

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: A63-04037
Date Received: 8/02/1989
Receipt No: C008780
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: OCT 01, 1931

3. Source: GROUNDWATER Trib. to:

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:
DRILLED WELL, APPROX. 1100' DEPTH, 4" CASING W/SUBMERSIBLE PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

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

A63-04037

Page 1

Date: 08/17/90

SCANNED

OCT 05 2006

MICROFILMED

AUG 19 1992

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 _____

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		28	NW	NE	IRR	15.0
			NE	NW	IRR	5.0
			NW	NW	IRR	20.0
					Section Acres	40.0
					Total Acres	60.0

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:
N/A

14. Remarks:

USE OF THIS RIGHT AT PRESENT IS FOR IRRIGATION OF QUAIL HOLLOW GOLF COURSE. CLAIMANT FOR THIS RIGHT HAS LEASED THE GROUND COVERED BY THE RIGHT ON A 99-YEAR BASIS TO TEE LIMITED, THE OPERATOR OF THE GOLF COURSE.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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: A63-04037
Date Received: 8/02/1989
Receipt No: C008780
Received By: SS

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

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

2. Date of Priority: OCT 01, 1931

3. Source: GROUNDWATER Trib. to:

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:
DRILLED WELL, APPROX. 1100' DEPTH, 4" CASING W/SUBMERSIBLE PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	21	SE	SW		IRR	10.0
			SW	SE		IRR	10.0
			Section Acres				20.0
		28	NW	NE		IRR	15.0
			NE	NW		IRR	5.0
			NW	NW		IRR	20.0
			Section Acres				40.0
			Total Acres				60.0

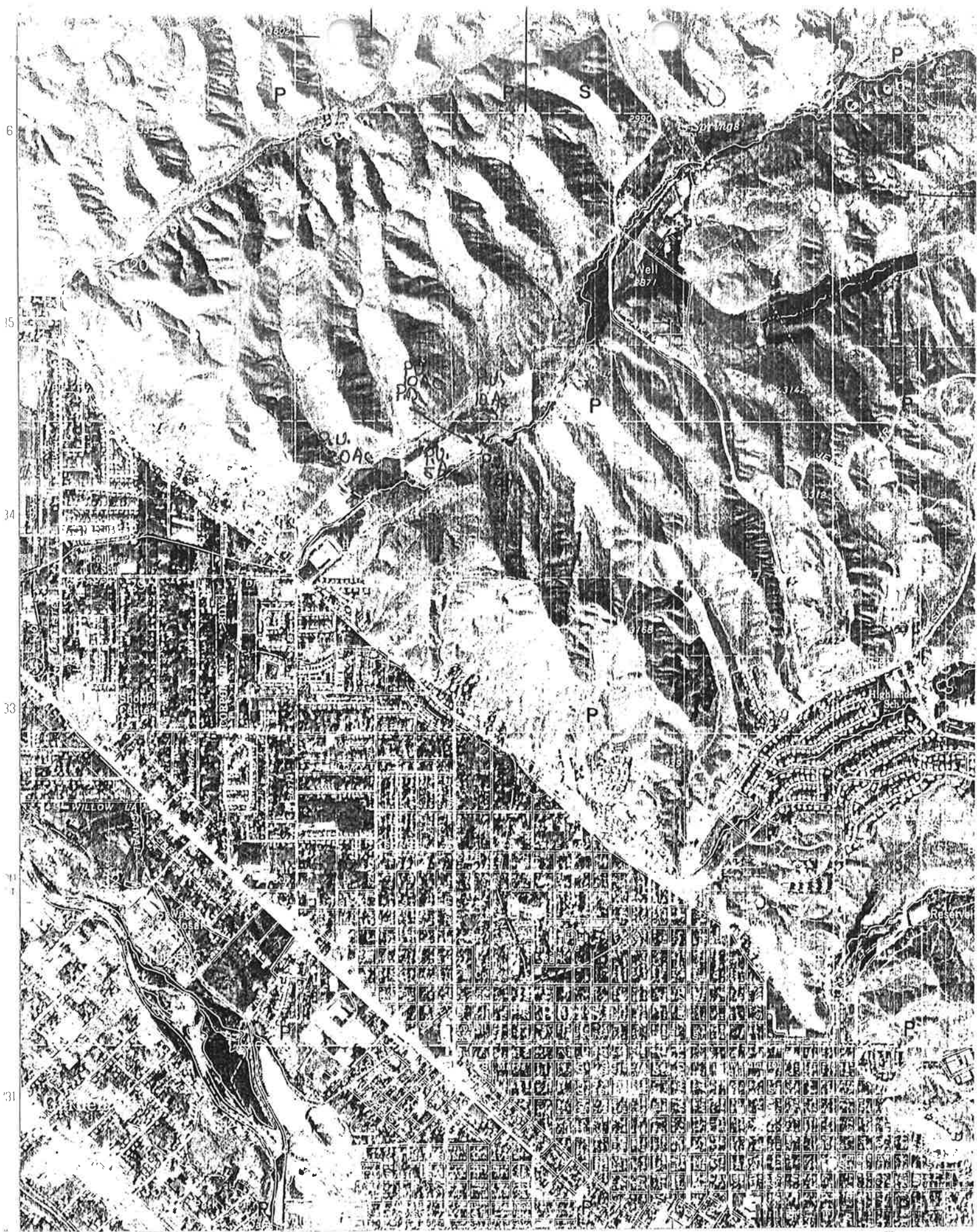
11. Place of use in counties: ADA

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

13. Other Water Rights Used:
N/A

14. Remarks:
USE OF THIS RIGHT AT PRESENT IS FOR IRRIGATION OF QUAIL HOLLOW GOLF COURSE. CLAIMANT FOR THIS RIGHT HAS LEASED THE GROUND COVERED BY THE RIGHT ON A 99-YEAR BASIS TO TEE LIMITED, THE OPERATOR OF THE GOLF COURSE.

15. Basis of Claim: STATUTORY CLAIM



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

Signature of Claimant(s): Victor L. Hibler Date: 8-2-'89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of August 19 89

Glen E. Luthy
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

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 63-4037
Date Received: 8/2/1989
Receipt No: C008780
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: 10/01/1931

3. Source: GROUND WATER Trib. to:

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:

DRILLED WELL, APPROX. 1100' DEPTH, 4" CASING W/SUBMERSIBLE PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
04N	02E	21	SE	SW		IRRIGATION	10		
			SW	SE		IRRIGATION	10		
								Section Acres	20
04N	02E	28	NW	NE		IRRIGATION	15		
			NE	NW		IRRIGATION	5		
			NW	NW		IRRIGATION	20		
								Section Acres	40
						Total Acres	60		

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:

USE OF THIS RIGHT AT PRESENT IS FOR IRRIGATION OF QUAIL HOLLOW GOLF COURSE. CLAIMANT FOR THIS RIGHT HAS LEASED THE GROUND COVERED BY THE RIGHT ON A 99-YEAR BASIS TO TEE LIMITED, THE OPERATOR OF THE GOLF COURSE.

CHANGE OF OWNERSHIP LG 10/19/05

15. Basis of Claim: Statutory Claim

OF - VLM

RECEIVED
JUL 14 2005
WATER RESOURCES
WESTERN REGION

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

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-21875	63-21875	N			
63- ~~124~~ 4307	63-4307	N			
63-9758					

not claimed-
in GRBA

2. The following **REQUIRED** information must be submitted with this form:
- The appropriate **FILING FEE**. See instructions for fee amounts.
 - 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**.
 - 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 (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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 (cubic feet per second or acre-feet per annum)	Description (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 _____

ISHED 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.



Signature: Kerensa Majerus

Name: KERENSA MAJERUS

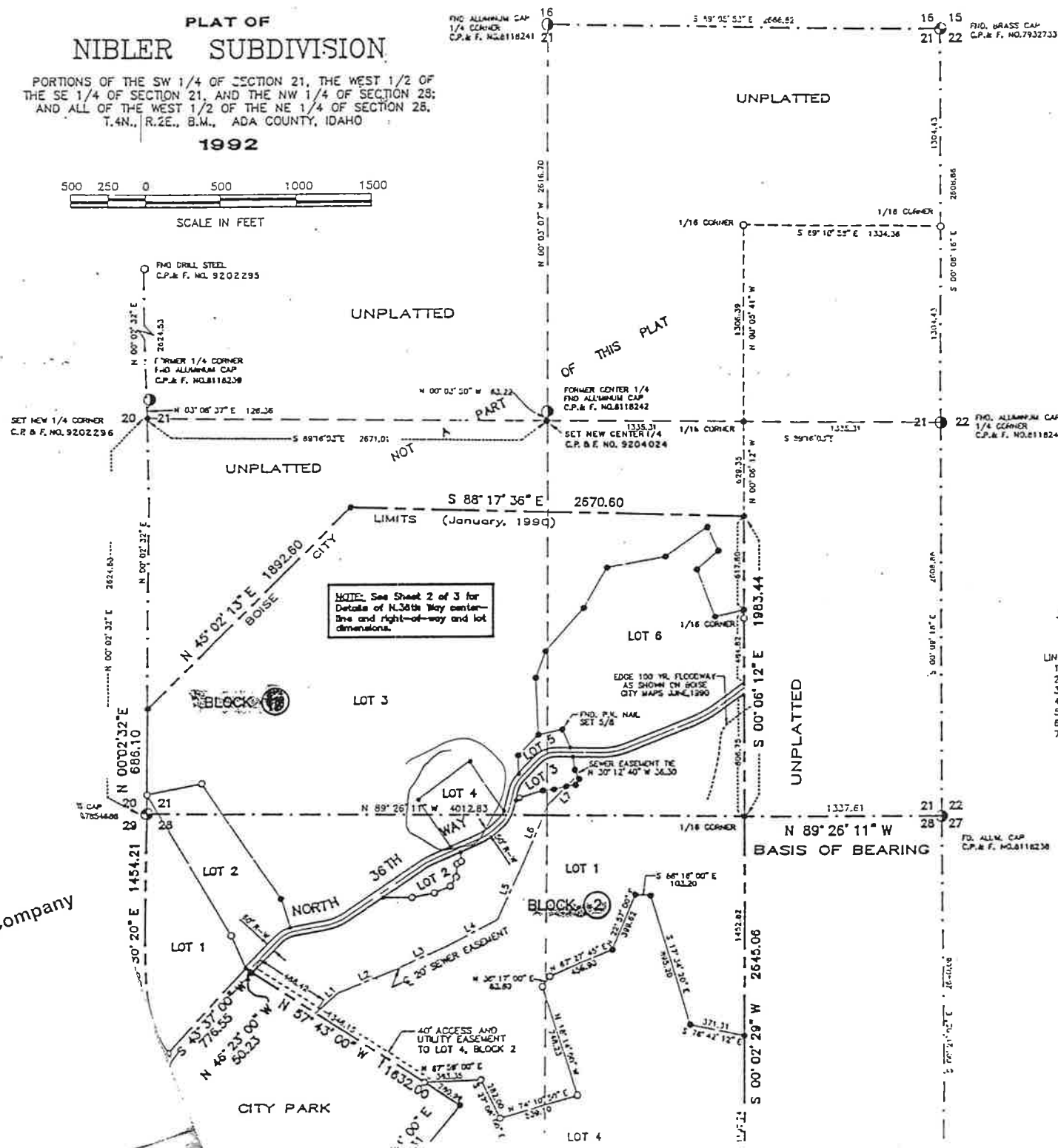
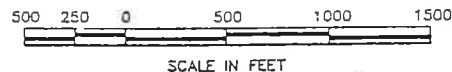
Residing at: BOISE, ID
(type or print)

My Commission Expires: 01/09/03

PLAT OF NIBLER SUBDIVISION

PORTIONS OF THE SW 1/4 OF SECTION 21, THE WEST 1/2 OF THE SE 1/4 OF SECTION 21, AND THE NW 1/4 OF SECTION 28; AND ALL OF THE WEST 1/2 OF THE NE 1/4 OF SECTION 28, T.4N., R.2E., B.M., ADA COUNTY, IDAHO

1992



LEGEND

- Initial Fair-Galv. Pos
- Found Br
- Found "
- Set 5/2"
- Set 1/2"
- Found S,
- Found "
- Boundary
- Section
- 1/4 Sect
- 1/16 Sect
- Easement

NOTE

1. All lots are hereby designated as: ment for public utilities driveway rights over the ten (10) feet of this easement shall not produce surfaced driveways and walkways.
2. Building setback dimensions in this subdivision are not in conflict with the applicable zoning regulations of Ada County, Idaho in effect at the time of this plat.
3. Any subdivision of this plat in violation of the zoning regulations in effect at the time of this plat is hereby declared null and void.
4. This subdivision is not in conflict with the applicable zoning regulations of Ada County, Idaho in effect at the time of this plat.
5. Restricted Access: Except for the primary access to the lots in this subdivision, all other access shall be specifically approved by the Ada County Board of Commissioners. This restriction shall not be construed to prohibit the construction of minor accessory or maintenance dwellings or the golf course, provided they are obtained.
6. No new development shall be permitted without the approval of the Ada County Board of Commissioners and Chapter 70 of the Ada County Code.
7. Except for necessary improvements to the Northwest Boise Sewer System, all other improvements to the Northwest Boise Sewer System shall be the responsibility of the Ada County Board of Commissioners.
8. All lots in Block 2 are subject to the Northwest Boise Sewer System.
9. All lots in Block 2 are subject to the Northwest Boise Sewer System.
10. All lots in Block 2 are subject to the Northwest Boise Sewer System.

