )  
 )  
 )  
 )

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: THE TERTELING CO INC.

Address: 1665 Hill Road  
Boise, Idaho 83702

Daytime Phone: 208 338-5200

Name & Address of Attorney, if any:  
Charles L. Honsinger  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, ID 83701

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU ARE  
RESPONDING

Name: BLUEGRASS, LLC

Address: 4705 N. 36<sup>TH</sup>  
Boise, Idaho 83703

COPY

D. I am responding to the objections to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

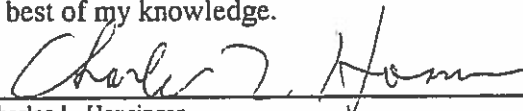
1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use (Previous response)
8. ☐ Period of Year
9. ☒ Place of Use
10. ☐ Recommendation:
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (must be completed)

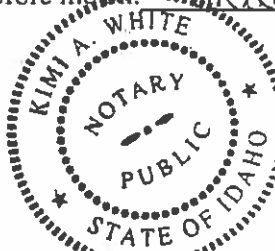
State of Idaho           )  
                                  ) ss.  
County of Ada           )

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

  
\_\_\_\_\_  
Charles L. Honsinger

Subscribed and sworn to before me on March 2, 2007



Kimi A. White  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 04/01/10

### CERTIFICATE OF MAILING

I certify that on March 2, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

Scott Campbell  
Andy Waldera  
Moffat Thomas  
P.O. Box 829  
Boise, ID 83701

Charles J. Hansen  
Signature of Respondent or attorney mailing on  
Respondent's behalf

RECEIVED

FEB 28 2007

DEPARTMENT OF  
WATER RESOURCES

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 39576

A. Subcase 63-21875  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC  
Address: 4106 Sand Creek Street  
Boise, Idaho 83703  
Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter  
Hofstetter Law Office, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Bluegrass LLC  
Address: 4705 North 36th  
Boise, Idaho 83703

D. I object to the following elements as recommended in the Director's Report.  
(Please check the appropriate box(es)):

1. ☒ **Name and Address**  
Should be: See Section E
2. ☒ **Source**  
Should be: See Section E
3. ☒ **Quantity**  
Should be: See Section E
4. ☒ **Priority Date**  
Should be: See Section E
5. ☒ **Point of Diversion**  
Should be: See Section E
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: See Section E
8. ☒ **Period of Year**  
Should be: See Section E
9. ☒ **Place of Use**  
Should be: See Section E
10. **I object because:**
  - ☒ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** To the extent that this water right authorizes the diversion or use of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right:" The diversion and use of geothermal water is not authorized under this right.

F.

VERIFICATION (Must be Completed)

State of Idaho )  
 ) ss.  
County of Ada )

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
Signature of person filing objection

Dana Hofstetter  
\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on: February 27, 2007



\_\_\_\_\_  
Notary Public for the State of Idaho

Residing at: Kuna Idaho

My Commission expires: 3-05-13

My Commission Expires 3-05-13

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on February 27, 2007, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bluegrass LLC  
Address: 4705 North 36<sup>th</sup> Street  
Boise, Idaho 83703

Andrew Waldera  
Moffatt Thomas  
P.O. Box 829  
Boise, Idaho 83701-0829

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Charles L. Honsinger  
Ringert Clark  
P.O. Box 2773  
Boise, Idaho 83701-2773

Chief, Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MCS 033  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

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

A. Subcase 63-21875

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Bluegrass, LLC and David Hendrickson

Address: 4705 N. 36th Street

Boise, ID 83703

Daytime Phone: 208-344-7807

Name & Address of Attorney, if any:

Scott L. Campbell and Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Bluegrass, LLC

Address: 4705 N. 36th Street

Boise, ID 83703

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use** Please see Attachment A attached hereto.  
Should be: \_\_\_\_\_

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

Concerning place of use, claimant has claimed a total of 110.2 irrigable acres, including an additional 79 acres to increase the permissible place of use from 31.2 acres to 110.2 acres, as such 110.2 acre place of use is set forth in Attachment A and on the map set forth as Attachment B. This increase in the number of irrigated acres is made pursuant to Idaho Code § 42-1425. The irrigation system that is used on this property began irrigating the place of use identified in Attachments A and B in 1982, prior to the accomplished transfer deadline of November 19, 1987.

F:

VERIFICATION (Must be Completed)

State of Idaho )  
County of Ada ) ss.

Andrew J. Waldera, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

*[Handwritten Signature]*

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

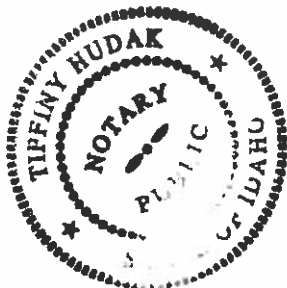
2-27-07

*[Handwritten Signature]*

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/09



## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

## CERTIFICATE OF MAILING

I certify that on February 27, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bluegrass, LLC

Address: 4705 N. 36th Street  
Boise, ID 83703

3. Copies to:

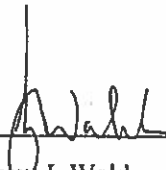
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Charles L. Honsinger  
Ringert Clark Chtd.  
PO Box 2773  
Boise, Idaho 83701

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

Dana Hofstetter  
Hofstetter Law Office, LLC  
608 W. Franklin Street  
Boise, Idaho 83702

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

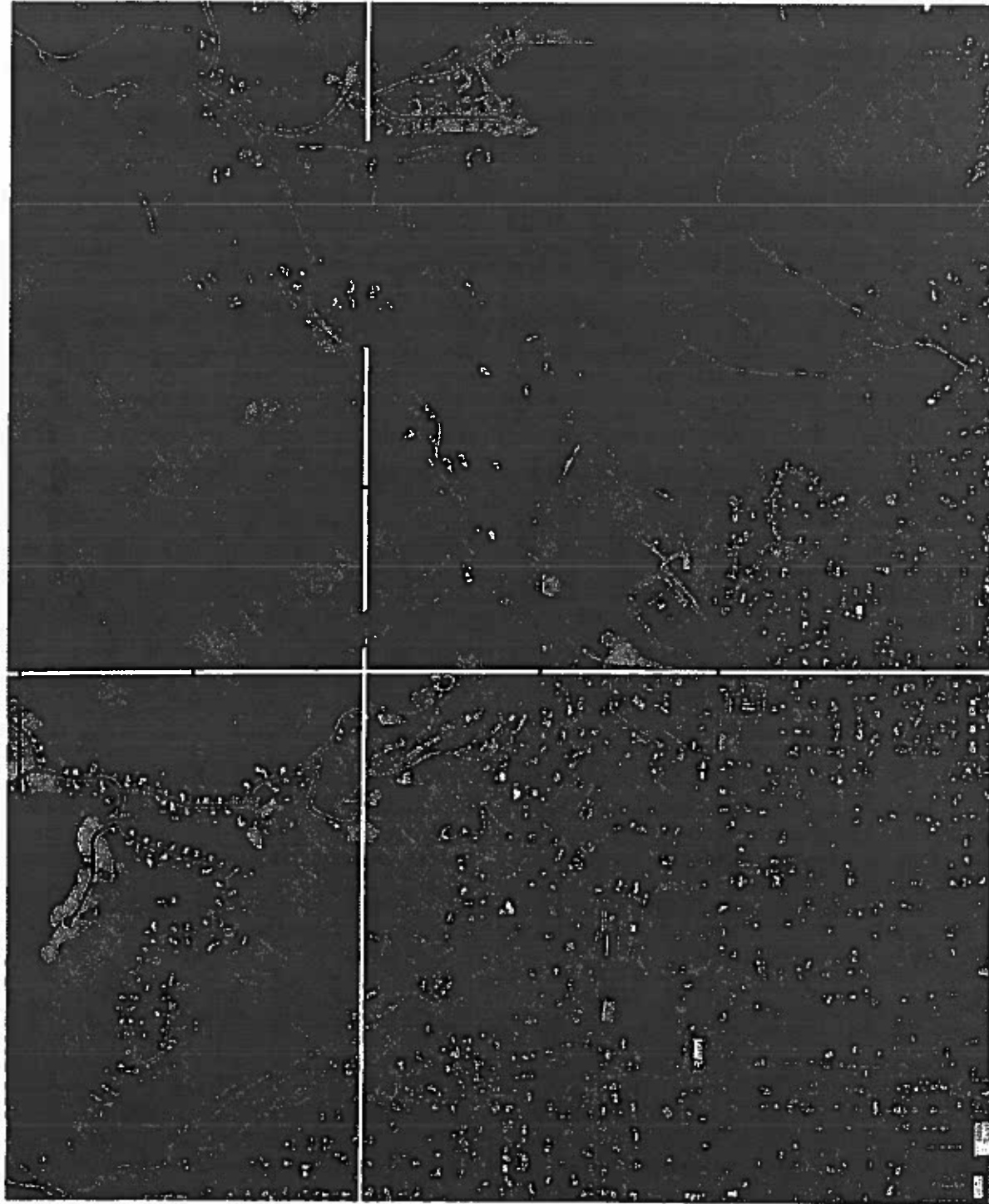
  
\_\_\_\_\_  
Andrew J. Waldera

**ATTACHMENT A TO  
STANDARD FORM 1 – OBJECTION FOR SUBCASE 63-21875**

Claimants are objecting to the place of use of 82.7 irrigated acres for the reasons set forth in the Objection. The correct permissible place of use is:

| TWP         | RNG | SEC | 1/4 | 1/4 | Lot | Acres |
|-------------|-----|-----|-----|-----|-----|-------|
| 4N          | 2E  | 21  | SW  | SE  |     | 34.9  |
|             |     |     | NW  | SE  |     | 5.1   |
|             |     |     | SW  | SW  |     | 0.7   |
|             |     |     | SE  | SW  |     | 1.5   |
| 4N          | 2E  | 28  | NW  | NE  |     | 20.5  |
|             |     |     | NE  | NW  |     | 28.7  |
|             |     |     | NW  | NW  |     | 11.4  |
|             |     |     | SW  | NW  |     | 0.3   |
|             |     |     | SE  | NW  |     | 7.1   |
| Total Acres |     |     |     |     |     | 110.2 |

Quail Hollow Golf Course  
Place of Use for 63-21875  
(T4N, R2E, sections 21 and 28)



0.5 0 0.5 1 Miles

● Surface Water PD  
□ Irrigation  
△ QQ  
Sections



ATTACHMENT B

## Music, Vicky

---

**From:** Harvey, Becky  
**Sent:** Monday, November 20, 2006 1:47 PM  
**To:** Music, Vicky  
**Cc:** Spencer, Nick  
**Subject:** SM Booth's Order re: 63-4037 & 63-21875

Hi Vicky:

Attached please find an order regarding the amended claims filed by Bluegrass LLC for the subcases identified in the subject line. A status conference is set for January 30, 2007. Could we shoot for January 17th to file the amended director's reports? SM Booth calls them "Supplemental Director's Reports" to stay true to AO1 - he isn't referring to 706 reports, but rather amended director's reports in response to the amended claims.

Thanks!

Happy Thanksgiving!



WATERRIGHTS-#2  
6171-v1-ORDER\_G.

Becky

**Confidentiality Notice:** This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

RECEIVED

NOV 16 2006

DEPARTMENT  
OF WATER

2006 NOV 15 PM 1:28

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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     | ) Subcases 63-04037 and 63-21875 |
|                | )                                |
| Case No. 39576 | ) ORDER GRANTING MOTION TO FILE  |
|                | ) AMENDED NOTICE OF CLAIM        |
|                | )                                |
|                | 0 ORDER REQUESTING               |
|                | 0 SUPPLEMENTAL OR AMENDED        |
|                | 0 DIRECTOR'S REPORT              |
|                | )                                |
|                | ) ORDER SETTING STATUS           |
|                | ) CONFERENCE                     |

On October 11, 2006, the claimant of the above-captioned water rights, Bluegrass LLC, by and through its attorney, Andrew J. Waldera, filed a *Standard Form 4 – Motion to File Amended Notice of Claim (Motion)*. Also filed was the *Affidavit of David Hendrickson in Support of Motion to File Amended Notice of Claim*. Lodged contemporaneously therewith were the proposed *Amended Notices of Claim*. The *Motion* seeks to amend the claim to include an accomplished transfer pursuant to I.C. § 42-1425. The matter was heard on November 14, 2006.

**ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM**

Pursuant to SRBA *Administrative Order 1 (AO1)*, § 4(e), a motion to file an amended notice of claim is reviewed under the criteria of I.R.C.P. 55(c). Leave to amend a notice of claim shall be freely given when justice so requires. *AO1* § 4(k). The criteria of I.R.C.P. 55(c) incorporates a "good cause" for untimeliness standard. The I.R.C.P. 55(c) standard takes into account whether the default was willful; whether setting aside the judgment would prejudice the opponent; and whether a meritorious position has been presented. *McFarland v. Curtis* 123 Idaho at 936, 854 P.2d at 279.

Based upon the information set forth in the *Affidavit of David Hendrickson in Support of Motion to File Amended Notice of Claim*, and based upon the comments of counsel at the hearing, and good cause appearing, the *Motion* is **granted**. The clerk of the Court is instructed to file the previously lodged *Amended Notices of Claim*.

#### **ORDER REQUESTING SUPPLEMENTAL OR AMENDED DIRECTOR'S REPORT**

This Special Master requests that the Idaho Department of Water Resources re-examine the subject water right claims in light of the amendment of the claims, and if necessary IDWR is requested to file supplemental or amended director's reports for the amended claims. At the hearing, counsel for IDWR stated that absent the need for field exams, such re-examination could be completed by mid January, 2007. This Special Master further requests that IDWR investigate whether the amended claims would constitute an enlargement, in which case the accomplished transfer provisions of I.C. § 42-1425 would be inapplicable.

#### **ORDER SETTING STATUS CONFERENCE**

A status conference will be held in the above-captioned subcases on **January 30, 2007, at 10:30 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing (225)383-1099 and when prompted entering the participation code 675342.

Dated November 15, 2006



THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER was mailed on November 15, 2006, with sufficient first-class postage to the following:

BLUEGRASS LLC  
BLUEGRASS LLC AND  
BLUEGRASS, LLC AND

Represented by:  
ANDREW J WALDERA  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701  
Phone: 208-345-2000

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

BLUEGRASS LLC  
BLUEGRASS LLC AND  
BLUEGRASS, LLC AND  
Represented by:  
SCOTT L. CAMPBELL  
101 S CAPITOL BLVD, 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829  
Phone: 208-345-2000

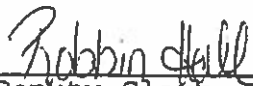
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

BLUEGRASS LLC  
4705 N 36TH  
BOISE, ID 83703  
Phone: 208-344-6397

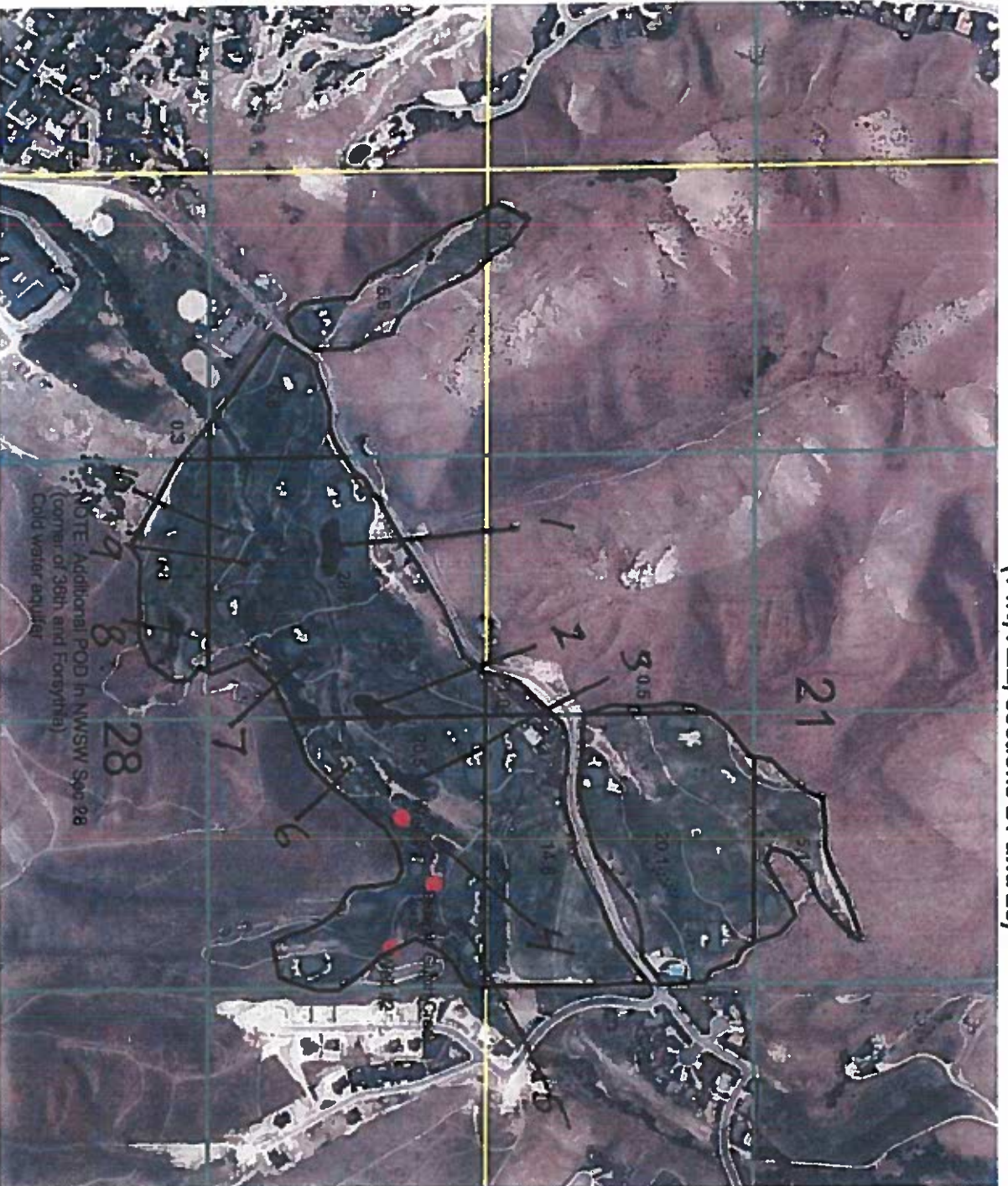
ORDER

Page 1 11/15/06

FILE COPY FOR 01274

  
Deputy Clerk

**Quail Hollow Golf Course**  
**Place of Use for 63-9758**  
**(T4N, R2E, sections 21 and 28)**



*Pond Size*  
*Sq Ft / Acre*

- 1 - 30,000 / .69
- 2 - 35,000 / .80
- 3 - 25,000 / .57
- 4 - 6,000 / .14
- 5 - 5,000 / .11
- 6 - 6,000 / .14
- 7 - 5,000 / .11
- 8 - 9,000 / .21
- 9 - 1,000 / .03
- 10 - 5,000 / .11

☐ Irrigation  
☐ POD  
☐ QA  
 Sections



**AMENDED DIRECTOR'S REPORT**

**Subcase No. 63-21875**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
David R. Tuthill, Jr., Interim Director  
Donald V. Shaff, Adjudication Bureau Chief

January 29, 2007

### **DESCRIPTIVE SUMMARY**

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

### **DISCUSSION**

Pursuant to the *Motion to File Amended Notice of Claim* filed on or about October 12, 2006, the *Order Granting Motion to File Amended Notice of Claim and Order Requesting Supplemental or Amended Director's Report* issued by Special Master Booth on November 15, 2006, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 29<sup>th</sup> day of January, 2007.



**CARTER FRITSCHLE**  
Technical Support Section Manager for  
the Adjudication Bureau

## CERTIFICATE OF SERVICE

I certify that on 1-29, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

U.S.D.I. BLM  
U.S. Dept. of Justice  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resource Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

Scott L Campbell  
Andrew J Waldera  
PO Box 829  
Boise, ID 83701

Dana L Hofstetter  
608 West Franklin Street  
Boise, ID 83702

Charles L Honsinger  
PO Box 2773  
Boise, ID 83701-2773

Ada County Courthouse  
200 W Front St  
Boise, ID 83702-7300

BlueGrass LLC  
4705 N 36<sup>th</sup>  
Boise, ID 83703

Bucky Hawley  
Signature of person delivering form

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

RIGHT NUMBER: 63-21875

NAME AND ADDRESS:

BLUEGRASS LLC  
4705 N 36TH  
BOISE ID 83703

SOURCE:

Source:  
STEWART GULCH CREEK

Tributary:

BOISE RIVER

QUANTITY:

0.380 CFS  
~~0.000 AFT~~

~~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 SESW 1.3

T04N R02E S21 NWSE 1.7

T04N R02E S21 SWSE 24.0

T04N R02E S28 NWNE 19.5

T04N R02E S28 NENW 15.0

T04N R02E S28 NWNW 16.2

T04N R02E S28 SENW 5.0

~~T04N R02E S21 EWSB 10.0~~

~~T04N R02E S28 NENE 6.5~~

~~T04N R02E S28 NENW 10.0~~

82.7 ACRES TOTAL      ~~31.2 ACRES TOTAL~~

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

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

---

~~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

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

RIGHT NUMBER: 63-21875

NAME AND ADDRESS:

BLUEGRASS LLC  
4705 N 36TH  
BOISE ID 83703

SOURCE:

Source:  
STEWART GULCH CREEK

Tributary:

BOISE RIVER

QUANTITY:

0.380 CFS  
0.000 AFY

~~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 SESW 1.3

T04N R02E S21 NWSE 1.7

T04N R02E S21 SWSE 24.0

T04N R02E S28 NWNE 19.5

T04N R02E S28 NENW 15.0

T04N R02E S28 NWNW 16.2

T04N R02E S28 SENW 5.0

~~T04N R02E S21 SWSE 10.0~~

~~T04N R02E S28 NWNE 4.5~~

~~T04N R02E S28 NENW 10.0~~

82.7 ACRES TOTAL

31.2 ACRES TOTAL

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

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

---

~~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

RECEIVED

OCT 11 2006

DEPARTMENT OF  
WATER RESOURCES

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 63-21875

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is \_\_\_\_\_

My address is \_\_\_\_\_  
\_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

I am an attorney representing Bluegrass, LLC

My name is Andrew J. Waldera

My address is Moffatt Thomas, P.O. Box 829, Boise, ID 83701-0829  
\_\_\_\_\_

My phone number is 208-345-2000 Fax: 208-385-5384

### **MOTION TO FILE A LATE NOTICE OF CLAIM**

*A Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ \_\_\_\_\_.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ \_\_\_\_\_.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on \_\_\_\_\_  
(Insert Date and Time)  
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

### MOTION TO FILE AN AMENDED NOTICE OF CLAIM

*A Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:  
please see attachment

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

please see attachment

---

---

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I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☒ Payment of the following additional fees required by IDWR:

Not applicable. Upon discussion with Don Shaff of IDWR, amended notices  
of claim do not require any additional payment of fees.