CENTERLINE SEWER EASEMENT DATA

LINE	BEARING	DISTANCE
1	N 49°30'38" E	202.23
2	N 68°41'44" E	399.58
3	N 66°13'01" E	332.63
4	N 62°32'36" E	376.17
5	N 24°27'09" E	409.16
6	N 22°46'35" E	416.97
7	N 45°03'29" E	265.53



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 36th 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 36th 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
Plan 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: A63-04037
Date Received: 8/02/1989
Receipt No: C008780
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: OCT 01, 1931

3. Source: GROUNDWATER Trib. to:

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:
DRILLED WELL, APPROX. 1100' DEPTH, 4" CASING W/SUBMERSIBLE PUMP.

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	21	SE	SW		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	20.0
		28	NW	NE	IRR	15.0
			NE	NW	IRR	5.0
			NW	NW	IRR	20.0
					Section Acres	40.0
					Total Acres	60.0

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:

N/A

14. Remarks:

USE OF THIS RIGHT AT PRESENT IS FOR IRRIGATION OF QUAIL HOLLOW GOLF COURSE. CLAIMANT FOR THIS RIGHT HAS LEASED THE GROUND COVERED BY THE RIGHT ON A 99-YEAR BASIS TO TEE LIMITED, THE OPERATOR OF THE GOLF COURSE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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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 _____

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		28	NW	NE	IRR	15.0
			NE	NW	IRR	5.0
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					Section Acres	40.0
					Total Acres	60.0

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

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16. Signature(s)

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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 _____

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	21	SE	SW		IRR	10.0
			SW	SE		IRR	10.0
					Section Acres		20.0
		28	NW	NE		IRR	15.0
			NE	NW		IRR	5.0
			NW	NW		IRR	20.0
					Section Acres		40.0
					Total Acres		60.0

11. Place of use in counties: ADA

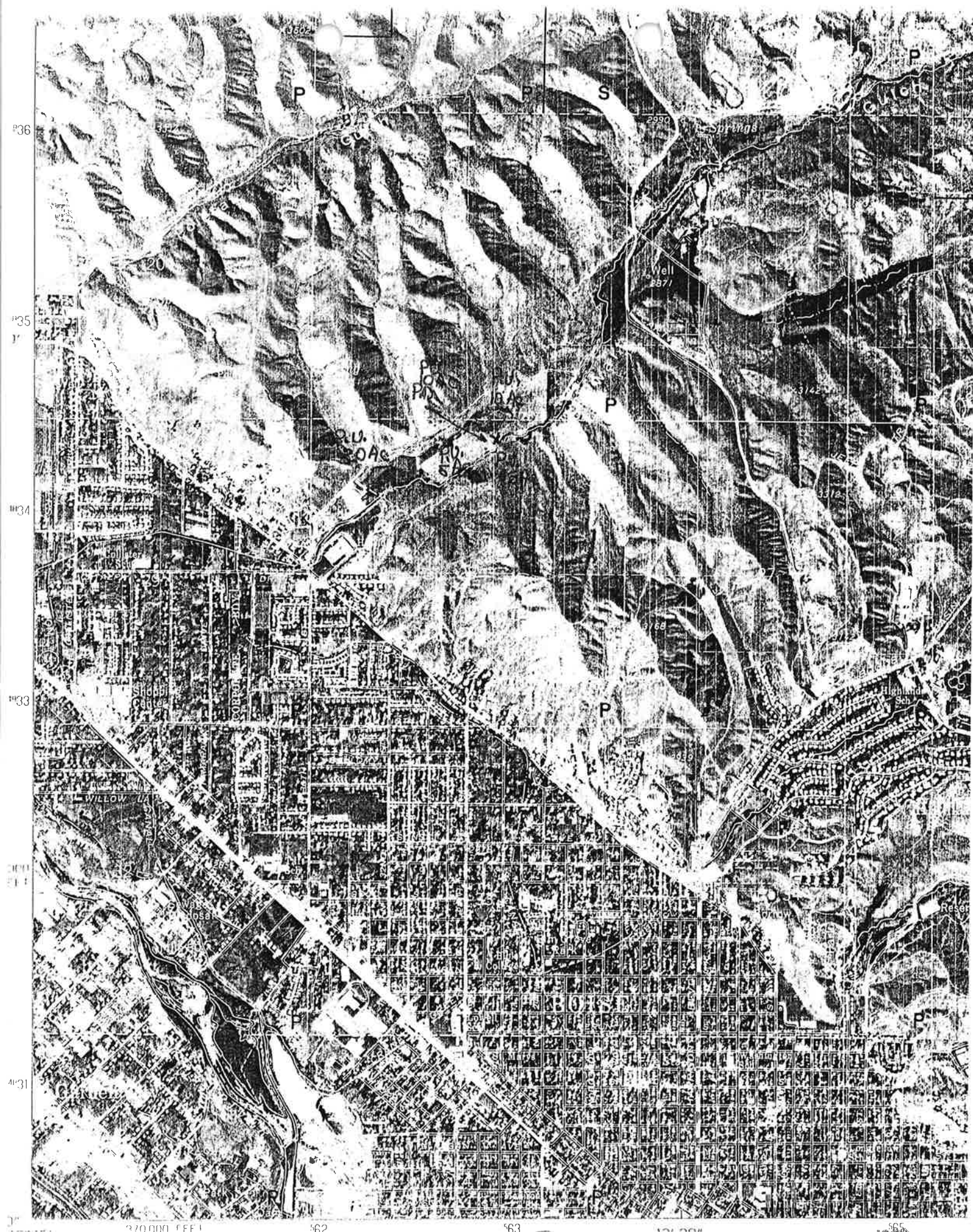
12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
N/A

14. Remarks:

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15. Basis of Claim: STATUTORY CLAIM



16. Signature(s)

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Number of attachments: 1

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): Victor L Hibler Date: 8-2-'89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of August 19 89

Shirley C. Luthy
Notary Public

Seal

Residing at BORSE, ID
My Commission Expires 11/08/1994

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. 36th

Boise ID. 83703

[✓] New Claimant(s): Vancouver Corporation

[✓] New Mailing Address: 3222 South Pass Court
Boise 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 1/4 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

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W011756	51.00	63	2103		Claim
W011756	75.00	63	21875		Claim

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

In Re SRBA	)	Subcase No. 63-4037
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

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

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

CLAIMANT:
Quail Hollow, LLC

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

Andrew J. Waldera Date
Attorney for Claimant

Andrew J. Waldera Date
Attorney for Objectors/Respondents

OBJECTOR/RESPONDENT:

Edwards Family, LLC

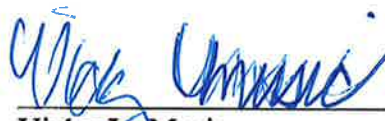
RESPONDENT:

The Terteling Co., Inc.

By: _____ Date _____
Title: _____

Charles L. Honsinger _____ Date _____
Attorney for Objector

DWR Concurrence:

 9/20/10

Vicky L. Music Date
Senior Water Resource Agent

 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: 63-4037

NAME AND ADDRESS:

QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714

BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

1.000 CFS
231.750 AFY

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

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

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

PRIORITY DATE: 04/07/1937

NBS

POINT OF DIVERSION:

T04N R02E S28 NWNWNE
Within ADA County

VLW

Source is low temperature geothermal water.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

1.000 CFS 231.75 AFY

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

PLACE OF USE:

IRRIGATION

within ADA County

T04N R02E S21 SWSW 0.7

T04N R02E S21 SESW 1.5

T04N R02E S21 NWSW 5.1

T04N R02E S21 SWSW 34.7

T04N R02E S28 NWNW 20.5

T04N R02E S28 NENW 28.7

T04N R02E S28 NWNW 11.4

T04N R02E S21 SESW 1.3

T04N R02E S21 SWSW 14.0

T04N R02E S28 NWNW 15.0

T04N R02E S28 NENW 5.0

T04N R02E S28 NWNW 16.2

T04N R02E S28 SWNW 0.3

T04N R02E S28 SENW 7.1

110 ACRES TOTAL

51.5 ACRES TOTAL

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

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

Diversion of low temperature geothermal water under this right shall occur only when cold water sources covering the place of use are insufficient or cannot be used.

Right Nos. 63-4037 and 63-21875 are limited to the irrigation of a combined total of 52.7 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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch. Water District 63-S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer.

The SRBA Court declined to address the administrative issues of artesian pressure and reasonable pumping levels related to diversions from the low temperature geothermal locally known as the Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly with IDWR.

NBS
VLM

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

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

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

Signature of person or attorney

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

9/15/10

RIGHT NUMBER: 63-4037

NAME AND ADDRESS:

QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714

BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 1.000 CFS
231.750 AFY

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

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

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

PRIORITY DATE: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNWNE
Within ADA County

Source is low temperature geothermal water.

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

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

PLACE OF USE: IRRIGATION within ADA County

T04N R02E S21 SWSW 0.7

T04N R02E S21 SESW 1.5

T04N R02E S21 NWSE 5.1

T04N R02E S21 SWSE 34.7

T04N R02E S28 NWNE 20.5

T04N R02E S28 NENW 28.7

T04N R02E S28 NWNW 11.4

T04N R02E S21 SESW 1.3

T04N R02E S21 SWSE 14.0

T04N R02E S28 NWNE 15.0

T04N R02E S28 NENW 5.0

T04N R02E S28 NWNW 16.2

T04N R02E S28 SWNW 0.3

T04N R02E S28 SENW 7.1

110 ACRES TOTAL

51.5 ACRES TOTAL

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

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

Diversion of low temperature geothermal water under this right shall occur only when cold water sources covering the place of use are insufficient or cannot be used.

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. .

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

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

Use of water under this water right will be regulated by the watermaster of State Water
District No. 63-S, Stewart Gulch. Water District 63-S regulates the water rights from wells
within its boundary that produce from the low temperature geothermal aquifer known locally
as the Stewart Gulch Geothermal Aquifer.

The SRBA Court declined to address the administrative issues of artesian pressure and reasonable
pumping levels related to diversions from the low temperature geothermal locally known as the
Stewart Gulch Geothermal Aquifer. Water users may raise these administrative matters directly
with IDWR.

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

RIGHT NUMBER: 63-4037

NAME AND ADDRESS: QUAIL HOLLOW LLC
6553 W PLANTATION DR
GARDEN CITY ID 83714

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
231.750 AFY

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

PRIORITY DATE: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS 231.75 AFY

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

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

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

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

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

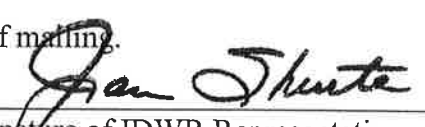
☐ Other

☐ 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

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.

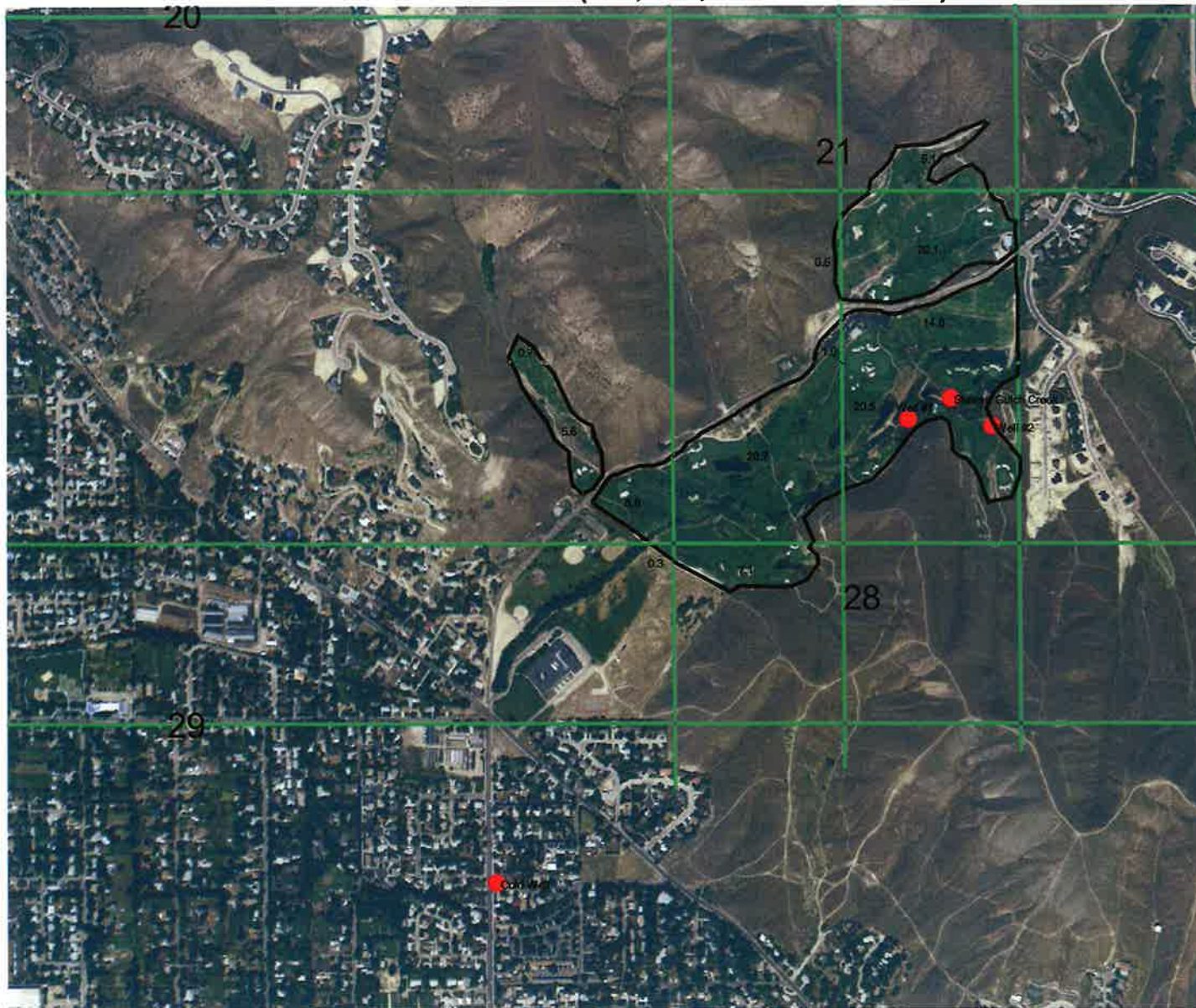
Sincerely,

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)



0.25 0 0.25 0.5 Miles



RECEIVED

MAR 20 2008

WATER RESOURCES
WESTERN REGION

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

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

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)



David E. Hendrickson, Quail Hollow, LLC Manager

(title if applicable)

(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 AJ

Date 3-20-08

Receipt Amt. N/A

Received by AJ

Date 5-9-08

Receipt No. _____

Processed by AJ AJ

Date 5-9-08

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

ADA COUNTY RECORDS DAVID NAVARRO
BOISE IDAHO 10/04/07 6:41 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Transnation Title

AMOUNT 15.00

5



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:

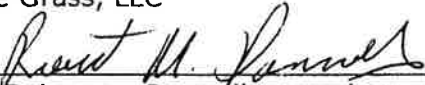
**Lots 2 and 6 in Block 1 and Lot 1 in Block 2 of Nibler Subdivision, according to
the official plat thereof, filed in Book 59 of Plats at Page(s) 5789 through 5791,
records of Ada County, Idaho.**

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.

RECEIVED

27 2007

STATEMENT OF
WORKING PAPER

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 63-04037

(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. (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)

3-23-07

Subscribed and sworn to before me on:



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

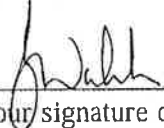
4. Copies to:

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


Your signature or signature of attorney
mailing on your behalf

RECEIVED

MAR 27 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)

A. Subcase 63-04037

(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: 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.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

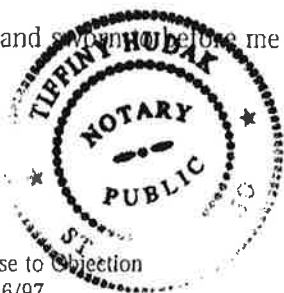
Andrew Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

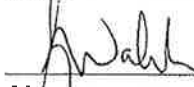
4. Copies to:

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

In Re SRBA
Case No. 39576

STANDARD FORM 2

RESPONSE TO OBJECTION

Subscribed and sworn to before me on: March 2, 2007



Kelli C. 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
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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

Charles Z. Horn
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

Case No. 39576

A. Subcase 63-4037
(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: BLUEGRASS, LLC

Address: 4705 N. 36TH
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)).

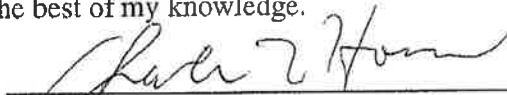
1. ☐ **Name and Address**
2. ☐ **Source**
3. ☒ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☒ **Purpose(s) of Use** (Previous response)
8. ☒ **Period of Year**
9. ☒ **Place of Use**
10. ☐ **Recommendation:**
 - ☐ This water right should not 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

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



Signature of Respondent or attorney mailing on
Respondent's behalf

a
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 63-4037
)
) (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 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. Also, the basis for removal of the remark under "Purpose and Period of Use" in the Amended Director's Report appears questionable.

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 36th Street
Boise, Idaho 83703

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

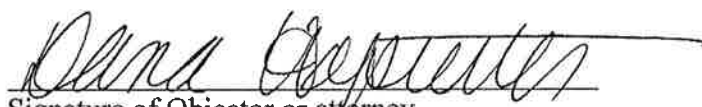
3. Copies to:

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

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 No. 39576

A. Subcase 63-04037

(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: Remove annual diversion volume limitation of 497 acre feet.
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: Removal quantity limitation of 231.75 afy.
9. ☒ **Place of Use**
Should be: Please see Attachment A attached hereto.

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 quantity, there is no legal basis for inclusion of the annual diversion volume limitation.

Concerning period of year, there is no legal basis for inclusion of the quantity limitation.

Concerning place of use, claimant has claimed a total of 110.2 irrigable acres, including an additional 58.7 irrigated acres to increase the permissible place of use from 51.5 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)

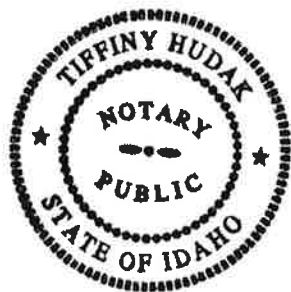
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

2-27-07



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.



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:

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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



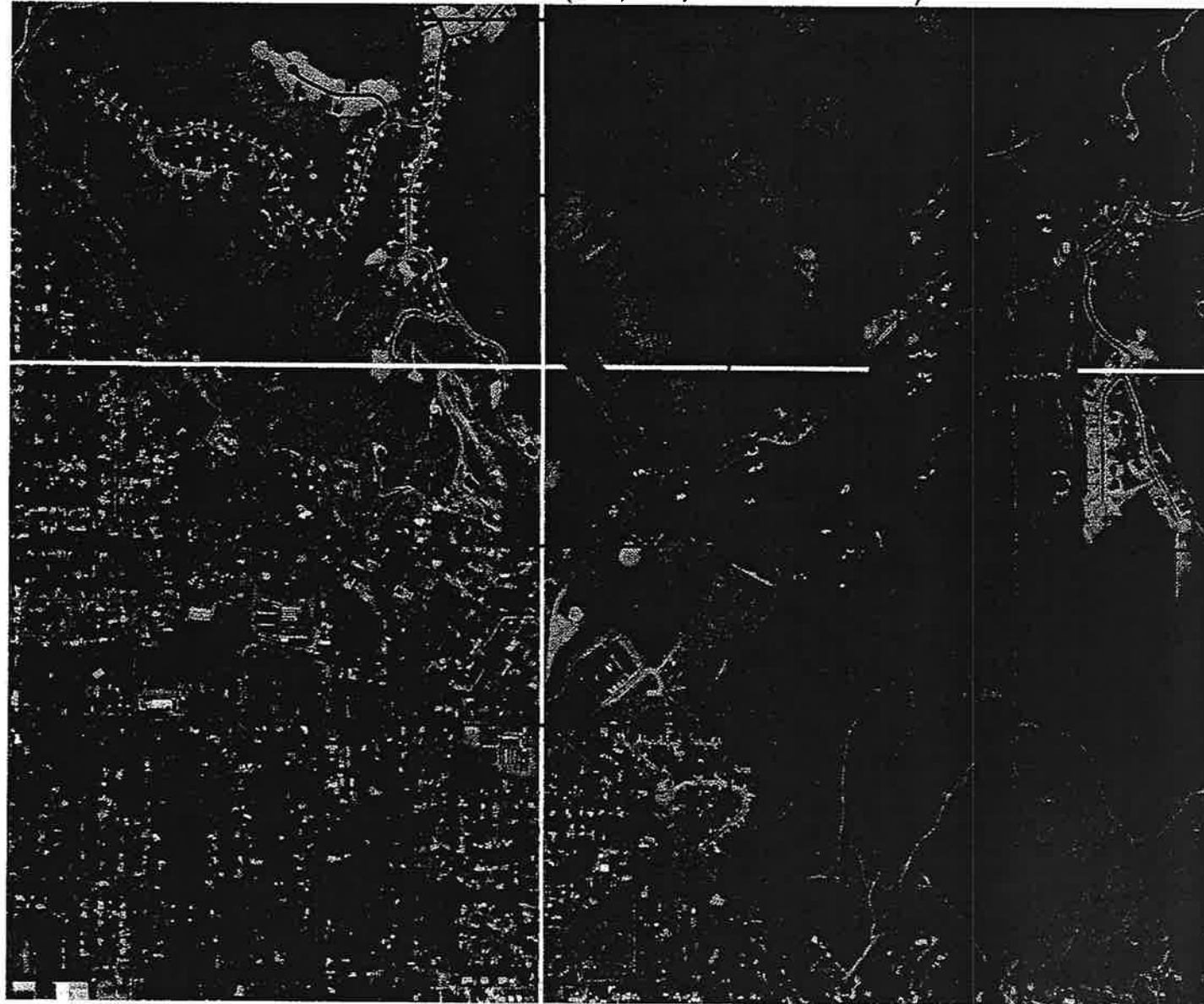
Andrew J. Waldera

**ATTACHMENT A TO
STANDARD FORM 1 – OBJECTION FOR SUBCASE 63-04037**

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 of	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 63-4037
(T4N, R2E, sections 21 and 28)



Well #1
Irrigation
QQ
Sections

0.5 0 0.5 1 Miles



ATTACHMENT B

AMENDED DIRECTOR'S REPORT

Subcase No. 63-4037

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

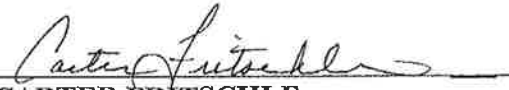
DESCRIPTIVE SUMMARY

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 29th 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 36th
Boise, ID 83703

Bucky Hawkey
Signature of person delivering form

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

RIGHT NUMBER: 63-4037

NAME AND ADDRESS:

BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

1.000 CFS
231.750 AFY

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

PRIORITY DATE: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	1.000 CFS 231.75 AFY

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

PLACE OF USE:

IRRIGATION within ADA County

T04N R02E S21 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 14.0~~

~~T04N R02E S28 NWNE 15.0~~

~~T04N R02E S28 NENW 5.0~~

82.7 ACRES TOTAL

~~51.5 ACRES TOTAL~~

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

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

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

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

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

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

RIGHT NUMBER: 63-4037

NAME AND ADDRESS:

BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

1.000 CFS
231.750 AFY

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

PRIORITY DATE:

04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	1.000 CFS 231.75 AFY

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

PLACE OF USE:

IRRIGATION within ADA County
T04N R02E S21 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 14.0~~
~~T04N R02E S28 NWNE 15.0~~
~~T04N R02E S28 NENW 5.0~~

82.7 ACRES TOTAL

~~51.5 ACRES TOTAL~~

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

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

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

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

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

RECEIVED

NOV 16 2006

DEPARTMENT
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 3rd 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

RECEIVED
OCT 11 2006
IDaho 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 63-4037

(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

I have attached:

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

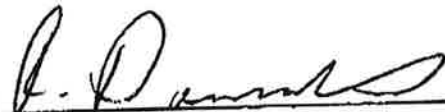
- ☒ Payment of the following additional fees required by IDWR:

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

VERIFICATION (Must be completed)State of KentuckyCounty of Oldham

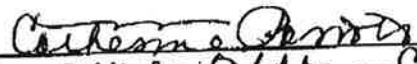
Robert M. Donnelly, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.


Robert M. Donnelly, Member, Bluegrass, LLC

Attorney signing in representative capacity

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


Notary Public for Oldham Co
Residing at: 9200 US Hwy 40
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, ²⁰⁰⁶~~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



RECEIVED

Abstract

[illegible]

BOI_MT2:628087.1

2. Water right no. 63-04037 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. 63-04037 is appurtenant via his ownership of Bluegrass, LLC.

3. I am the lessee of the real property to which water right 63-04037 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 Sections 21 and 28, Township 4N, Range 2E. Water right no. 63-04037, 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.

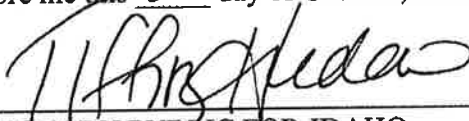
6. The above referenced golf course irrigation system has been operated in this manner and configuration since the course's construction in 1982.

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 5th day of October, 2006.



NOTARY PUBLIC FOR IDAHO

Residing at Boix
My Commission Expires 9/16/09



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th 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

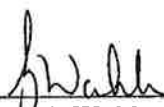
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

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 J. Waldera

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-04037

Date Received

Receipt Number

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
OCT 11 2006
DEPARTMENT OF
LAND REVENUE

Please type or print clearly

1. Name of Claimant (s) Bluegrass, LLC Phone (208) 344-7807Mailing Address 4520 North 36th Street, Boise, Idaho Zip 837032. Date of Priority (Only one (1) per claim) October 1, 19313. Source of water supply (a) Ground Water
which is tributary to (b) _____4. 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 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.