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**VERIFICATION (Must be completed)**State of KentuckyCounty of Oldham

Robert M. Donnelly, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

R. Donnelly  
Robert M. Donnelly, Member, Bluegrass, LLC

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on October 3, 2006  
(Insert Date)

Catherine P. [Signature]  
Notary Public for Oldham Co  
Residing at: 9200 US 42 Prospect KY 40059  
My Commission expires: 6-6-09

**INSTRUCTIONS FOR MAILING**

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

## CERTIFICATE OF MAILING

I certify that on October 10, <sup>2006</sup> ~~199~~, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

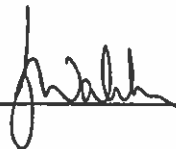
United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Charles L. Honsinger  
Ringert Clark Chtd.  
455 S. Third Street P.O. Box 2773  
Boise, ID 83701-2773

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



---

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. 63-21875

**AFFIDAVIT OF DAVID HENDRICKSON IN  
SUPPORT OF MOTION TO FILE AMENDED  
NOTICE OF CLAIM**

STATE OF IDAHO    )  
                              ) ss.  
County of Ada        )

David Hendrickson, 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. Water right no. 63-21875 is owned by Bluegrass, LLC, a limited liability company owned by Robert Donnelly. As such, Mr. Donnelly owns real property to which water right no. 63-21875 is appurtenant via his ownership of Bluegrass, LLC.

3. I am the lessee of the real property to which water right 63-21875 is appurtenant. I am also the operator and manager of Quail Hollow Golf Club, which operates a golf course upon the real property consisting of approximately 110 acres located in Section 21 and 28, Township 4N, Range 2E. Water right no. 63-21875, among others, is used to irrigate such property. As the Lessee of the property, I have a real property right/interest in both the real property and the water right appurtenant to it, including, among others, water right nos. 63-04037 and 63-09758.

4. The Quail Hollow golf course is irrigated by water right nos. 63-04037, 63-09758, and 63-21875, among others. The point of diversion for water right no. 63-04037 consists of a ground water well located in the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 28. The points of diversion for water right no. 63-09758 consists of three ground water wells located as follows:

- (a) NW 1/4 of the NW 1/4 of the NE 1/4 of Section 28,
- (b) NE 1/4 of the NW 1/4 of the NE 1/4 of Section 28, and
- (c) NW 1/4 of the SW 1/4 of Section 28.

Water right no. 63-21875 consists of a surface water diversion from Stewart Gulch Creek, located in the NE 1/4 of the NW 1/4 of the NE 1/4 of Section 28.

5. The golf course irrigation system commingles irrigation water from the water rights described above in Paragraph 4 in a main holding pond also located on the golf course property. The water is then pumped into an automated sprinkler irrigation system for

irrigation of the entire golf course as well as maintenance of a series of nine aesthetic ponds located throughout the golf course.

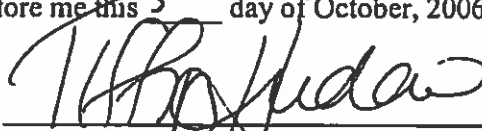
6. The above referenced golf course irrigation system has been operated in this manner and configuration since the course's construction in 1982.

7. While water right no. 63-09758 was claimed reflecting the entire 110 acre place of use (the golf course), water right nos. 63-04037 and 63-21875 were not so claimed originally. Thus, Bluegrass, LLC desires to file Amended Notices of Claim for water right nos. 63-04037 and 63-21875 to provide for a permissible place of use comprising of the irrigation of the entire approximately 110 acre Quail Hollow golf course, as has been done since 1982.



David Hendrickson

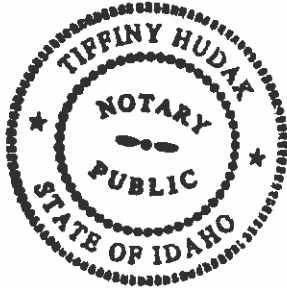
SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of October, 2006.



NOTARY PUBLIC FOR IDAHO

Residing at Boise

My Commission Expires 9/16/09



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16<sup>th</sup> day of October, 2006, I caused a true and correct copy of the foregoing AFFIDAVIT OF DAVID HENDRICKSON IN SUPPORT OF MOTION TO FILE AMENDED NOTICE OF CLAIM 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: 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

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

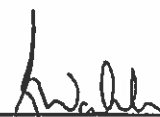
☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Chief  
Natural Resources Division  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF IDAHO  
P.O. Box 44449  
Boise, ID 83711-4449

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

UNITED STATES DEPARTMENT OF JUSTICE  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

  
\_\_\_\_\_  
Andrew Waldera

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-21875

Date Received

Receipt Number

AMENDED  
NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 11 2006

DEPARTMENT OF  
CIVIL SERVICE

Please type or print clearly

1. Name of Claimant (s) Bluegrass, LLC Phone ( 208 ) 344-7807  
Mailing Address 4520 North 36th Street, Boise, Idaho Zip 83703

2. Date of Priority (Only one (1) per claim) \_\_\_\_\_

3. Source of water supply (a) Stewart Gulch Creek  
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4N Range 2E Section 28,  
NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Ada

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

Pump with three (3) inch intake and three (3) inch outflow to a main holding pond, where the water is commingled with water from 63-4037  
and 63-9785. Via a series of pumps (75 h.p., 75 h.p., 30 h.p., and 7.5 h.p.), water is pumped out of main holding pond into automated  
irrigation system with sprinklers applying water to Quail Hollow Golf Course and a series of nine (9) aesthetic ponds located thereon.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 3/15 to 11/15 amount .67 or \_\_\_\_\_

For aesthetic purposes from 1/01 to 12/31 amount \_\_\_\_\_ or 2

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .67 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Aesthetic purposes for series of 10 ponds

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4N  | 2E  | 21  |        |       |       |       |        |       |       |       |        |       | 0.7   | 1.5   |        | 5.1   | 34.9  |       | 42.2   |
|     |     | 28  |        | 20.5  |       |       | 28.7   | 11.4  | 0.3   | 7.1   |        |       |       |       |        |       |       |       | 68.0   |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 110.2

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
63-09785 and 63-4037 or None ( )

14. Remarks:

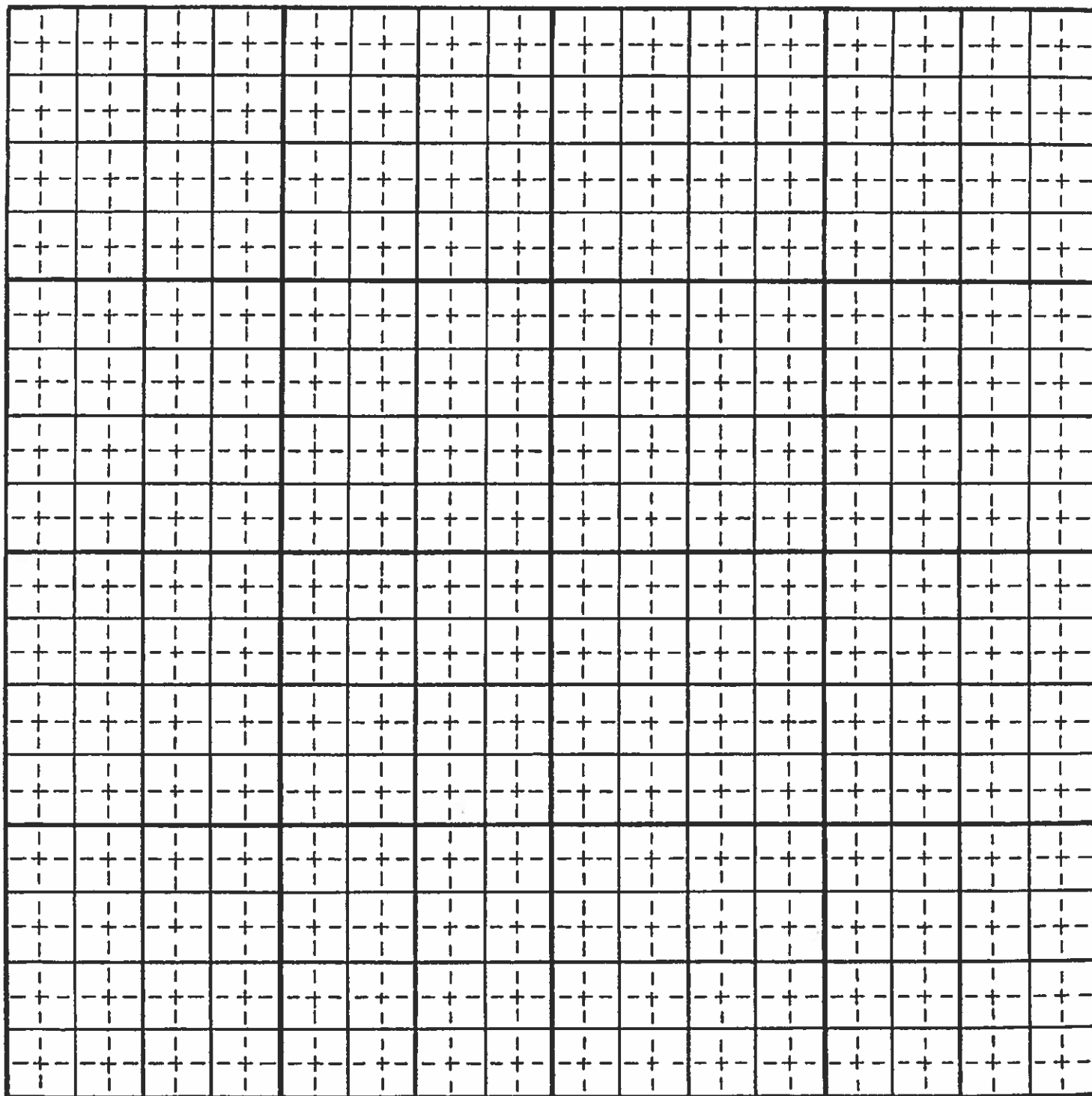
The irrigation system that is used on this property began irrigating the above-described place of use in 1982, prior to the accomplished transfer deadline of November 19, 1987, set forth in Idaho Code Section 42-1425. The main holding pond is approximately 25,000 square feet in size. The remaining nine (9) aesthetic ponds range in size from approximately 1,000 square feet to 35,000 square feet. See attached map for individual pond location and size.

Last Name Bluegrass, LLC Ident No. 63-21875

BOI\_MT1:624697.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile See attached map.