The point of diversion for water right 63-09758 located at T4N R2E S28, NW SW (cold water well) is utilized first. A 20 h.p. pump in this cold water well delivers to underground mainline to main holding pond. The point of diversion for water right 63-04037 consists of a 30 h.p. pump in lower geothermal well located in T4N R2E S28, NW NW NE to main holding pond. Another point of diversion for water right 63-09758 consists of a 40 h.p. pump in an upper geothermal well located in T4N R2E S28, NE NW NE which diverts to Stewart Gulch Creek and then from the Creek to a pond, which overflows into main holding pond. All water rights are commingled in main holding pond. 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 the 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 2.4 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) 2.40 (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 ☒ 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.
63-09758 and 63-21875 or None ()

14. Remarks:

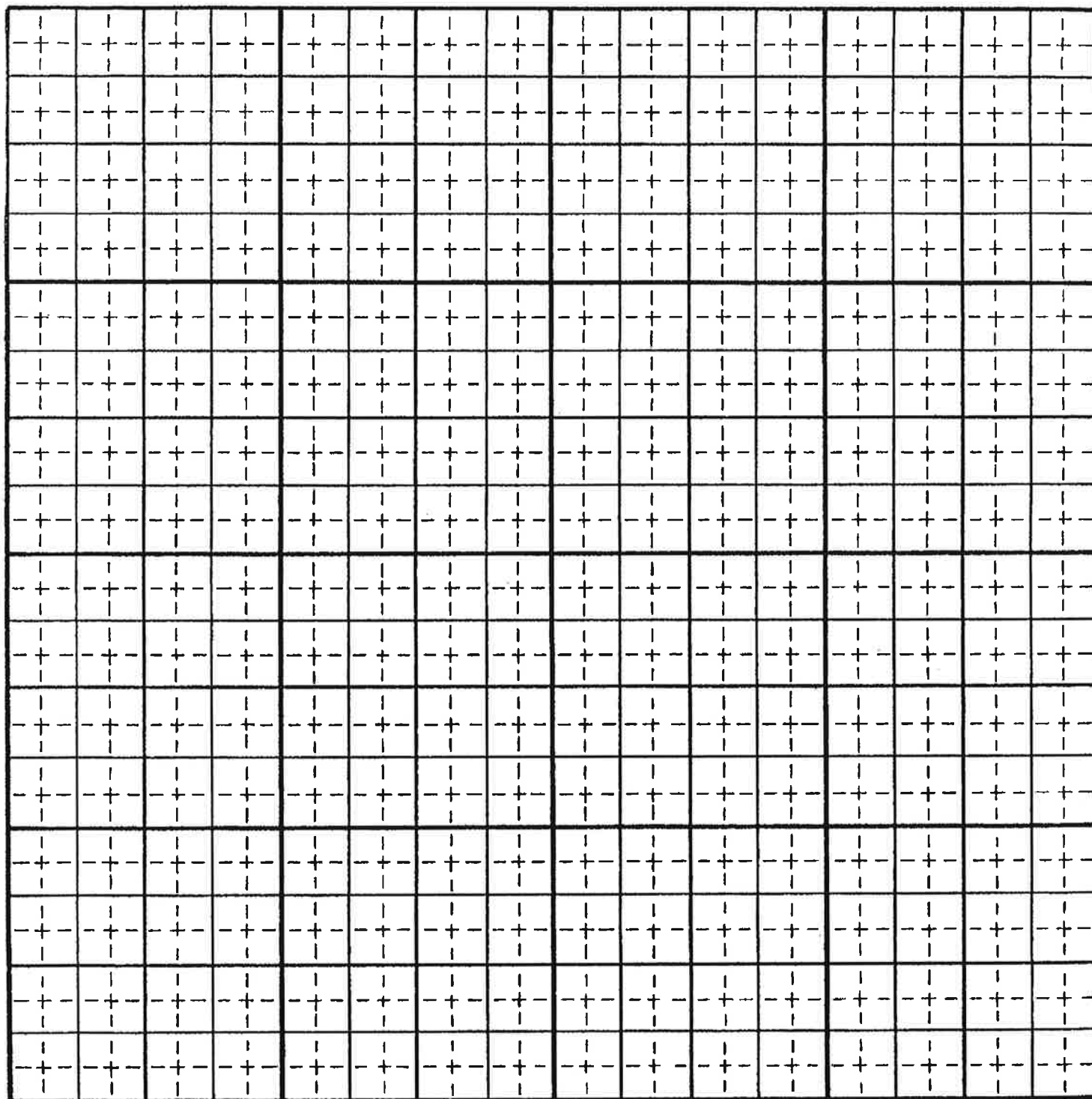
The irrigation system that is used on this property began irrigating the above-described place of use in 1982, prior to the accomplished transfer deadline of November 19, 1987, set forth in Idaho Code Section 42-1425. The main holding pond is approximately 25,000 square feet in size. The remaining nine (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. 63-04037

BOI_MT1:624598.1

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.



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____ 63-4037

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

Title

of Bluegrass, LLC that I have signed the foregoing

Organization

Member

of

Bluegrass, LLC

document in the space below as _____

Title

Organization

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

Signature of Authorized Agent Robert M. 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, 2006

SEAL

Notary Public Andrew J. Walden

Residing at 9200 US Hwy 42

My Commission Expires 6-6-06

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____

Andrew J. Walden

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 Andrew J. Walden

Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701

Date

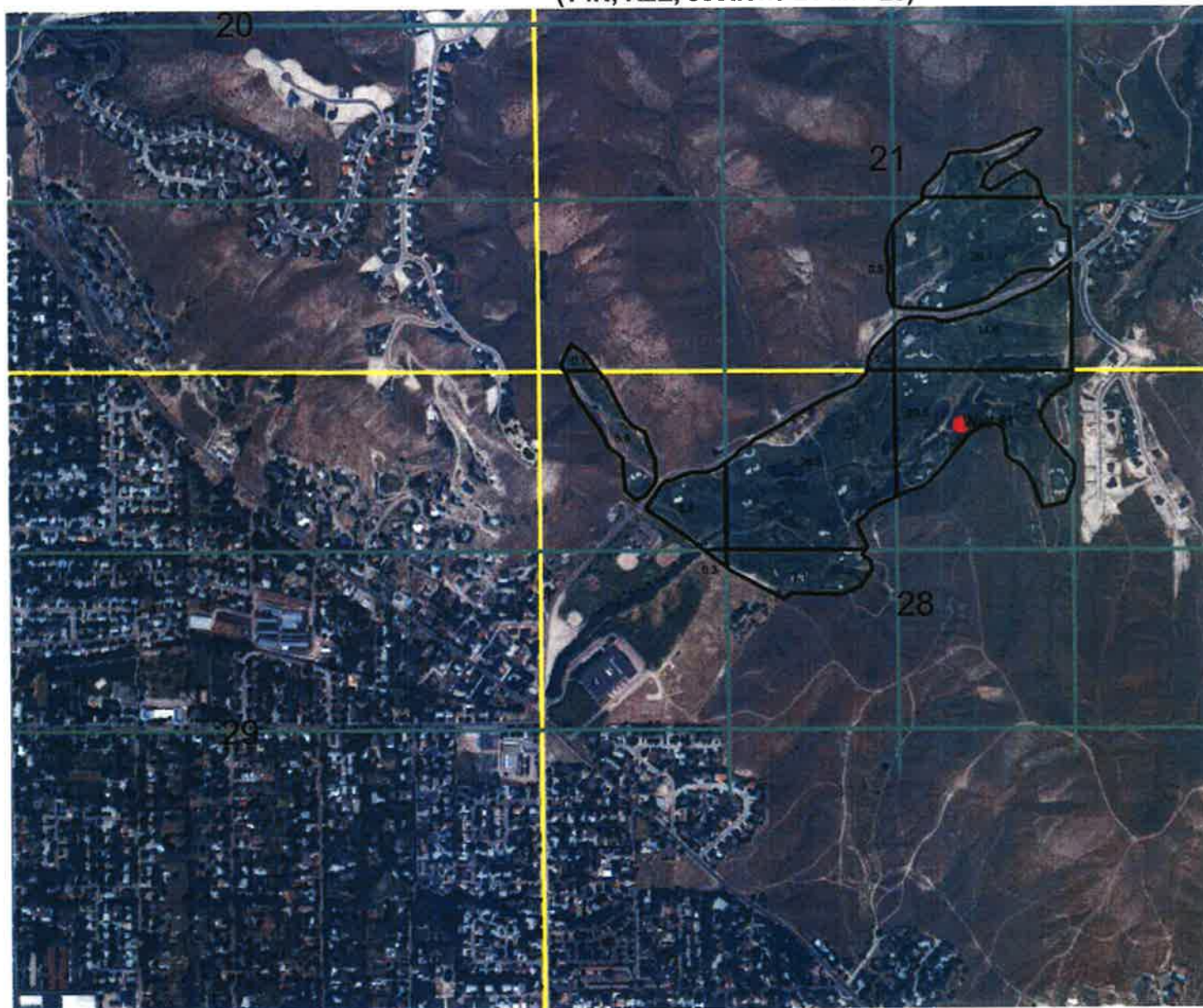
October 10, 2006

Last Name Bluegrass, LLC

Ident. Number 63-04037

BOI_MT1:624698.1

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



0.5 0 0.5 1 Miles

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
QQ
Sections

0.25 0 0.25 0.5 Miles



RECEIVED

AUG 23 2006

Department of Water Resources
Adjudication Bureau

1274

DISTRICT COURT-SRBA
Fifth Judicial District
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)

A. Subcase 63-04037

(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: 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.

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



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:

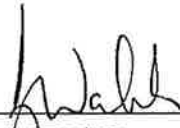
Name: Edwards Family LLC
Address: 4106 Sand Creek Street, Boise, Idaho 83703

4. Copies to:

IDWR Document Depository
PO 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
PO Box 44449
Boise, ID 83711-4449



Your signature or signature of attorney
mailing on your behalf

RECEIVED

AUG 23 2006

Department of Water Resources
Adjudication Bureau

1274

DISTRICT COURT-SRBA Fifth Judicial District 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)

A. Subcase 63-04037

(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.

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)

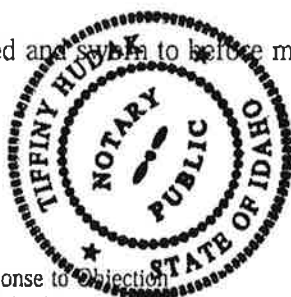
Andrew Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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 26, 2006
Andrew Waldera
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:

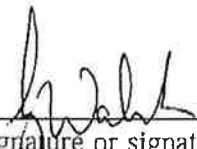
Name: The Terteling Co Inc.
Address: 3823 N. 36th Street, Boise, Idaho 83703

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 63-4037

(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.	Bluegrass, LLC and David Hendrickson
Address:	3823 North 36 th Street	4705 North 36 th Street
	Boise, Idaho 83703	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)

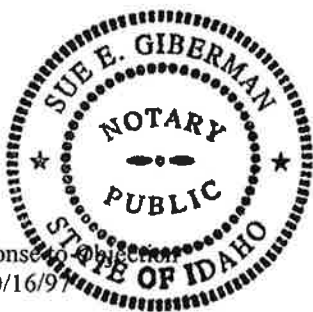
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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)

(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 36th Street
Boise, Idaho 83703

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

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

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

RECEIVED

JUN 23 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

Case No. 39576

A. Subcase 63-4037

(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: BLUEGRASS, LLC

Address: 4705 N. 36TH
Boise, Idaho 83703

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

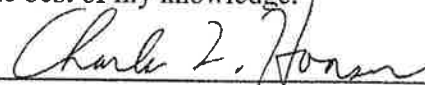
1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. ☐ Recommendation:
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should 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: June 21, 2006



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

CERTIFICATE OF MAILING

I certify that on June 21, 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. 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

Charles Z. Hone
Signature of Respondent or attorney mailing on
Respondent's behalf

RECEIVED

MAY 26 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)

A. Subcase 63-04037

(Insert water right number)

Case No. 39576)

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 & Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields

P.O. Box 829, Boise, ID 83701-0829

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** irrigation; not preconditioned on the use for heating purposes
Should be: prior to irrigation _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
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):** Water right no. 63-04037 has never been
used for heating purposes historically. No portion of the golf course or its facilities contain the
necessary infrastructure to use the water for heating purposes. Last, much of the irrigation
takes place during the spring, summer, and fall months when heat is not desired or necessary.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

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

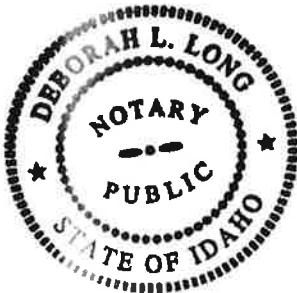
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Andrew J. Waldera

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 25th, 2006



Deborah Long
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/10/07

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 May 25, 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:

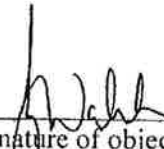
Name: Bluegrass, LLC
Address: 4705 N. 36th Street
Boise, ID 83703

3. 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



Signature of objector or attorney
mailing on Objector's behalf

RECEIVED
APR
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 63-4037
(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: _____
2. ☒ **Source**
Should be: See Section E
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
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 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)

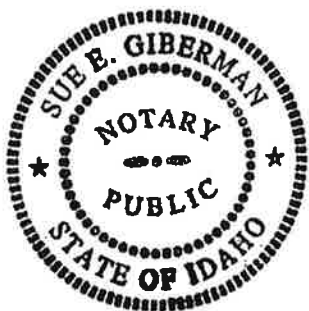
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: April 20, 2006



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

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 April 21, 2006, 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 36th Street
Boise, Idaho 83703

3. Copies to:

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

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

RECEIVED
APR 21 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

Case No. 39576

A. Subcase 63-4037

(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 36th 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 DIRECTOR'S REPORT

Name: ROBERT M. BLUEGRASS, LLC

Address: 4705 N. 36TH
Boise, Idaho 83703

COPY

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: Maximim quantity that can be diverted through historical point of diversion.

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: Consistent with quantity that can be diverted through historical point of diversion. 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. Recommended quantity is greater than historically used.