Last Name Bluegrass, LLC

Ident No. 63-21875

BOI\_MT1:624597.1

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)  
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled  
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not ☒  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.  
Number of attachments 2  
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ Member  
of \_\_\_\_\_ Bluegrass, LLC \_\_\_\_\_ Title  
Organization \_\_\_\_\_ that I have signed the foregoing  
document in the space below as \_\_\_\_\_ Member \_\_\_\_\_ of \_\_\_\_\_ Bluegrass, LLC  
Title \_\_\_\_\_ Organization \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent R. Donnelly  
Title and Organization Robert M. Donnelly, Member, Bluegrass, LLC Date \_\_\_\_\_

State of Idaho/or Kentucky )  
County of Oldham ) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of October  
SEAL Notary Public Andrew J. Walders  
Residing at 9200 215 Hwy 44  
My Commission Expires 6-6-06

Please Print Name

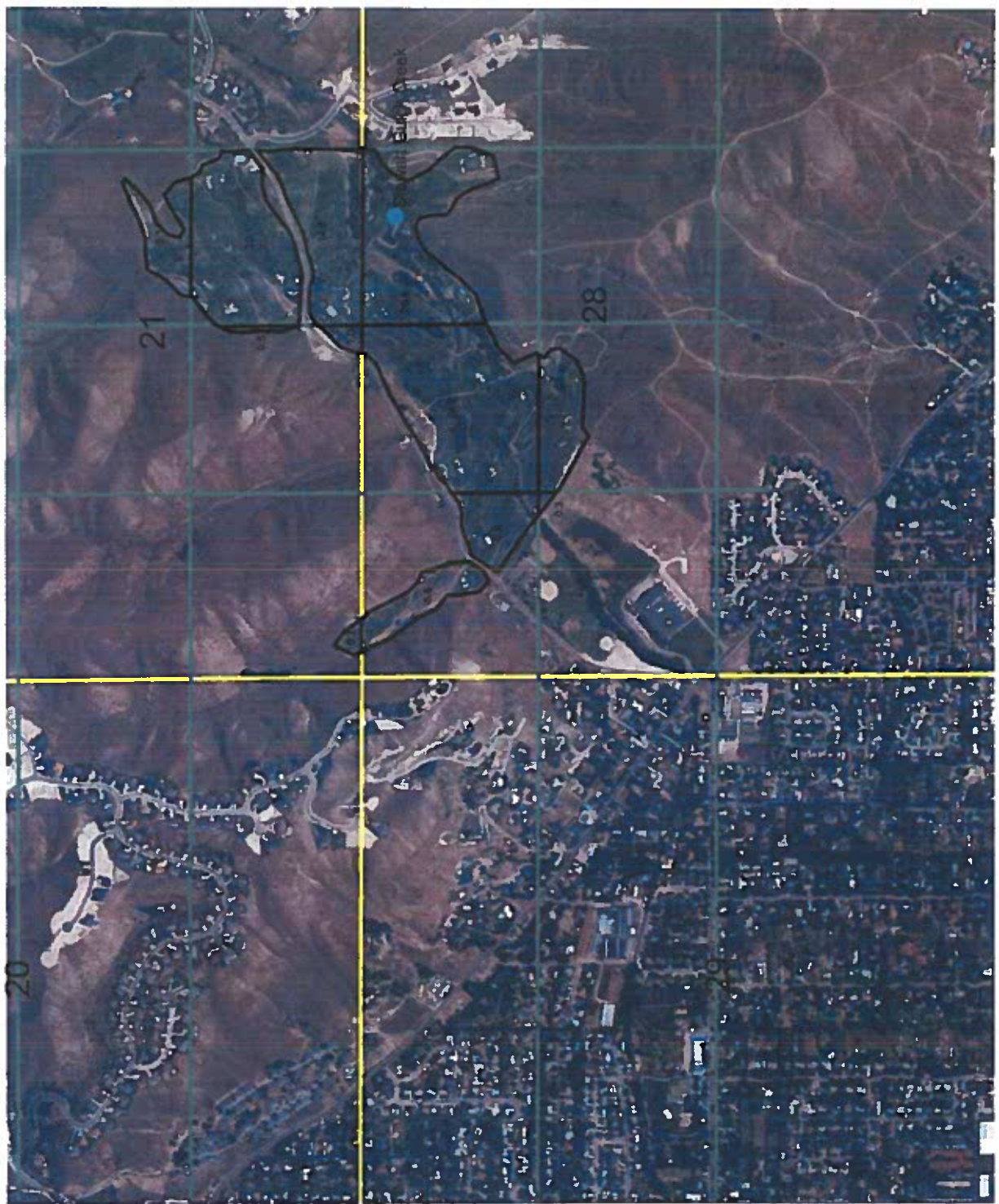
17. Notice of Appearance:  
Notice is hereby given that I, Andrew J. Walders will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature A. Walders  
Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701  
Date October 10, 2006

Last Name Bluegrass, LLC Ident. Number 63-21875

BOI\_MT1:624897.1

Quail Hollow Golf Course  
Place of Use for 63-21875  
(T4N, R2E, sections 21 and 28)



- Surface Water PD
- Irrigation
- QQ
- Sections



RECEIVED

NOV 16 2006

2006 NOV 15 PM 1:28

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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     | ) Subcases 63-04037 and 63-21875 |
|                | )                                |
| Case No. 39576 | ) ORDER GRANTING MOTION TO FILE  |
|                | ) AMENDED NOTICE OF CLAIM        |
|                | )                                |
|                | 0 ORDER REQUESTING               |
|                | 0 SUPPLEMENTAL OR AMENDED        |
|                | 0 DIRECTOR'S REPORT              |
|                | )                                |
|                | ) ORDER SETTING STATUS           |
|                | ) CONFERENCE                     |

On October 11, 2006, the claimant of the above-captioned water rights, Bluegrass LLC, by and through its attorney, Andrew J. Waldera, filed a *Standard Form 4 – Motion to File Amended Notice of Claim (Motion)*. Also filed was the *Affidavit of David Hendrickson in Support of Motion to File Amended Notice of Claim*. Lodged contemporaneously therewith were the proposed *Amended Notices of Claim*. The *Motion* seeks to amend the claim to include an accomplished transfer pursuant to I.C. § 42-1425. The matter was heard on November 14, 2006.

**ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM**

Pursuant to SRBA *Administrative Order 1 (AOI)*, § 4(e), a motion to file an amended notice of claim is reviewed under the criteria of I.R.C.P. 55(c). Leave to amend a notice of claim shall be freely given when justice so requires. *AOI* § 4(k). The criteria of I.R.C.P. 55(c) incorporates a "good cause" for untimeliness standard. The I.R.C.P. 55(c) standard takes into account whether the default was willful; whether setting aside the judgment would prejudice the opponent; and whether a meritorious position has been presented. *McFarland v. Curtis* 123 Idaho at 936, 854 P.2d at 279.

Based upon the information set forth in the *Affidavit of David Hendrickson in Support of Motion to File Amended Notice of Claim*, and based upon the comments of counsel at the hearing, and good cause appearing, the *Motion* is granted. The clerk of the Court is instructed to file the previously lodged *Amended Notices of Claim*.

**ORDER REQUESTING SUPPLEMENTAL  
OR AMENDED DIRECTOR'S REPORT**

This Special Master requests that the Idaho Department of Water Resources re-examine the subject water right claims in light of the amendment of the claims, and if necessary IDWR is requested to file supplemental or amended director's reports for the amended claims. At the hearing, counsel for IDWR stated that absent the need for field exams, such re-examination could be completed by mid January, 2007. This Special Master further requests that IDWR investigate whether the amended claims would constitute an enlargement, in which case the accomplished transfer provisions of I.C. § 42-1425 would be inapplicable.

**ORDER SETTING STATUS CONFERENCE**

A status conference will be held in the above-captioned subcases on **January 30, 2007, at 10:30 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing (225)383-1099 and when prompted entering the participation code 675342.

Dated November 15, 2006



THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER was mailed on November 15, 2006, with sufficient first-class postage to the following:

BLUEGRASS LLC  
BLUEGRASS LLC AND  
BLUEGRASS, LLC AND  
Represented by:  
ANDREW J WALDERA  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701  
Phone: 208-345-2000

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

BLUEGRASS LLC  
BLUEGRASS LLC AND  
BLUEGRASS, LLC AND  
Represented by:  
SCOTT L. CAMPBELL  
101 S CAPITOL BLVD, 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829  
Phone: 208-345-2000

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

BLUEGRASS LLC  
4705 N 36TH  
BOISE, ID 83703  
Phone: 208-344-6397

ORDER

Page 1 11/15/06

FILE COPY FOR 01274

*Robbin Hall*  
Deputy Clerk

RECEIVED

AUG 23 2006

Department of Water Resources  
Adjudication Bureau

1277

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUN 22 2006                                                                             |              |
| 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

Case No. 39576

A. Subcase 63-21875

(Insert water right number  
From the Objection Form)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Bluegrass, LLC and David Hendrickson

Address: 4705 N. 36th Street

Boise, Idaho 83703

Daytime Phone: 208-344-7807

Name & Address of Attorney, if any:

Scott Campbell & Andrew Waldera  
Moffatt Thomas Barrett Rock & Fields  
PO Box 827  
Boise, Idaho 83701

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING

Name: The Terteling Co Inc.

Address: 3823 N. 36th Street

Boise, Idaho 83703

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☒ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho )  
 )ss.  
County of Ada )

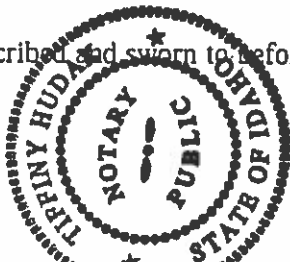
Andrew Waldera, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 21, 2006



Tiffiny Hudak  
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/09

## INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### F. CERTIFICATE OF MAILING

I certify that on June 21, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bluegrass, LLC  
Address: 4705 N. 36th Street, Boise, Idaho 83703

3. One copy to the party who filed the objection at the following address:

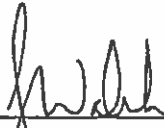
Name: The Terteling Co Inc.  
Address: 3823 N. 36th Street, Boise, Idaho 83703

4. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Your signature or signature of attorney  
mailing on your behalf

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 )

A. Subcase 63-21875

(Insert water right number  
From the Objection Form)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: Edwards Family LLC  
Address: 4106 Sand Creek Street  
Boise, Idaho 83703  
Daytime Phone: (208) 342-7548

Name & Address of Attorney, if any:  
Dana L. Hofstetter, ISB # 3867  
Hofstetter Law Office, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
(208) 424-7800

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING**

Name: The Terteling Co. Inc.  
Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

SCANNED  
OCT 05 2006

D. I am responding to the objections to the following elements. (Please check the appropriate box(es))

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☒ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
11. Recommendation
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho )  
 ) ss:  
County of Ada )

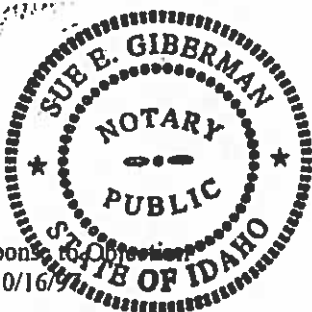
Dana L. Hofstetter duly sworn, upon oath, deposes and says:  
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

*Dana L. Hofstetter*  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 23, 2006



*Sue E. Giberman*  
Notary Public for the State of Idaho  
Residing at: Boise Idaho  
My Commission Expires: 2-25-09

## INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### F. CERTIFICATE OF MAILING

I certify that on June 23, 2006, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bluegrass LLC.  
Address: 4705 North 36<sup>th</sup> Street  
Boise, Idaho 83703

Scott L. Campbell & Andrew J. Waldera  
Moffatt Thomas  
P.O. Box 829  
Boise, Idaho 83701-0829

3. One copy to the party who filed the objection. at the following address:

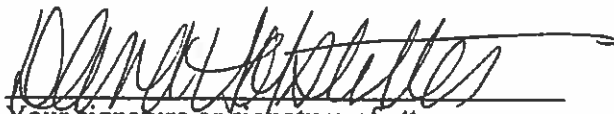
Name: Charles L. Honsinger  
Address: Ringert Clark Chartered  
P.O. Box 2773  
Boise, Idaho 83701

4. Copies to:

IDWR Document Depository  
P. O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

  
Your signature or signature of attorney  
mailing on your behalf

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

A. Subcase 63-21875

(Insert water right no.)