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: 6410 E. Boise, Idaho
My Commission Expires: 04/01/10

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. 36TH
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

05/28/2005

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

RIGHT NUMBER: 63-4037

NAME AND ADDRESS: VANCROFT CORP
3222 S PASS COURT
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
231.750 AFY

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

PRIORITY DATE: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.000 CFS

231.75 AFY

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

PLACE OF USE:

IRRIGATION Within ADA County

T04N R02E S21	SESW	1.3	T04N R02E S21	SWSE	14.0
T04N R02E S28	NWNE	15.0	T04N R02E S28	NENW	5.0
T04N R02E S28	NWNW	16.2			

51.5 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: Beneficial Use

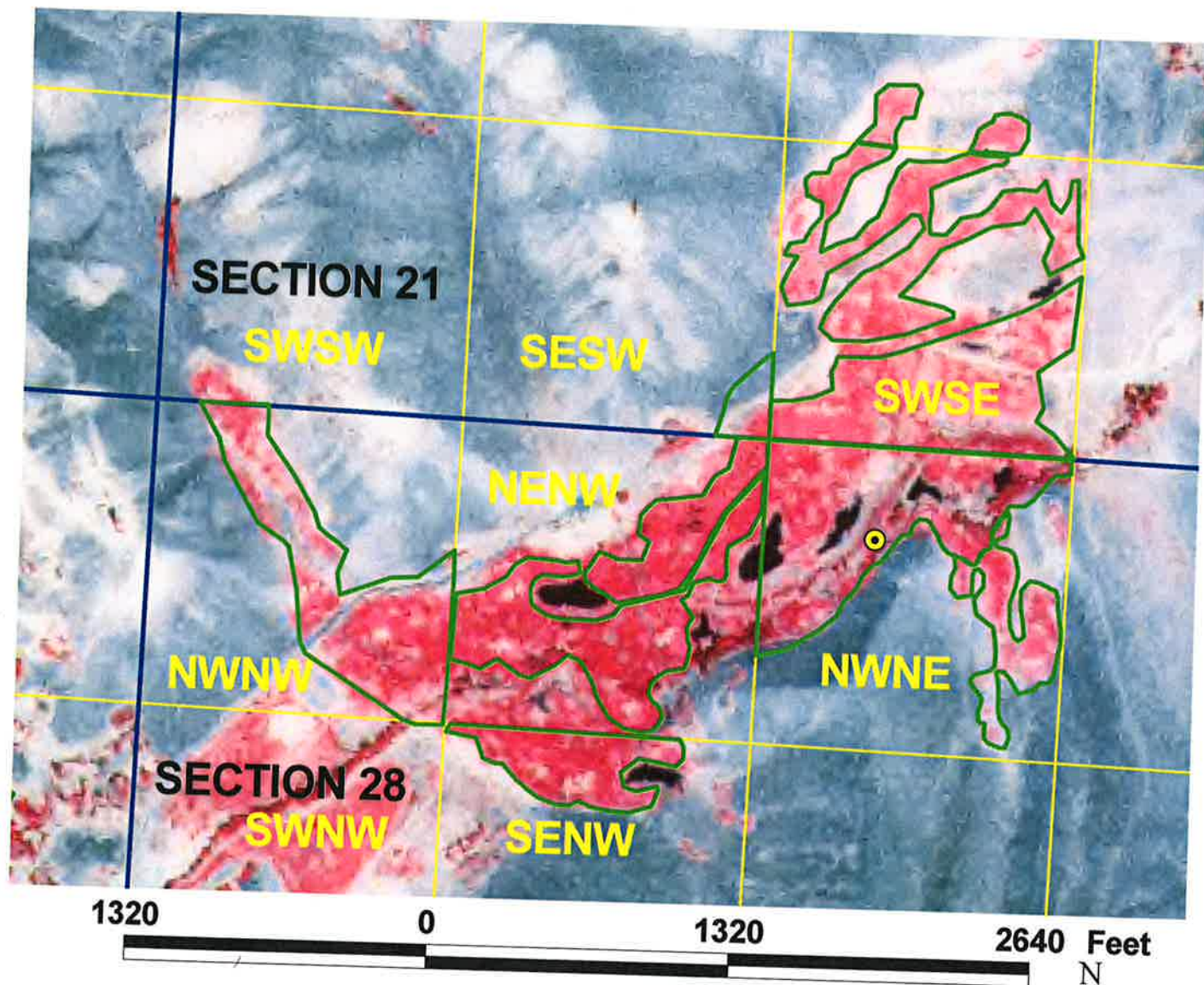
PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

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

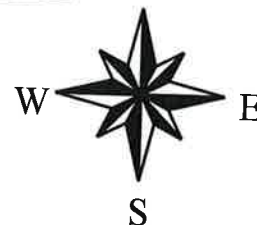


State of Idaho
Idaho Department of Water Resources
Western Region

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



IRRIGATED ACRES = 74.9



- 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4037 V1

WATER RIGHT NUMBER: 63-4037 V1

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

Priority Date: 04/07/1937

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

<u>From</u>	<u>To</u>
03/01	to 11/15

Diversion Rate

1.000 CFS

Annual Volume

234.00 AF

Total Diversion:

1.000 CFS

234.00 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

NW1/4NE1/4

Sec. 28, Twp 04N, Rge 02E, B.M.

Place of UseIRRIGATION Within ADA County

T04N R02E S21	SESW	1.3	T04N R02E S21	SWSE	14.0
T04N R02E S28	NWNE	15.0	T04N R02E S28	NENW	5.0
T04N R02E S28	NWNW	16.2			

Total Acres: 51.5

Conditions of Approval:

1. C18 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.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63-S.
3. X10 Low temperature geothermal water diverted under this right shall not be used for irrigation purposes unless it is first used for heating purposes.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4037 V1

1. Explanatory Right no. 63-9758 is also diverted through point of diversion described above.
2. Explanatory PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

Comments:

1. vmusic 3/17/2005 MEMO

Comment: SEE MEMO IN CLAIM FILE FOR BASIS OF RECOMMENDATION RE QUANTITY, ACRES, DIVERSION RATE, PRIORITY DATE

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	3/16/2005 8:30:06 AM	vmusic	(No) 1. Do you want to schedule an appointment?
Priority Date	3/16/2005 8:51:48 AM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - LETTER FROM IDAHO POWER
POD	3/16/2005 9:06:45 AM	vmusic	Edited point location
POD	3/16/2005 8:52:43 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4037 V1

POU	3/16/2005 9:09:33 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - PLACE OF USE IS CURRENTLY PART OF QUAIL HOLLOW GOLF COURSE. 1939 AERIAL CONFIRMS ORIGINAL POU
POU	3/16/2005 4:28:46 PM	vmusic	Edited shape boundary
POU	3/16/2005 4:29:43 PM	vmusic	Edited shape boundary
Season	3/16/2005 4:31:17 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Use	3/16/2005 4:30:33 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - LICENSING EXAM FOR OVERLAP 63-9758
Quantity	3/16/2005 4:32:45 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? Description for Question 7 - OBTAINED Description for Question 7 - SEE LICENSING EXAM FOR OVERLAP 63-9758

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4037 V1

Summary	3/16/2005 4:33:19 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required?
POU	3/16/2005 4:29:28 PM	vmusic	Edited shape boundary
Source	3/16/2005 9:07:45 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - DURING LICENSING OF OVERLAP 63-9758
POU	3/16/2005 4:29:13 PM	vmusic	Edited shape boundary
POU	3/16/2005 4:28:27 PM	vmusic	Edited shape boundary

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-4037
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: BASIS FOR RECOMMENDATION
DATE: 3/17/2005
CC:

This statutory claim is for what is referred to locally as the "Nibler well", currently located on the Quail Hollow Golf Course. Victor Nibler filed the claim for 60 acres irrigation at 0.04 cfs per acre, total Q of 2.4 cfs, with a priority date of 1931. The right was subsequently conveyed to Vancroft and developed into a golf course. Another beneficial use claim, 63-21875, was filed for the same acres, 55 instead of 60 acres.

Issues

1 – Priority Date

The 1931 priority date would place this in the Silkey decree time frame. The Decree was issued 6/13/1930. In an appeal filed in Silkey, the Court Opinion mentioned that a well was drilled into the artesian basin by a non-party to the action. This opinion was issued 1/18/1934. 54 Idaho 126, 28 P.2d 1037. There is no way to know what well the Court is referring to – one of the Nibler wells, the Stralow well or a different well. Mr. Nibler provided priority of 1937, a letter from ID Power, stating that power was supplied from 4/7/1937 to a well pump at the claim POD.

A request was made in writing and verbally for evidence of priority for the 1931 date. None was provided. I will recommend the 1937 priority date.

2 – Place of use

Nibler claimed a 60-acre pou in this claim and a b/u claim no 63-21875 for 55 of the same acres. I reviewed aerial photos from 1939, 1964 and 1987 to try to determine the original place of use. In Section 21 SESW, I could only find 1.3 acres irrigated [really only a few acres are practically irrigable acres] of the 10 claimed. The rest of this QQ is foothills owned by the Appletons, Donnellys and Tertellings. Likewise, in Sec. 28 NWNW, I could only find about 16.2 acres irrigated and owned

by claimant of the 20 claimed. However, in Sec. 21 SWSE, 10 acres were claimed and I found 14 actually irrigated.

I will recommend 52 acres.

Quantity

Claimants claimed 60 acres at 0.04 cfs per acres for a total of 2.4 cfs. This is twice the standard of 0.02 cfs. I think they claimed this rate because the Silkey Decree decreed a diversion rate of 0.04 cfs per acre for irrigation. However, claimants were not a party to Silkey and the claimants provided no justification for the increased diversion rate. Therefore, I will recommend the diversion rate for this right at the 0.02 cfs per acre diversion rate.

VLM



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.

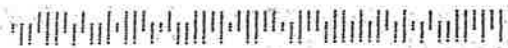
If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you 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:l
Enclosures

STATE OF ID
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705



FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004389393
MAILED FROM ZIP CODE

ADDRESSSEE
UNKNOWN

AK

Not AT
3222 E. South Pass

VANCROFT CORP
3222 S PASS COURT
BOISE ID 83705

63-4037
63-21875

Blue Grass LLC
2148 Wagonwheel Ct
Carrollton TX 75006

RECEIVED
JUN 13 2005
WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE
REQUESTED



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

AUG 19 1992

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. Nelson
4705 N. 36th

Burke ID. 83703

[✓] New Claimant(s): Vancouver Corporation

[✓] New Mailing Address: 3222 South Pass Court
Burke 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 S&SW 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

Department of Water Resources
Western Regional Office

MICROFILMED

AUG 19 1992

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:

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 BASTIDA
RECORDER

By

Deputy

Victor L. Nibler
Victor L. Nibler

Ruth E. Nibler
Ruth E. Nibler

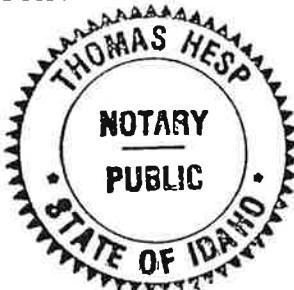
STATE OF IDAHO

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
AUG 19 1992

EXHIBIT A
DESCRIPTION OF PROPERTY

MICROFILMED
AUG 19 1992

EXHIBIT A

DESCRIPTION OF PROPERTY

1600AL 80 800AL 40 160 80
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:

NIEBLER'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.

MICROFILMED

AUG 19 1992

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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AUG 19 1992

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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AUG 19 1992

21

SWSW

SESW

SWSE

NWNW

NENW

NWNE

28

Desktop Review / VHM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
 - ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4037 statutory claim

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Actually not sure who current owner
is - Mr. Denny?

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: claimed 1931 - recommended 4-7-1937

(If priority date, based on your exam, seems questionable, explain below.)