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: THE TERTELING CO INC.

Address: 3823 North 36<sup>th</sup> Street  
Boise, Idaho 83703

Daytime Phone: 208 338-5200

Name & Address of Attorney, if any:

Charles L. Honsinger  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, ID 83701

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT**

Name: ROBERT M. BLUEGRASS, LLC

Address: 4705 N. 36<sup>TH</sup>  
Boise, Idaho 83703

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☒ **Priority Date**  
Should be: As can be established through competent evidence
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: Combined use remarks must be consistent between this right and right no. 63-04037.
10. ☐ **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** There is insufficient evidence to establish the priority date recommended.

F.

**VERIFICATION** (must be completed)

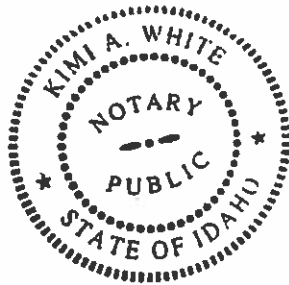
State of Idaho )  
                  ) ss.  
County of Ada )

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Charles L. Honsinger  
Charles L. Honsinger

Subscribed and sworn to before me on: April 19, 2006



Kimi A. White  
Notary Public for Idaho  
Residing at: Boise Idaho  
My Commission Expires: October

### INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: ROBERT M. BLUEGRASS, LLC

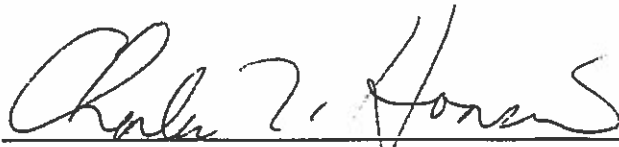
Address: 4705 N. 36<sup>TH</sup>  
Boise, Idaho 83703

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449



Signature of Objector or attorney  
mailing on Objector's behalf

10/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-21875  
NAME AND ADDRESS: BLUEGRASS LLC  
4705 N 36TH  
BOISE ID 83703  
SOURCE: STEWART GULCH CREEK TRIBUTARY: BOISE RIVER  
QUANTITY: 0.380 CFS  
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:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.380 CFS       |

PLACE OF USE: IRRIGATION Within ADA County

|               |      |     |               |      |      |
|---------------|------|-----|---------------|------|------|
| T04N R02E S21 | NWSE | 1.7 | T04N R02E S21 | SWSE | 10.0 |
| T04N R02E S28 | NWNE | 4.5 | T04N R02E S28 | NENW | 10.0 |
| T04N R02E S28 | SENE | 5.0 |               |      |      |

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.

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:

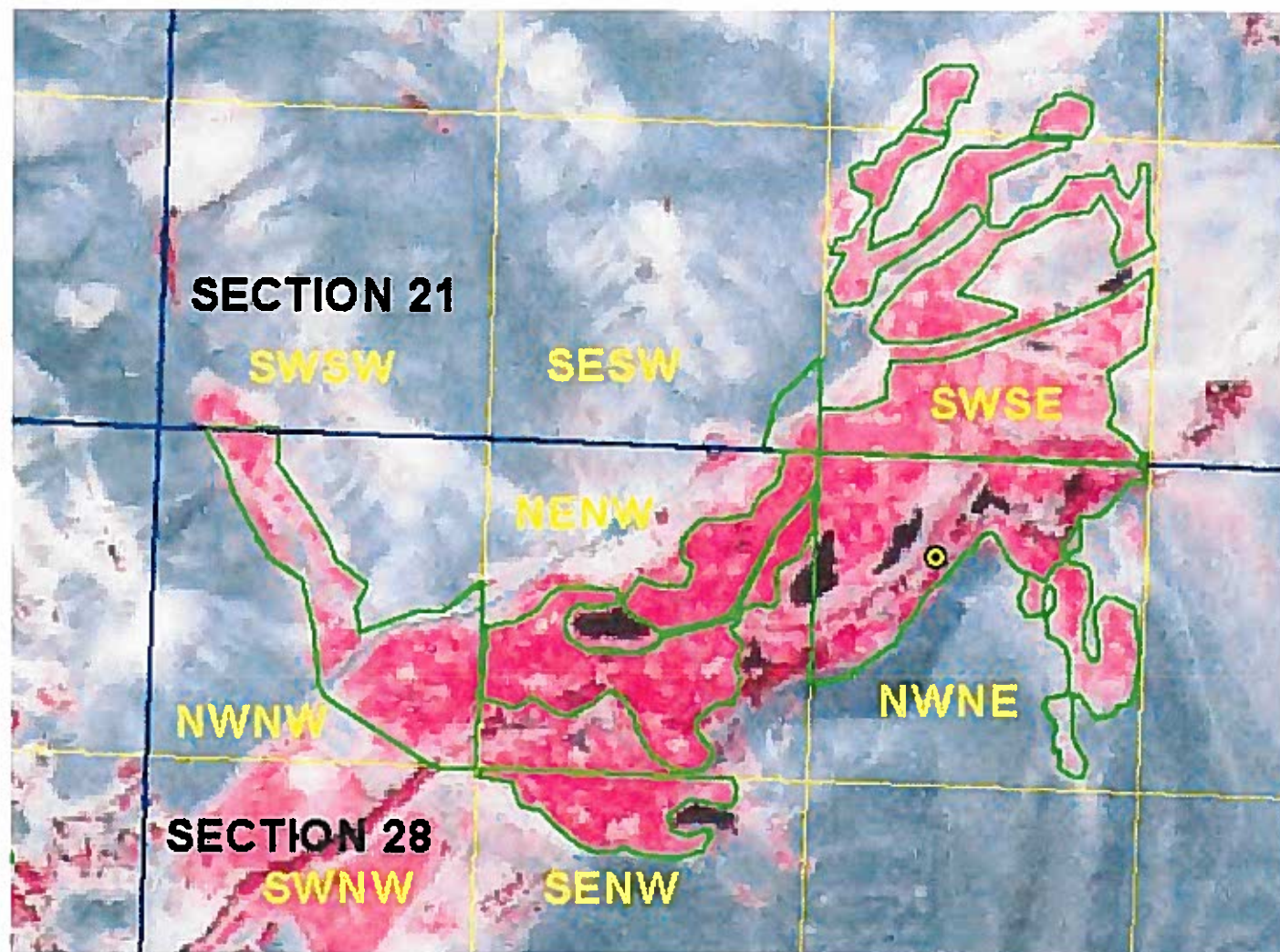
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

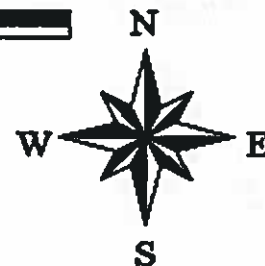


**State of Idaho**  
**Idaho Department of Water Resources**  
**Western Region**

**T4N R2E SECTIONS 21 and 28**  
**Water Right(s) : 63-4037 and 63-21875**



1320 0 1320 2640 Feet



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

**GIS Place of Use Illustration**  
**1987 NAPP Photography**  
**Prepared By: Vicky Music**  
**Date: March 2005**



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 14, 2005

Bluegrass LLC  
Robert M. Donnelly  
4705 N. 36<sup>th</sup>  
Boise, ID 83703

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Re: Notice of Claim to a Water Right No. 63-21875, 63-2103A

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon  
Office Specialist 1  
Adjudication Section  
Western Region Office

LG: lg

Enclosure



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 26, 2005

BLUE GRASS LLC  
2748 WAGONWHEEL CT  
CARROLLTON TX 75006

**RE: NOTICE OF CLAIM NO(S): A63-4037, 63-21875**

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in the ownership for the above claim(s). IDWR records currently show the following name and address as the owner of the claim(s) listed above:

**VANCROFT CORP  
3222 S PASS CT  
BOISE ID 83705**

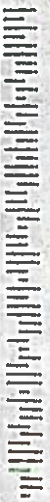
If our current records, as listed above, are not correct please complete the enclosed Change in Ownership form, as appropriate, to correct our records.

If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at (208) 334-2190.

Sincerely,

Adjudication Staff  
Department of Water Resources  
Western Region

LH:1  
Enclosures



UNITED STATES POSTAGE  
 02 1A  
 0004389393 JUN  
 MAILED FROM ZIP CODE  
 \$0

FIRST CLASS

ADDRESSEE UNKNOWN

WESTERN REGIONAL OFFICE  
 1735 AIRPORT WAY  
 BOISE, IDAHO 83705

*Handwritten:* Not At 3222 S. South Pass

VANCROFT CORP  
 3222 S PAULS COURT  
 BOISE ID 83705

*Handwritten:* 63-4037  
 63-21875

Blue Grass LLC  
 2748 Wagonwheel Ct  
 Carrollton TX 75006

RECEIVED

JUN 13 2005

WATER RESOURCES  
 WESTERN REGION

ADDRESS SERVICE  
 REQUESTED



DIVERSION  
STRUCTURE

POD  
FROM STEWART GULCH

LOOKING WEST

63-21875

LABELS



~~CONTROL~~  
HEADGATE @  
POD

LABELS ?



LOOKING SOUTH NEAR P.O.D



LOOKING NORTH NEAR P.O.D

63-21875



LOOKIN South EAST ABOVE POD

05/28/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-21875  
NAME AND ADDRESS: VANCROFT CORP  
3222 S PASS COURT  
BOISE ID 83705  
SOURCE: STEWART GULCH CREEK TRIBUTARY: BOISE RIVER  
QUANTITY: 0.380 CFS  
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:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.380 CFS       |

PLACE OF USE: IRRIGATION Within ADA County

|               |      |     |               |      |      |
|---------------|------|-----|---------------|------|------|
| T04N R02E S21 | NWSE | 1.7 | T04N R02E S21 | SWSE | 10.0 |
| T04N R02E S28 | NWNE | 4.5 | T04N R02E S28 | NENW | 10.0 |
| T04N R02E S28 | SENE | 5.0 |               |      |      |

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.

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: Beneficial Use

---

## MEMORANDUM TO CLAIM FILE

---

TO: CLAIM FILE NO. 63-21875

FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN  
REGION

SUBJECT: BASIS FOR RECOMMENDATION

DATE: 3/22/2005

CC:

---

This is a beneficial use claim was filed in 1990 by Victor Nibler. It is for the same pou as 63-4037 and 63-9758, located on the Quail Hollow Golf Course. Victor Nibler filed the claim for 55 acres irrigation at 0.01 cfs per acre, total Q of .67 cfs, with a priority date of 1943. The right was subsequently conveyed to Vancroft. The pou was developed as a golf course by Tee Ltd – not sure when. The golf course appears to be owned by Bluegrass LLC but no change of ownership has been filed with IDWR.

The claimed use is irrigation but the claimant added in comments that aesthetics, aesthetic storage, irrigation storage and irrigation from storage are also uses.

Issues – there are several discrepancies between 63-4037, a statutory claim filed in 1969 for irrigation for 60 acres, and this claim, filed in 1990, for 55 acres of essentially the same pou. This claim was filed in the SRBA in 1989. Its overlap 63-4037 was first filed as a statutory claim in 1969 and overlap 63-9758 was licensed in 1993 with a 6/30/1981 priority date.

### 1 – Priority Date

A request was made in writing and verbally for evidence of priority for the 1943 date. None was provided. However, I can see from the 1939 aerial that the pou was irrigated. I will recommend the 1943 priority date.

### 2 – Place of use

Nibler claimed 55 of nearly the same acres as the 60 acres claimed in 63-4037. I reviewed aerial photos from 1939, 1964 and 1987 to try to determine the original place of use. Here is a comparison of acres claimed per claim and acres found in 1987 aerial.

| Claim no 63-4037<br>Acres claimed/<br>Recommended |                     | Claim no. 63-21875<br>acres claimed / rec | 1987 aerial<br>acres irrigated | AmD DR<br>1-2001 |
|---------------------------------------------------|---------------------|-------------------------------------------|--------------------------------|------------------|
| <u>Section 21</u>                                 |                     |                                           |                                |                  |
| SESW                                              | 10/1.3              | 5/0                                       | none                           | 1.3              |
| NWSE                                              | none/none           | 10/1.7                                    | <2                             | 1.7              |
| SWSE                                              | 10/10 <i>14</i>     | 10/10                                     | most of QQ                     | 21               |
| <u>Section 28</u>                                 |                     |                                           |                                |                  |
| NWNE                                              | 15/15               | 10/4.5                                    | >20 - estimated                | 14.5             |
| SWNE                                              | none/none           | 5/0                                       | none                           | 15               |
| NENW                                              | 5/5                 | 10/10                                     | 20 - estimated                 | 16.2             |
| NWNW                                              | 20/12.1 <i>16.2</i> | none/none                                 | 16                             | 5                |
| SENW                                              | none/none           | 5/5                                       | 5                              | 5                |
| Total                                             | 43.4 <i>51.5</i>    | 31.5 = 74.9 ACRES                         |                                | 82.7 PPH         |
| <u>Quantity</u>                                   |                     | <i>82.7 = combined acres</i>              |                                |                  |

Claims 0.67 cfs for the 55 acres, or 0.01 cfs per acre. Between the 2 claims, 63-4037, 80 acres are claimed. Because 63-4067 was filed as a statutory claim in 1969 and then an SRBA claim in 1989, I give it more credence as to stating the location of the acres irrigated.

I may recommend an additional 10 – 15 acres but will limit the total combined acres of the 2 beneficial use claims to 0.02 cfs per acres.

#### Uses

Only irrigation claimed, though, based on the comments in the original claim, I think the claimant intended to claim the ponds and storage uses. I see no evidence in the aerals that the ponds were used for aesthetics in 1943. Will only recommend additional acres for irrigation. The ponds are licensed under 63-9758.

VLM

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**MEMORANDUM TO BURKE SCHOLER**

---

**TO:** IDWR CONTRACTOR, BURKE SCHOLER  
**FROM:** VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION  
**SUBJECT:** FIELD EXAM FOR BENEFICIAL USE CLAIM NO. 63-21875  
**DATE:** 8/19/2004  
**CC:** CLAIM FILE

---

Burke, this claim is an overlap of 63-4037 [statutory claim - file also included for you to conduct field exam] and licensed rights 63-9758 and 63-2103. Place of use is the Quail Hollow Golf Course, 4520 N. 36th Street, Boise, ID.

Will you please conduct a beneficial use field exam for this claim? Information I need:

1 - Please verify each element of this beneficial use claim, and locate the point of diversion and the place of use on the enclosed map.

2 - Get evidence of the 1943 priority date.

3 - It appears from the Idaho Secretary of State that the Vancroft Corp. [owner of record for this right] has dissolved. I am not sure if this is the new owner but he purchased adjacent property from Vancroft Corp. Please verify address/ phone # of owner and give new owner the enclosed change of ownership form.

Robert Donnelly  
4705 N 36<sup>th</sup>  
Boise, ID 83703  
344-6397

Another contact, for access to the Golf Course, is :  
David Hendrickson. dba Quail Hollow Golf Course, 4520 N. 36th Street , Boise, ID 83703, 344-7807

Please have the owner forward evidence of the priority date and the change of ownership form directly to me as soon as is reasonably possible.

Thanks !

Per Burke - Mr. Donnelly became irritated when asked about this claim and stated he had done all the changes of ownership for property/claims he bought from Vancroft / Vancroft.



Looking South near P.O.D.



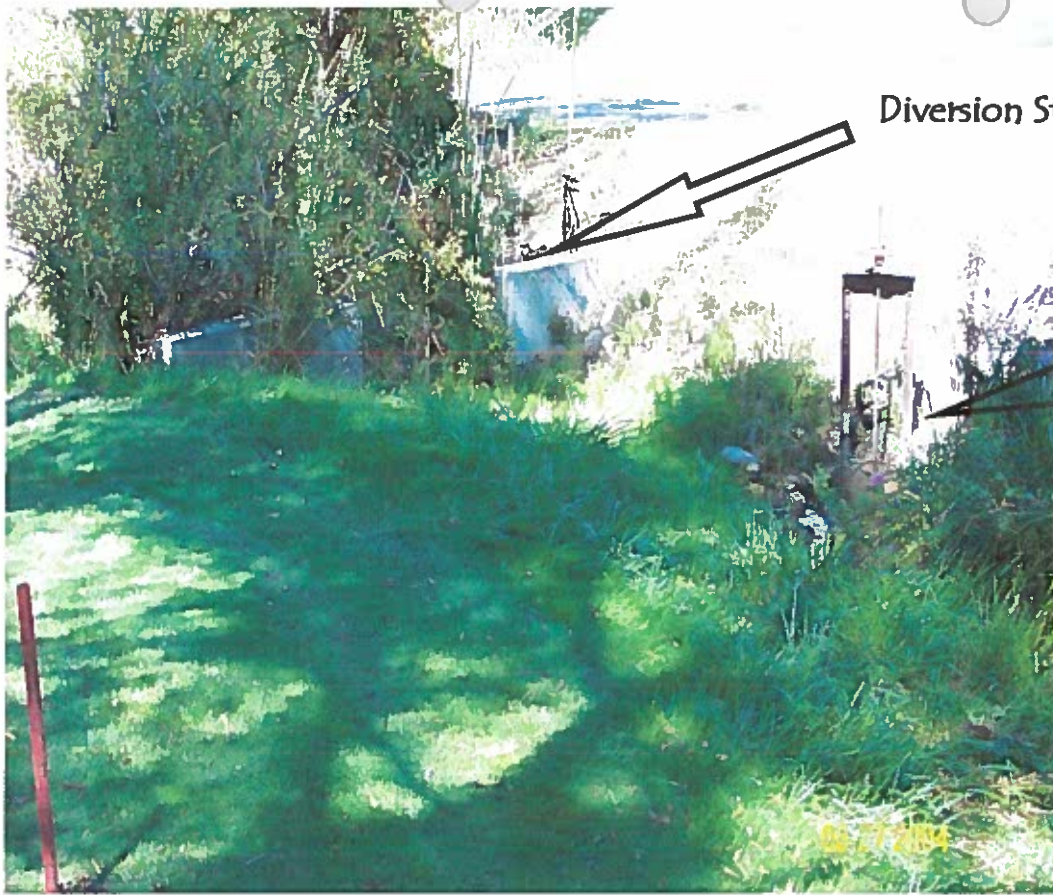
Looking North near P.O.D.

**63-21875**



P.O.D.

Looking South East above P.O.D.



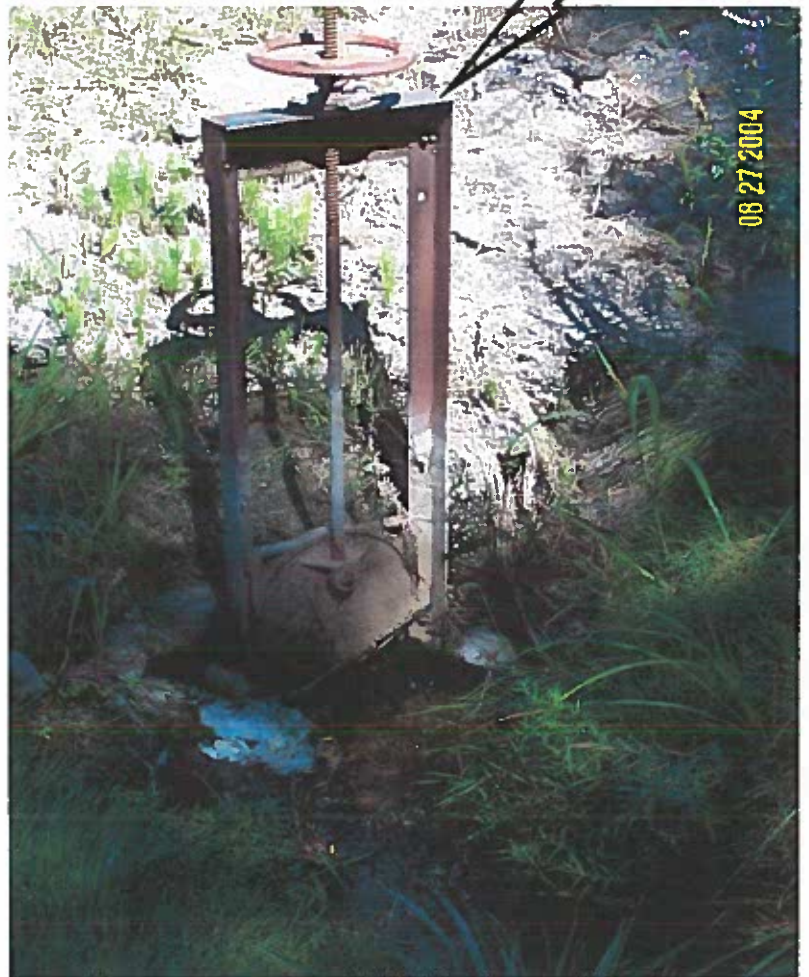
Diversion Structure

POD  
From Stewart Gulch

Headgate at POD

Looking West

**63-21875**



212



# ARTICLES OF DISSOLUTION

## (General Business and Professional Corporations)

To the Secretary of State of Idaho  
Pursuant to Title 30, Chapter 1 and 13, Idaho Code, the  
undersigned corporation has elected to dissolve.

**FILED/EFFECTIVE**  
SEP 17 Aft 9:33  
STATE OF IDAHO

- 1 The name of the corporation is: VANCROFT CORPORATION
- 2 The date the dissolution was authorized is: 08/26/01
- 3 The dissolution was approved by the shareholders as follows:
  - a) The number of shares entitled to vote: 6,667
  - b) The number voting for dissolution: 6,667
  - c) The number voting against dissolution: -0-
4. (optional) The dissolution shall be effective on \_\_\_\_\_  
(The articles will be effective on the date filed with the Secretary of State, unless a future date is specified.)