Source: GW - geothermal Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see claim and license 63-9758**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use irr From 3/1 To 11/15 Amount 1.0 CFS 234 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

(62 ac)(4.5) = 234 AFA or (1.0)(1.9835)(260) = 515.71

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:new Quail Hollow Golf Course☒ No Change☐ Changes shown below:

Difficult to discern the original irrigated acres circa 1937.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-9758

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see license memo for 63-9758

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

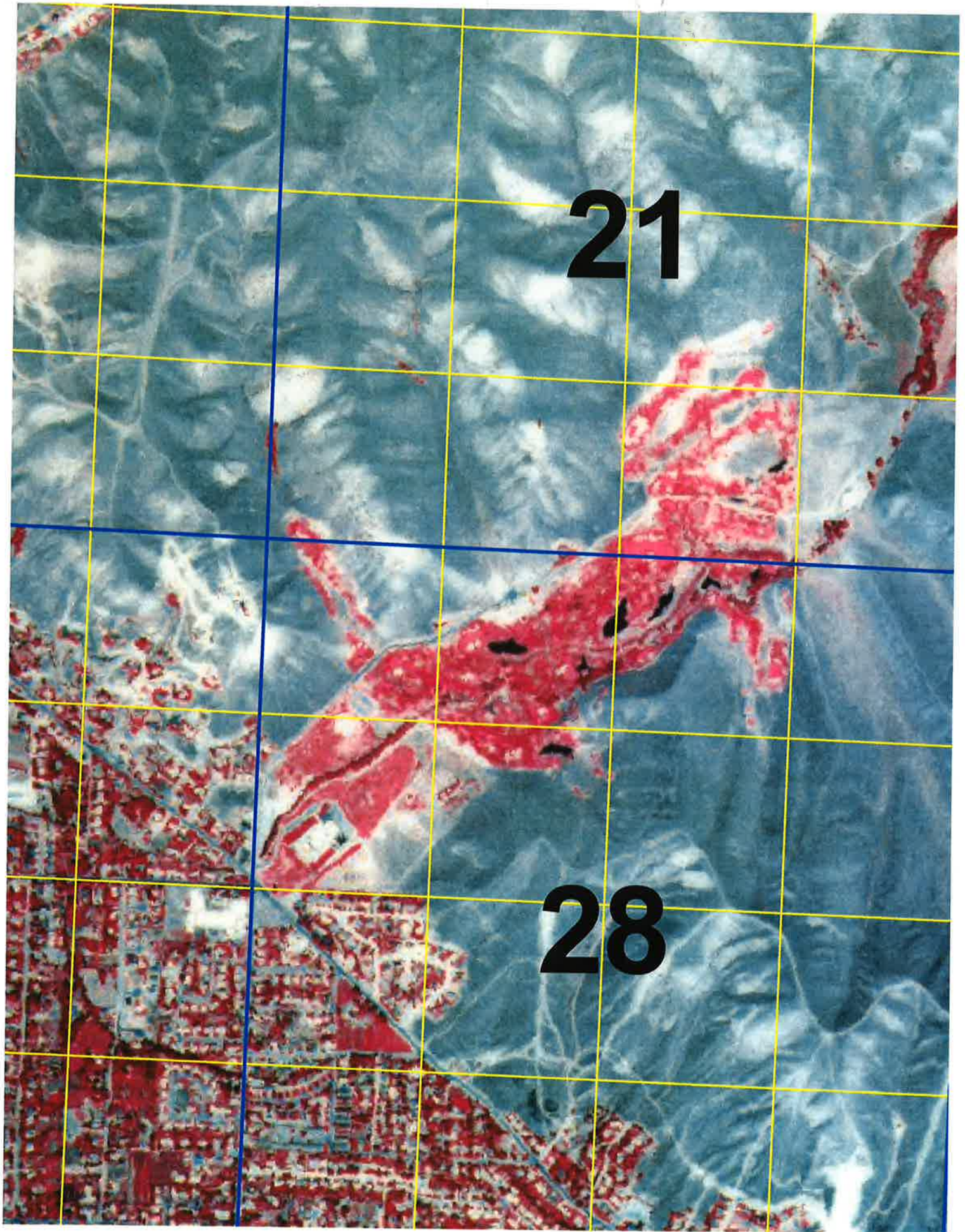
NARRATIVE/REMARKS/COMMENTS

Yaka Quail Hollow Golf course
geothermal well - low to
WD 63-5
supp. to cold water wells - ?
combined use remarks? ?
POU
POB

N/A

- DATE EXAM CONDUCTED: 3/10/05

CTED: 3/18/05
Woz LINC



1987 NAPP photo

21

28

2000 APRIL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4037

WATER RIGHT NUMBER: 63-4037

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

Priority Date: 10/01/1931
Basis: Statutory Claim
Status: Active

4-7-1939
no shoulder on art

Source
GROUND WATER

3/1-11/15 Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.400 CFS	540 afa
	<u>Total Diversion:</u>	2.400 CFS	234

Location of Point(s) of Diversion
GROUND WATER
ADA County

NW1/4NW1/4NE1/4 Sec. 28, Twp 04N, Rge 02E, B.M.

Place of Use
IRRIGATION Within ADA County

T04N R02E S21	SESW	10.0	T04N R02E S21	SWSE	10.0
T04N R02E S28	NWNE	15.0	T04N R02E S28	NENW	5.0
T04N R02E S28	NWNW	20.0			
Total Acres: 60					

1.3
15.2 14
16.2

Conditions of Approval:

Remarks:

- General
USE OF THIS RIGHT AT PRESENT IS FOR IRRIGATION OF QUAIL HOLLOW GOLF COURSE. CLAIMANT FOR THIS RIGHT HAS LEASED THE GROUND COVERED BY THE RIGHT ON A 99 YEAR BASIS TO TEE LIMITED, THE OPERATOR OF THE GOLF COURSE.

WM of WD 63-5
6104 NW 1/4 water to 120°

Gold ~ 510 acres to Vancroft
540

does not produce
2-4 cfs

911 foot hills

10/19/2005

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

RIGHT NUMBER: 63-4037

NAME AND ADDRESS: BLUEGRASS LLC
4705 N 36TH
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
231.750 AFY

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

PRIORITY DATE: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS 231.75 AFY
(Low temperature geothermal water diverted under this right shall not be used for irrigation purposes unless it is first used for heating purposes.		

PLACE OF USE:

<u>IRRIGATION Within ADA County</u>					
T04N R02E S21	SESW	1.3	T04N R02E S21	SWSE	14.0
T04N R02E S28	NWNE	15.0	T04N R02E S28	NENW	5.0
T04N R02E S28	NWNW	16.2			

51.5 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

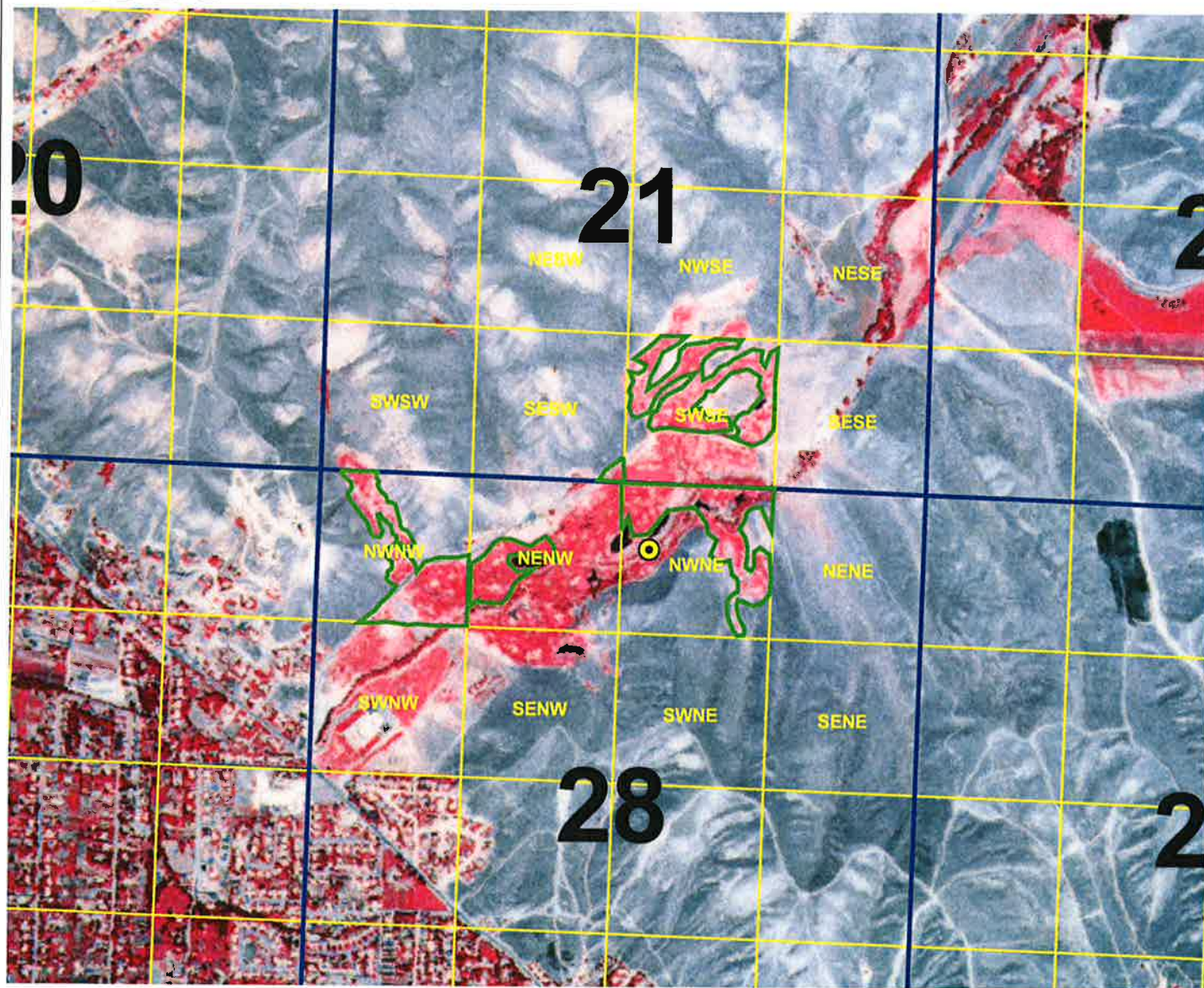
Right no. 63-9758 is also diverted through point of diversion described above.

*view: needs to be removed - does not apply to this
- 63-4037 1937 priority date*



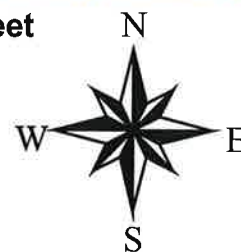
State of Idaho
Idaho Department of Water Resources
Western Region

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



1320 0 1320 2640 3960 Feet

TOTAL IRRIGATED ACRES = 51.5



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

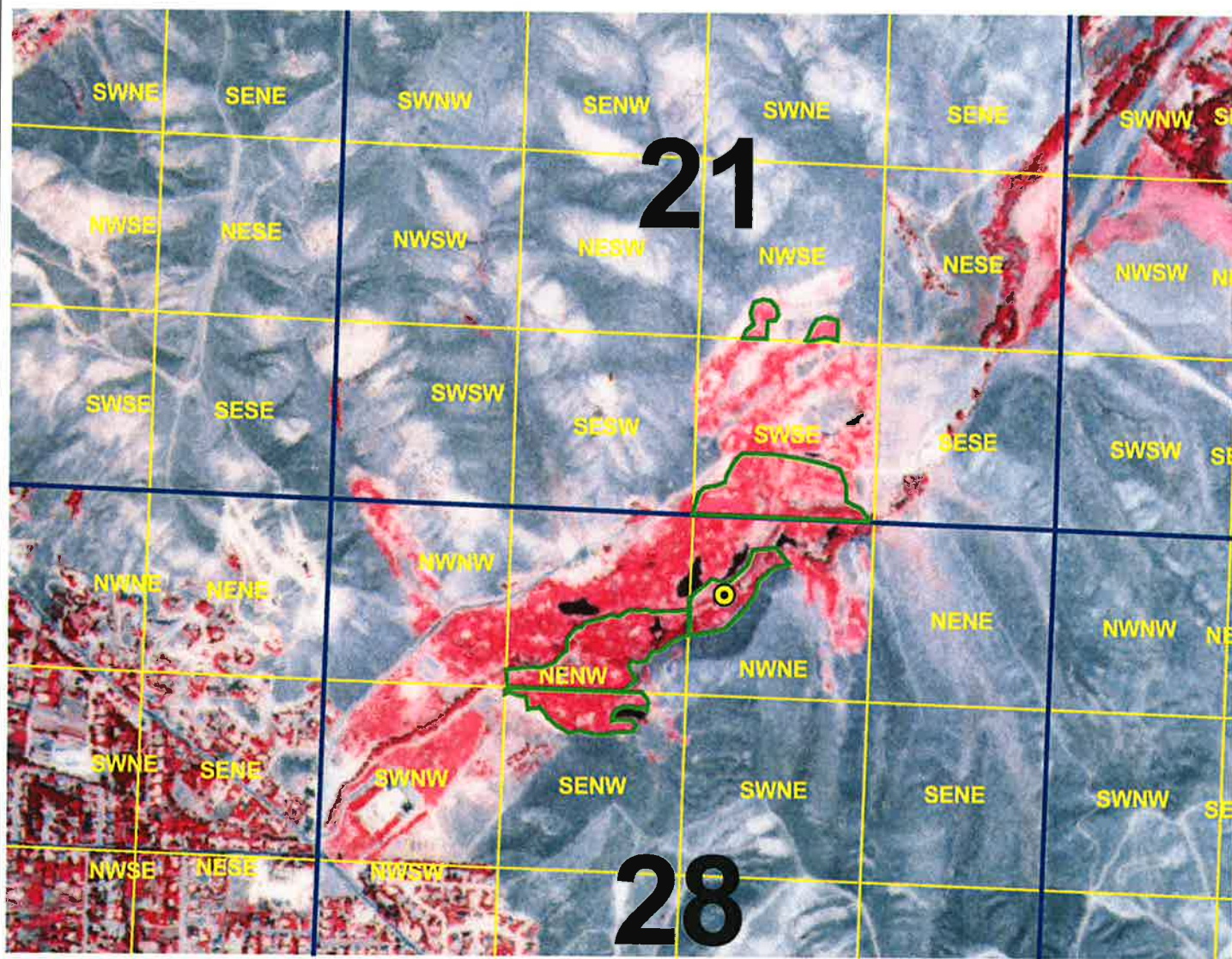
GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005



State of Idaho
Idaho Department of Water Resources
Western Region

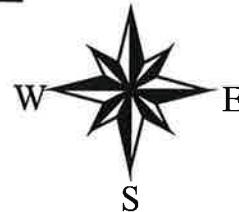
overlap of
63-4037

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



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 31.2



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

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

FRIDAY
11:00 PM

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. 63-4037
DATE: 8/19/2004
CC: CLAIM FILE

Burke, this claim is an overlap of 63-12875 [beneficial use 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 1931 priority date. We have evidence to 1937 but not to 1931.
- 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 36th
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