Dated: 08/26/01  
Signature: Veronica C. Montgomery  
Typed Name: Veronica C. Montgomery  
Capacity: President/ Sole Shareholder  
Telephone: (435) 884-1398

Customer Acct #

(if using pre-paid account)

Secretary of State use only

IDAHO SECRETARY OF STATE  
09/17/2001 05:00  
CK: 1285 CT: 151348 SH: 419452  
1 @ 30.00 = 30.00 PROF DISSO 1 2

C90610

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-21875

WATER RIGHT NUMBER: 63-21875

Owner Type                      Name and Address  
Current Owner                      VANCROFT CORP  
3222 S PASS COURT  
BOISE, ID 83705  
(208)384-0414  
Original Owner                      RUTH E NIBLER  
4705 N 36TH  
BOISE, ID 83703  
(208)342-6333  
Original Owner                      VICTOR L NIBLER  
4705 N 36TH  
BOISE, ID 83703  
(208)342-6333

Priority Date: 03/15/1943  
Basis: Beneficial Use  
Status: Active

Source  
STEWART GULCH CREEK

Tributary  
BOISE RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.670 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.670 CFS             |                      |

Location of Point(s) of Diversion

STEWART GULCH CREEK                      NW 1/4 NW 1/4 NE 1/4                      Sec. 28, Twp 04N, Rge 02E, B.M.  
ADA County

Place of UseIRRIGATION Within ADA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R02E S21 | SESW | 5.0  | T04N R02E S21 | NWSE | 10.0 |
| T04N R02E S21 | SWSE | 10.0 | T04N R02E S28 | NWNE | 10.0 |
| T04N R02E S28 | SWNE | 5.0  | T04N R02E S28 | NENW | 10.0 |
| T04N R02E S28 | SENW | 5.0  |               |      |      |

Total Acres: 58  
Conditions of Approval:  
Remarks:

## 1. General

DESCRIP. OF DIVERT. WORKS: PUMP W/3" INTAKE & 3" OUTFLOW TO POND THEN PUMPED THOROUGH SPRINKLER SYSTEM TO IRRIGATE (NOW QUAIL HOLLOW GOLF COURSE). AESTHETIC USE OF PONDS IS PART OF SYSTEM. NON IRRIG. USES: WATER DIVERTED FROM SOURCE & STORED WATER USED FOR IRRIGATION & AESTHETICS. PONDS ARE PRESENT ALL YEAR. THUS, USES INCLUDE DIVERSION TO STORAGE (.67 CFS), IRRIGATION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION, AND AESTHETICS STORAGE.  
PONDS APPROX. 2 A.F. BUT THIS MAY BE REVISED IF ADDITIONAL INFORMATION IS SUPPLIED.

duety of water based on  
the claim = .012 cfs/a  
(.012)(31.2 ac) =  
.38 cfs

60 acres of ir. claimed  
for 63-4037 --  
some difference in  
acres.

W -  
"nibler well" ?

.62 cfs

ESS combined w/ 4037  
74.6 ac.

ESS combined w/ 4037, 975B, limits to 110 ac.

ESS combined w/ 4037, 975B, not 40 > .02 cfs (acreage 4.5)

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**MEMORANDUM TO BURKE SCHOLER**

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**TO:** IDWR CONTRACTOR, BURKE SCHOLER  
**FROM:** VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION  
**SUBJECT:** FIELD EXAM FOR BENEFICIAL USE CLAIM NO. 63-21875  
**DATE:** 8/19/2004  
**CC:** CLAIM FILE

---

Burke, this claim is an overlap of 63-4037 [statutory claim – file also included for you to conduct field exam] and licensed rights 63-9758 and 63-2103. Place of use is the Quail Hollow Golf Course, 4520 N. 36th Street, Boise, ID.

Will you please conduct a beneficial use field exam for this claim? Information I need:

- 1 - Please verify each element of this beneficial use claim, and locate the point of diversion and the place of use on the enclosed map.
- 2 - Get evidence of the 1943 priority date.
- 3 - It appears from the Idaho Secretary of State that the Vancroft Corp. [owner of record for this right] has dissolved. I am not sure if this is the new owner but he purchased adjacent property from Vancroft Corp. Please verify address/ phone # of owner and give new owner the enclosed change of ownership form.

Robert Donnelly  
4705 N 36<sup>th</sup>  
Boise, ID 83703  
344-6397

Another contact, for access to the Golf Course, is :  
David Hendrickson. dba Quail Hollow Golf Course, 4520 N. 36th Street , Boise, ID 83703, 344-7807

Please have the owner forward evidence of the priority date and the change of ownership form directly to me as soon as is reasonably possible.

Thanks !

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098  
Return Service Requested

63-21036

4037

21875

Found

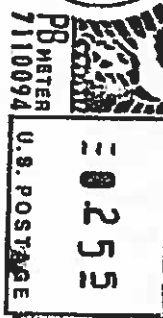


ADDRESSEE VANCROFT CORPORATION  
3222 S PASS COURT  
UNKNOWN  
BOISE ID 83705

Not for Pocket!

W

PRESORTED  
FIRST CLASS

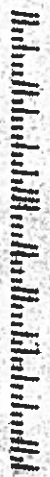


RECEIVED

JUN 14 2002

WATER RESOURCES  
WESTERN REGION

DATA 1153257635





State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date Aug 20, 1990

[Vancroft Corporation ]  
3222 S. Pass Court  
[Boise, ID 83705 ]

Notice of Claim No.(s) AG3-02103B, AG3-04037, AG3-21875

Dear Claimant:

Enclosed is a copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

*Linda A. Werner*

Linda A. Werner  
Sr. Water Resource Agent

Enclosure(s)

MICROFILMED

SEP 08 1992

no claim filed or required. Proof of  
b/c made in 1999.

Page 1

08/18/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-9758

WATER RIGHT NUMBER: 63-9758

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                 |
|-------------------|---------------------------------------------------------------------------------------------------------|
| Current Owner     | DAVID HENDRICKSON<br>DBA QUAIL HOLLOW GOLF COURSE<br>4520 N 36TH ST<br>BOISE, ID 83703<br>(208)344-7807 |
| Original Owner    | L T & L INC<br>PO BOX 108<br>WHITE BIRD, ID 83554<br>(208)839-2356                                      |

Priority Date: 06/30/1981

Basis:

Status: Closed

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 1.310 CFS             | 495.00 AF            |
| AESTHETIC             | 1/01 to 12/31           |                       | 2.00 AF              |
|                       | <u>Total Diversion:</u> | 1.310 CFS             | 497.00 AF            |

Location of Point(s) of Diversion

|              |            |                                 |
|--------------|------------|---------------------------------|
| GROUND WATER | NW1/4NE1/4 | Sec. 28, Twp 04N, Rge 02E, B.M. |
| ADA County   |            |                                 |
| GROUND WATER | NW1/4SW1/4 | Sec. 28, Twp 04N, Rge 02E, B.M. |
| ADA County   |            |                                 |

'cold 60 well  
drilled 1996

pump  
into pond &  
re-pumping into  
buried sprinkler  
system. Not  
drilled ~ 1991

Place of Use  
IRRIGATION

| Twp | Rge | Sec | NE   | NW   | SW   | SE   | Totals |
|-----|-----|-----|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   |        |
| 04N | 02E | 21  |      |      |      |      | 35.0   |
| 04N | 02E | 28  | 16.0 | 31.0 | 17.0 | 11.0 | 75.0   |

Total Acres: 110

AESTHETIC same as IRRIGATION

Conditions of Approval:

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.

me - prob on  
Orig. permit was for 2103 well in GWSB sec 21

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Permit Report 63-9758

2. R65 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

1. General
 

If water levels were not monitored during 1997, the water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during 1998 to determine the impact of pumping from the water right holder's cold water well located in the NWSW, S28, T04N, R02E, B.M. A report of either the 1997 or 1998 monitoring results and conclusions shall be submitted to IDWR and Wersch & Jones.

IDWR may require monitoring of ground water levels Groundwater during future years if IDWR determines that monitoring is necessary to protect water rights.

The water right holder shall construct a water supply line from the cold water well to the Wersch & Jones property to supply irrigation water if the water right holder's well causes groundwater level declines that prevent Wersch & Jones from irrigating their property.

This approval does not confirm Adjudication Claim No. A63-17621, nor does it grant to Wersch & Jones the right to divert and beneficially use water from the Quail Hollow cold water well.

For purposes of administration of water rights within the cold water aquifer, Water Right No. 63-09758 will assume a priority date of March 19, 1996.

Diversion of water from the two low temperature geothermal wells located in the NWNE of S28, T04N, R02E, B.M., shall be regulated by the watermaster of State Water District No. 63S.

Approval of this application for transfer does not waive the right of the protestants to object to claims of water rights filed in the Snake River Basin Adjudication describing points of diversion also described by Water Right No. 63-09758. Approval does not foreclose IDWR's opportunity to review Water Right No. 63-09758 in the Snake River Basin Adjudication.

Diversion from the approved points of diversion shall not exceed 1.31 cfs under Water Right 63-09758. Approval of this transfer does not affect any other water rights diverted from the points of diversion.

Without any waiver or forfeiture of existing rights, the water right holder shall utilize the new cold water source as its first source of irrigation water so long as it is reasonably available. Water is not reasonably available to the water right holder if the use of the cold water source is interrupted, restricted, prohibited or limited by any actions or events beyond the control of the applicant. Water diverted under Water Right No. 63-09758 from the low-temperature geothermal source may also be used provided the use is in conformance with Water Right No. 63-09758 and pumping of the water is not prohibited by the watermaster for Water District No. 63-S.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

It is further ordered that this order will become a final order without further action unless the Director decides to review it pursuant to Idaho Code 67-05245, or the parties petition for reconsideration or appeal pursuant to Rule 730 of IDWR's Rules of Procedure.

It is further ordered that the water user may immediately begin diverting water from the cold water well located in the NWSW, S28, T04N, R02E, B.M., and may continue to divert water pursuant to this approval unless directed otherwise by IDWR.

Comments:

1. PSKAGGS 6/23/1997 TRANSFER NO. 4804

Comment: Transfer No. 4804 adds & changes the points of diversion under Right No. 63-09758. Approved by Preliminary Order dated 06-26-1997. Order Granting Petition for Reconsideration dated 07-30-1997. Amended Preliminary Order approving transfer dated 05-14-1998.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-9758

Dates and Other Information:

Permit Proof Due Date: 6/1/1989  
Permit Proof Made Date: 5/31/1989  
Permit Approved Date: 5/23/1984  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Field Exam Date: 5/30/1989  
Date Sent to State Office: 5/30/1989  
Date Received at State Office:  
State or Federal:  
Owner Name Connector:  
Water District Number: 63S  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