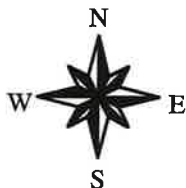
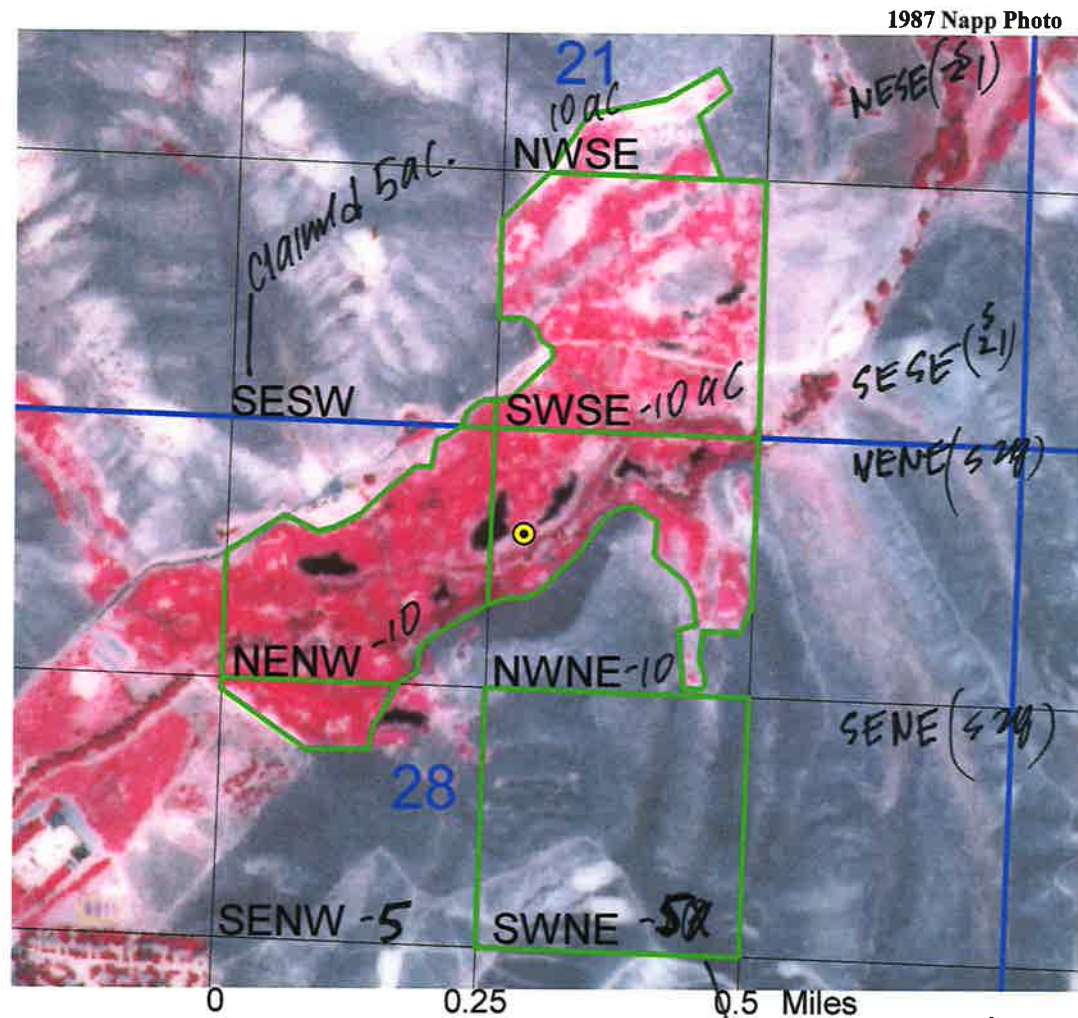
Please have the owner forward evidence of the priority date and the change of ownership form directly to me as soon as is reasonably possible.

Thanks !

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



03/18/2005

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

RIGHT NUMBER: 63-4037

NAME AND ADDRESS: VANCROFT CORP
3222 S PASS COURT
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
234.000 AFY

234.16

PRIORITY DATE: 04/07/1937

POINT OF DIVERSION:

T04N R02E S28 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.000 CFS

234.00 AFY

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

PLACE OF USE:

IRRIGATION Within ADA County

T04N R02E S21	SESW	1.3	T04N R02E S21	SWSE	14.0
T04N R02E S28	NWNE	15.0	T04N R02E S28	NENW	5.0
T04N R02E S28	NWNW	16.2			

51.5 ACRES TOTAL

13 3.2

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.

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

EXPLANATORY MATERIAL: Beneficial Use

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

PROPERTY IS ALSO KNOWN AS THE QUAIL HOLLOW GOLF COURSE.

63-21875 surface 160

E-35 ✓
POU condition
when combined w/ 21875, 915B
not to exceed 10 ac.

Water Right 63-4037

1
Elo when combined w/ 915B,
limited to 1.31 CFS
AFA

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. 63-4037
DATE: 8/19/2004
CC: CLAIM FILE

Burke, this claim is an overlap of 63-12875 [beneficial use 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 1931 priority date. We have evidence to 1937 but not to 1931.
- 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 36th
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 conversation w/ Burke, Mr. Donnelly became irritated when Burke asked for info re this claim & suggested that he do a change of ownership - Mr. Donnelly said he had already filed C/O for claims on property he inherited from Vancroft.