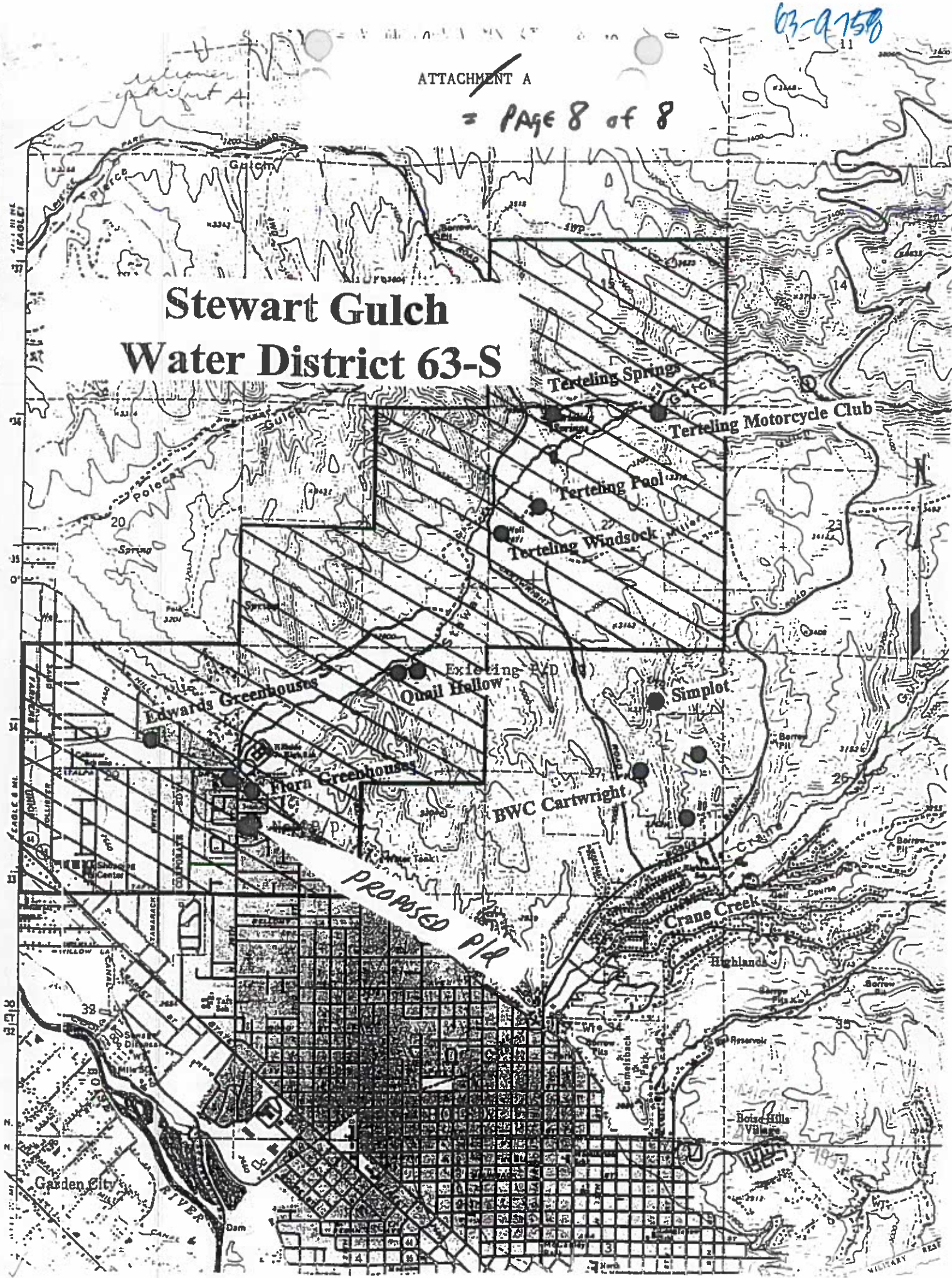
Combined Use Limits:Element Reviewed/Verified Dates:

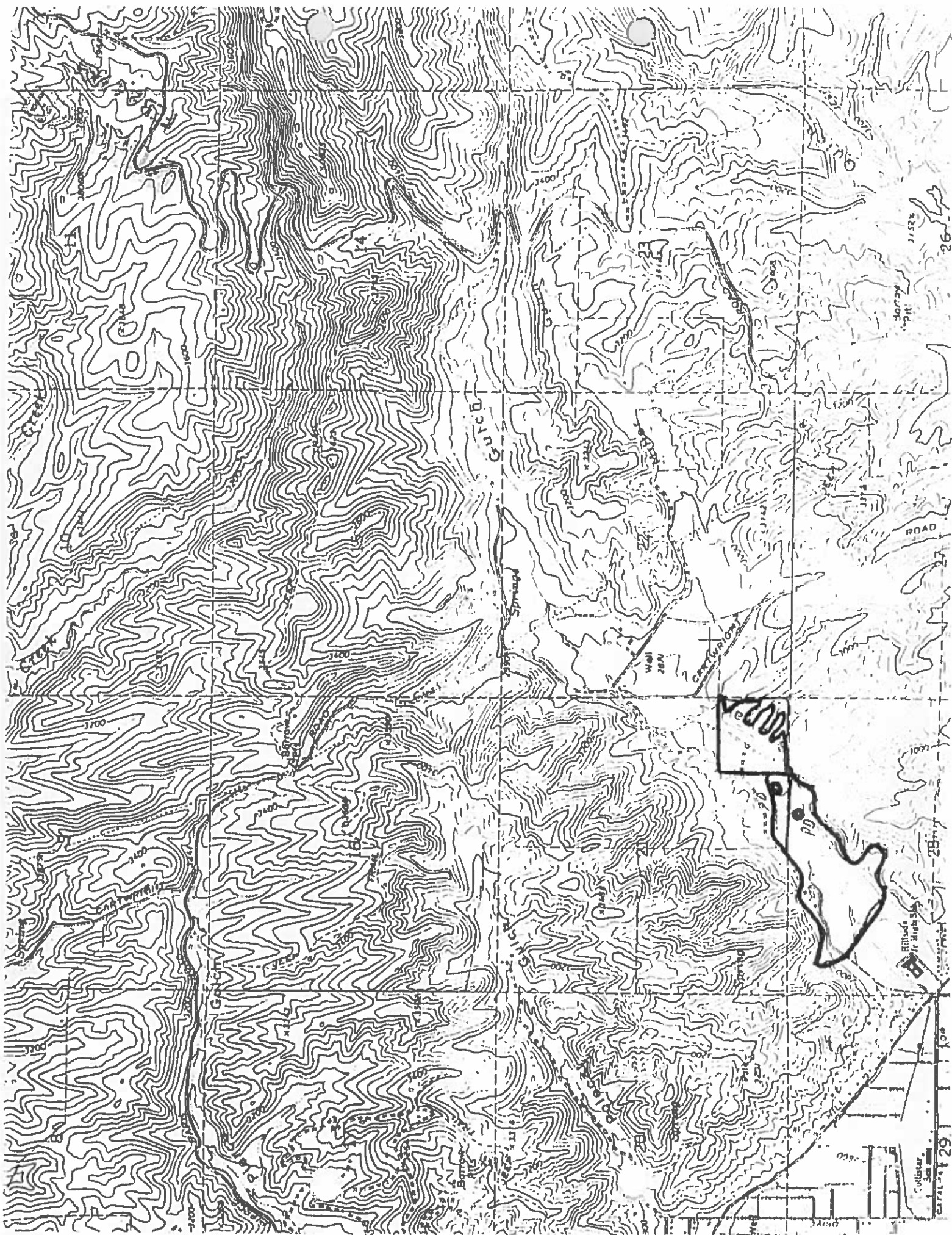
| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

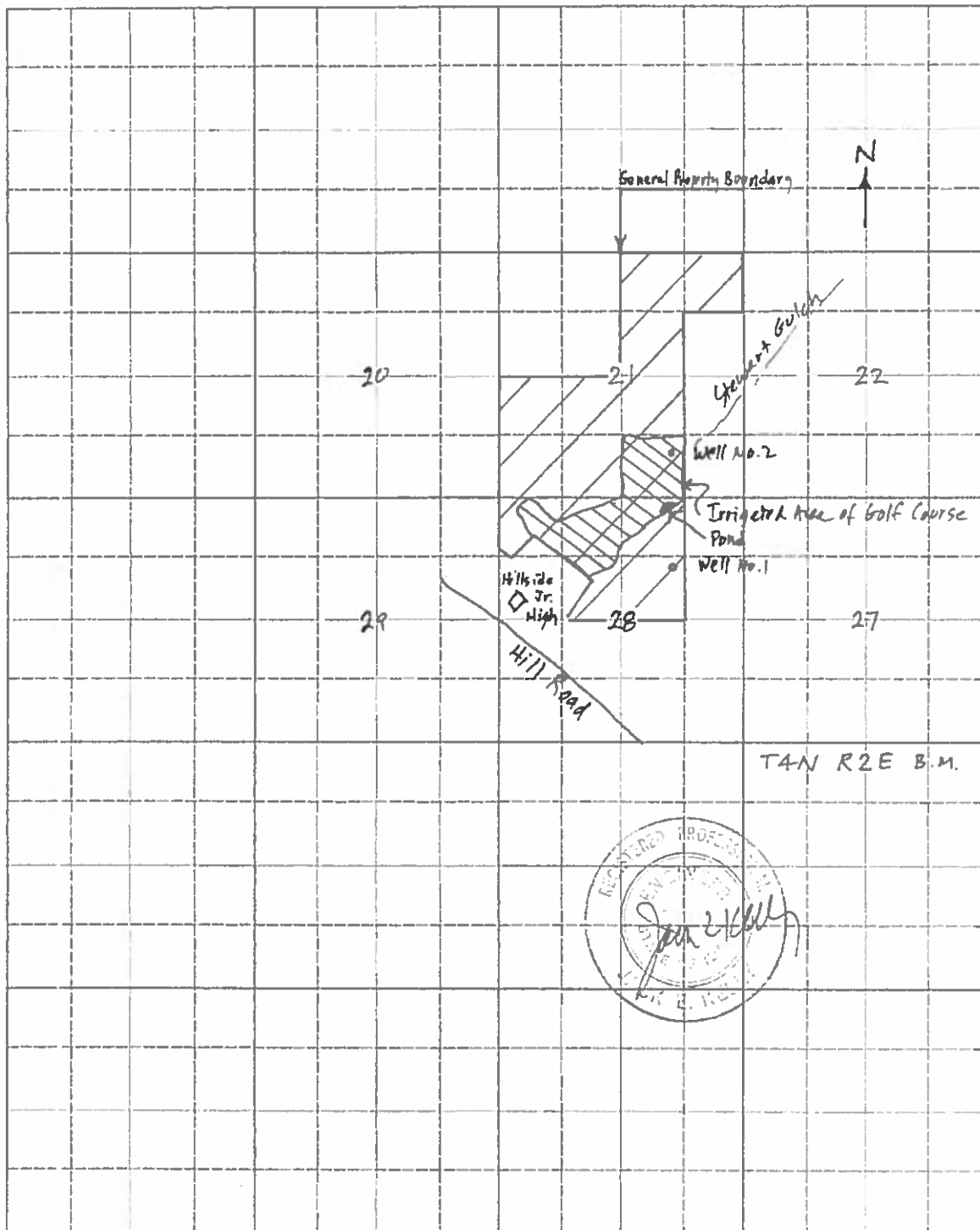
| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

# Stewart Gulch Water District 63-S





11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Dennis E. Labrum*  
(Applicant) Dennis E. Labrum

L.T.S., Inc.  
President

RECORDED

# DWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-21875

Date: 9-14-01

|       | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |     |    |    | Sum  |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|------|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE |      |
| Claim | 4N  | 2E  | 21  |    |    |    |    |    |    |    |    |    |    | 5  |    |    | 10  | 10 |    | 25   |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    | .4 |    |    | 6.5 | 38 |    | 44.9 |
| Claim | 4N  | 2E  | 28  |    | 10 | 5  |    | 10 |    |    | 5  |    |    |    |    |    |     |    |    | 30   |
| GIS   |     |     |     |    | 23 | 41 |    | 27 |    |    | 5  |    |    |    |    |    |     |    |    | 96   |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |      |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |      |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |      |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |      |

Number of POD's 1

Total Claimed Acres: 55

Overlapping POU Claim #'s:

63-04037

Total GIS Acres: 140.9

COMMENTS:

# Idaho Department of Water Resources

Claim Number: 63-21875

Legal: T04N, R02E, S21, 28

Reviewed By:



Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

1987 Napp Photo