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

Return Service Requested

63-21036

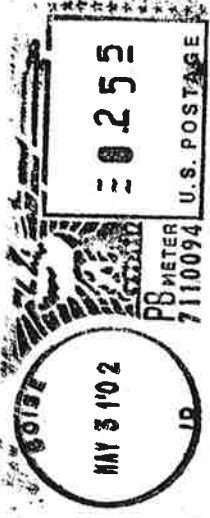
4037

21875

Found

Not in packet

PRESORTED
FIRST CLASS



RECEIVED

JUN 14 2002

WATER RESOURCES
WESTERN REGION

ADDRESSEE UNKNOWN
VANCROFT CORPORATION
3222 S PASS COURT
BOISE ID 83705



04AGT152425/6632

21

SWSW

SESW

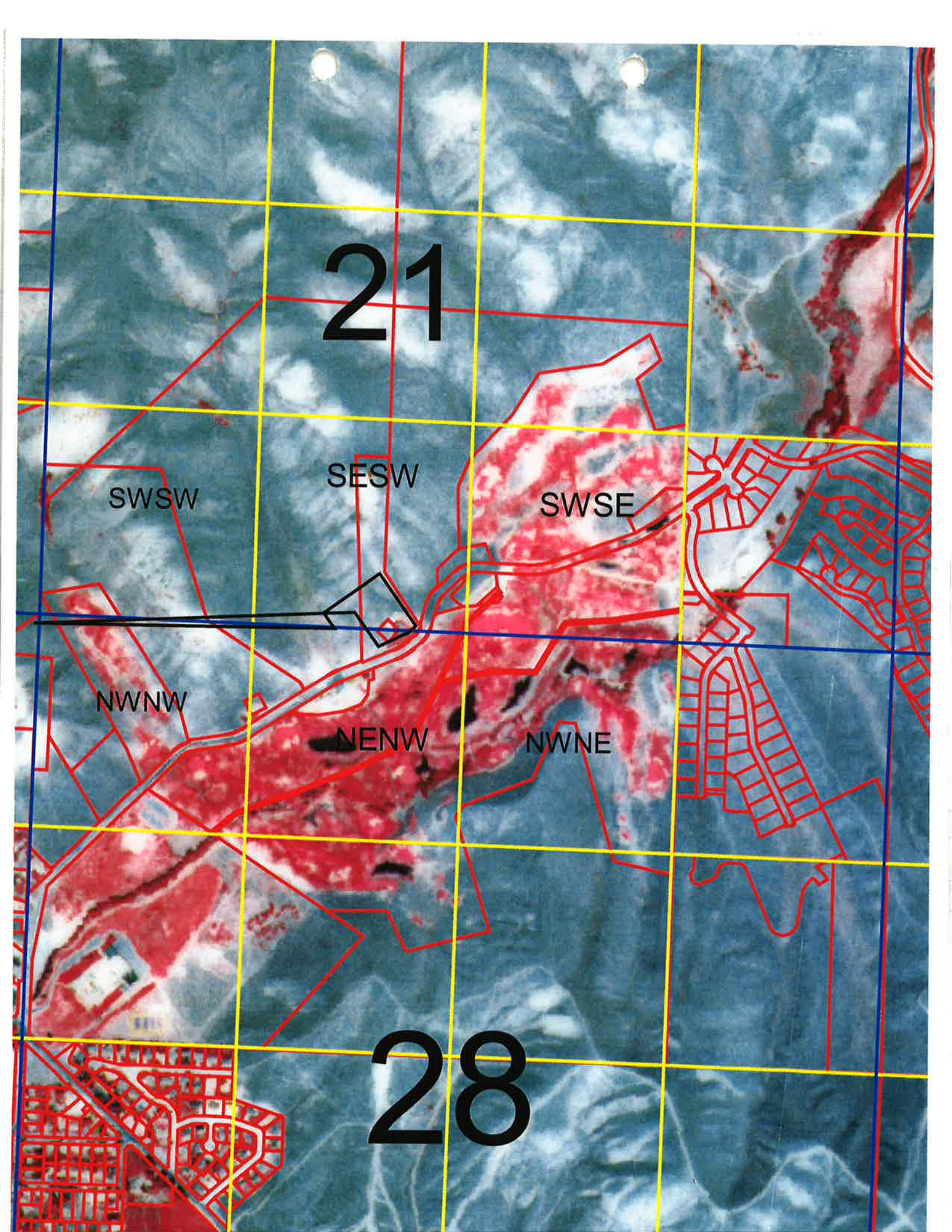
SWSE

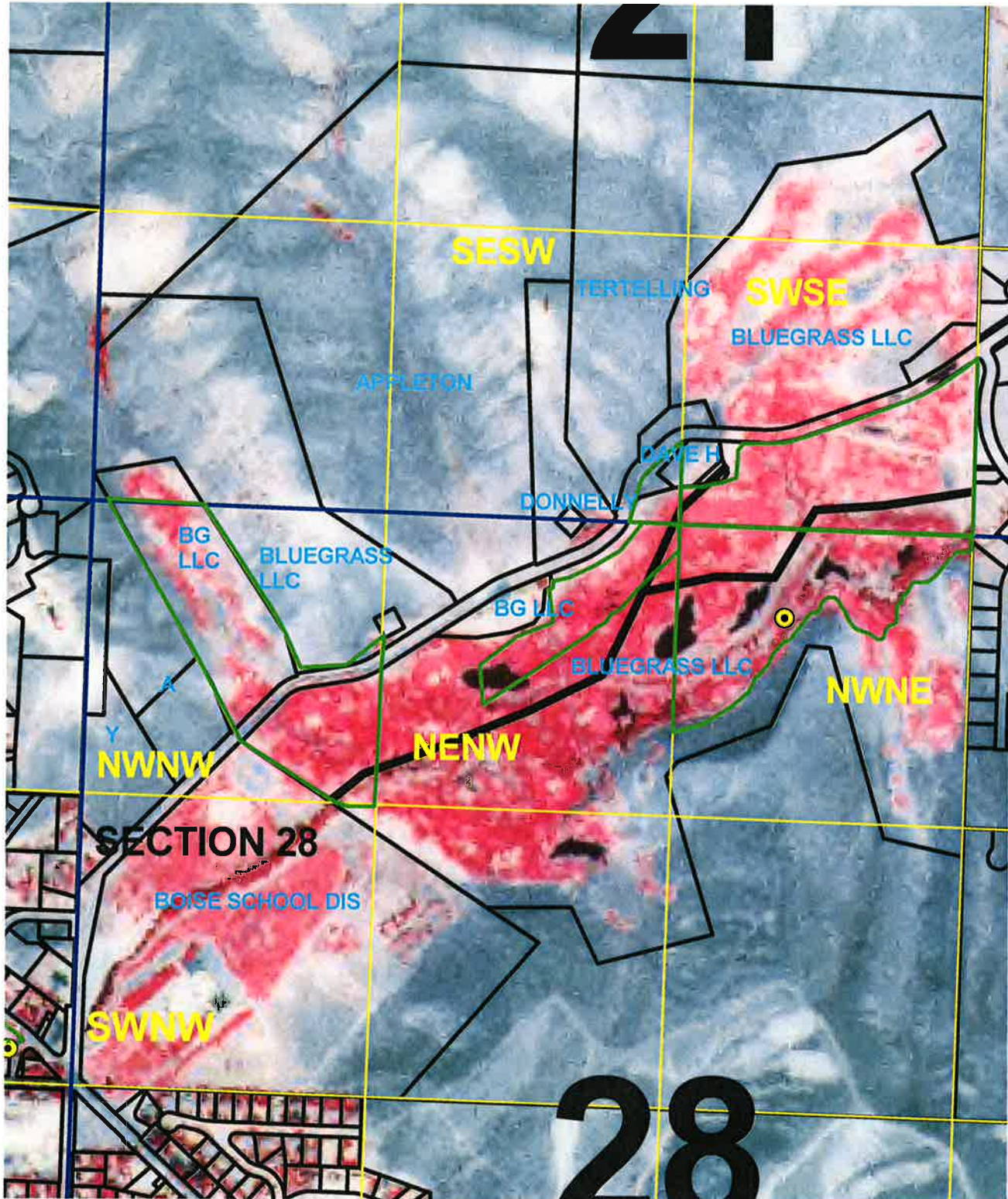
NWNW

NENW

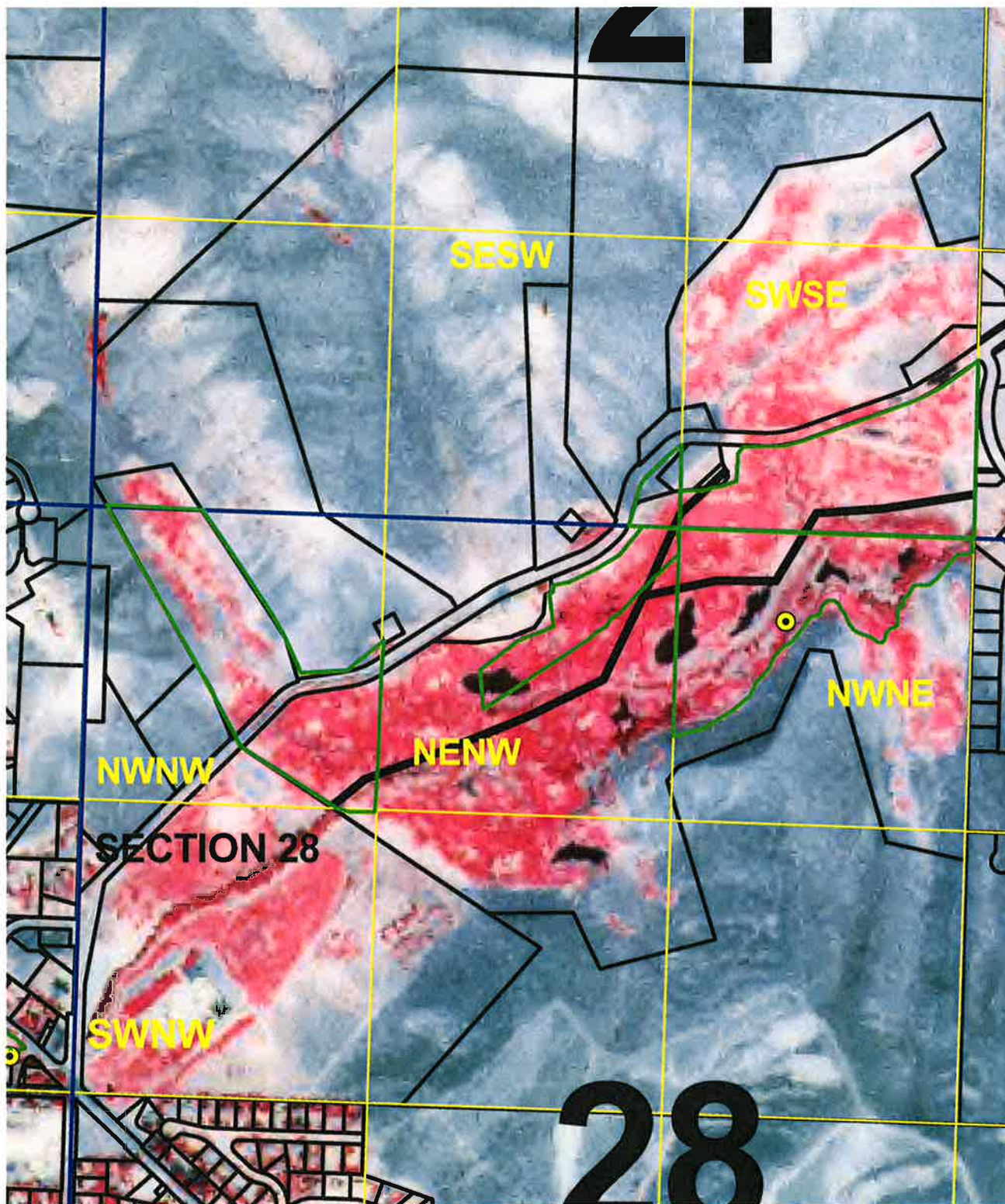
NWNE

28



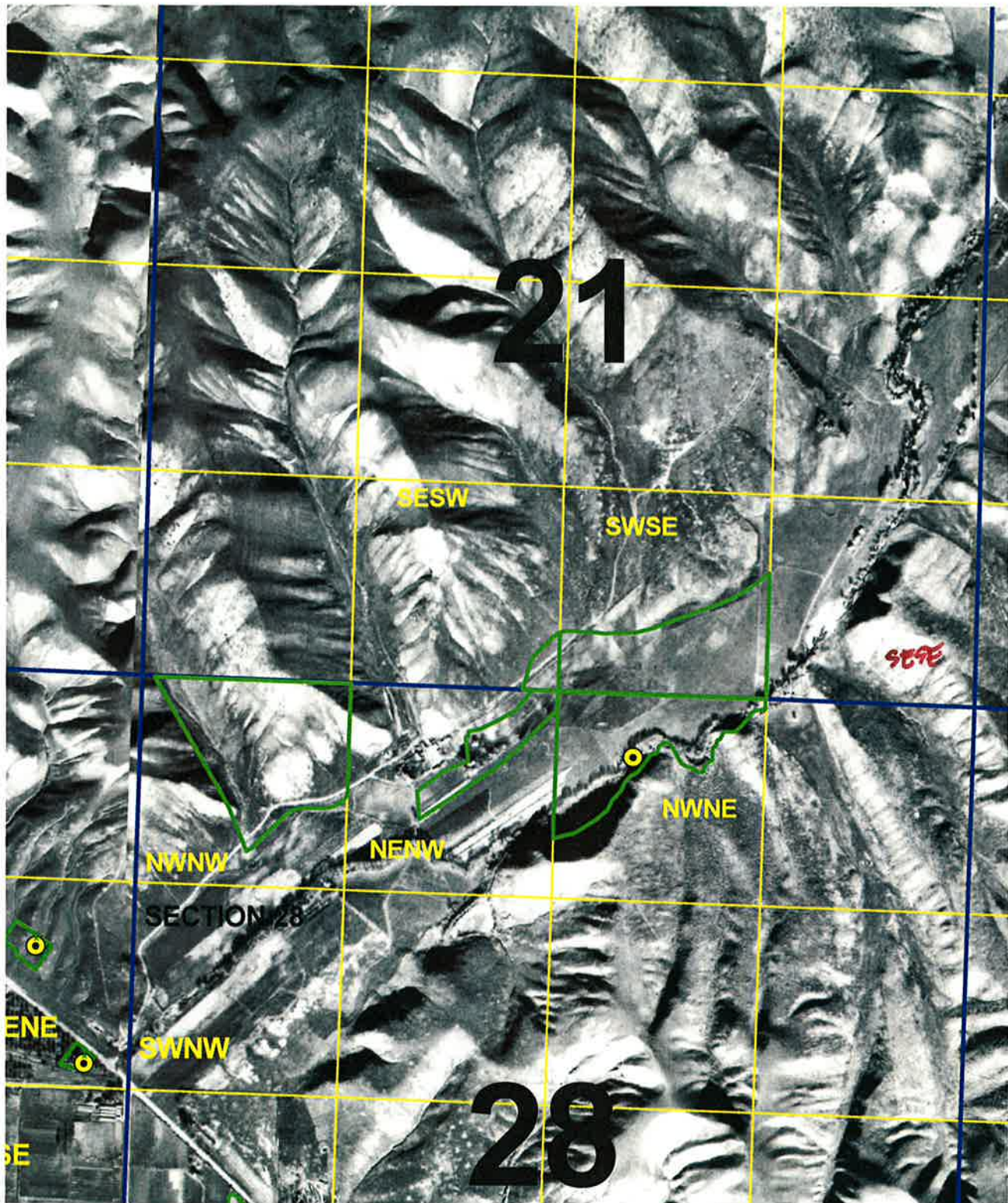


63-4037 -- 1987 AERIAL. WITH TAX LOT INFO

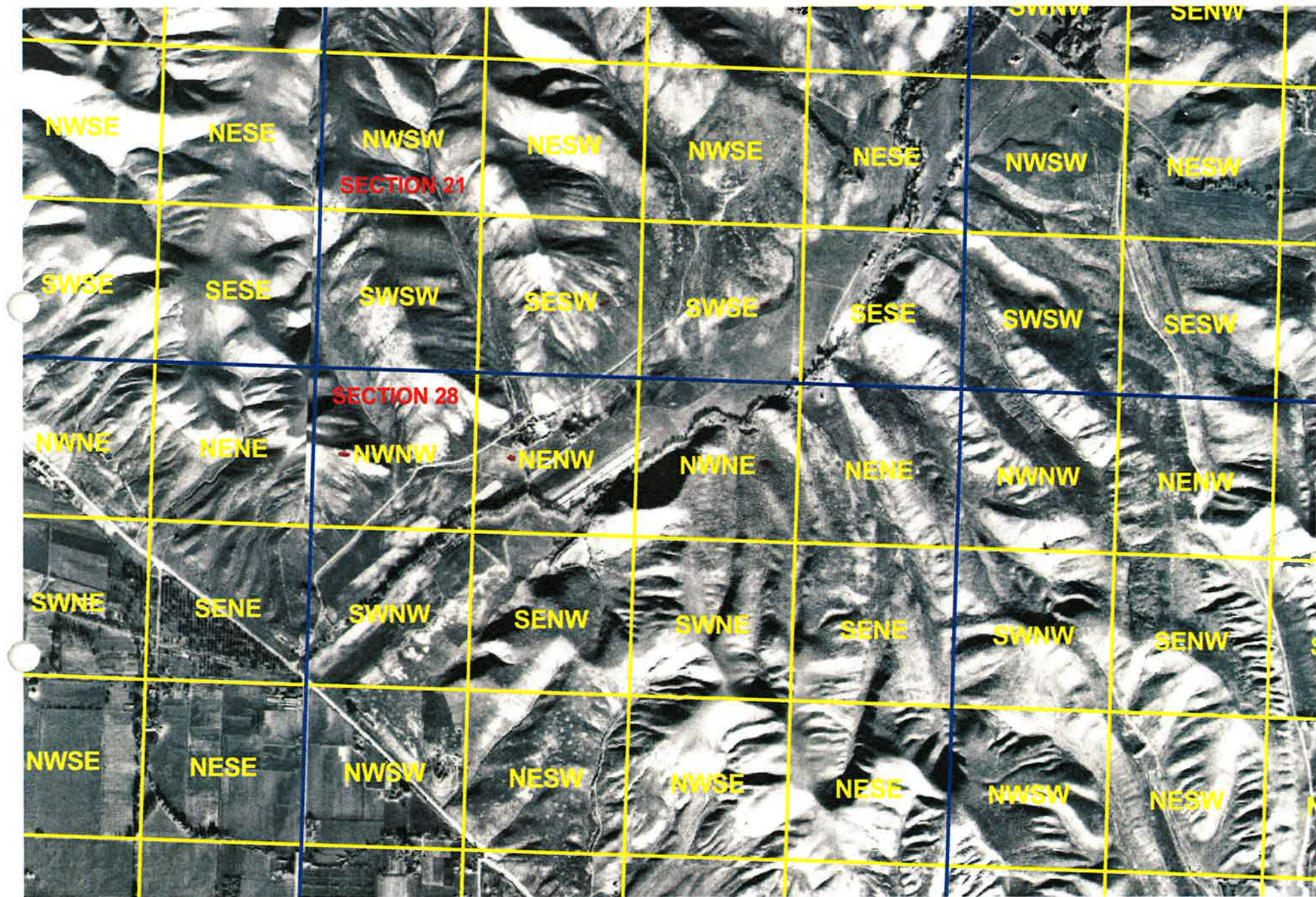


63-4037 -- 1987 AERIAL. TRYING TO FIND THE 60 ACRES IRRIGATED
IN 1987 OWNED BY GOLF COURSE. ACCOMPLISHED T
RANSFER IN POU TO ADJACENT ACRES?

No



63-4037 -- 1939 AERIAL. DIFFICULT TO DISCERN FROM CLAIM OR LICENSE FILE FOR OVERLAP 63-9758 WHAT THE ORIGINAL POU OF THE CLAIMED ACRES WAS. CANNOT FIND 10 ACRES IN SESW S 21 - MOSTLY FOOTHILLS.



1939 aerial

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4037**

03/16/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-4037	Claim	04N	02E	21	SE	SW		IRRIGATION	10/60	VANCROFT CORP
63-21875	Claim	04N	02E	21	SE	SW		IRRIGATION	5/55	VANCROFT CORP
63-4037	Water Right	04N	02E	21	SE	SW		IRRIGATION	10/60	VICTOR L NIBLER
63-2103A	Claim	04N	02E	21	SE	SW		DOMESTIC		ROBERT M DONNELLY
63-4037	Claim	04N	02E	21	SW	SE		IRRIGATION	10/60	VANCROFT CORP
63-21875	Claim	04N	02E	21	SW	SE		IRRIGATION	10/55	VANCROFT CORP
63-2103	Water Right	04N	02E	21	SW	SE		IRRIGATION	5/5	LEONARD DOBSON
63-4037	Water Right	04N	02E	21	SW	SE		IRRIGATION	10/60	VICTOR L NIBLER
63-9758	Water Right	04N	02E	21	SW	SE		IRRIGATION	4/110	DAVID HENDRICKSON
63-4037	Claim	04N	02E	28	NW	NE		IRRIGATION	15/60	VANCROFT CORP
63-21875	Claim	04N	02E	28	NW	NE		IRRIGATION	10/55	VANCROFT CORP
63-4037	Water Right	04N	02E	28	NW	NE		IRRIGATION	15/60	VICTOR L NIBLER
63-9758	Water Right	04N	02E	28	NW	NE		IRRIGATION	16/110	DAVID HENDRICKSON
63-2576	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2605	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2874	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2954	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2956	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2989	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-3164	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-7067	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-7577	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-7998	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-19456	Claim	04N	02E	28	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
63-2103B	Claim	04N	02E	28	NE	NW		IRRIGATION	1/5	ROBERT M DONNELLY
63-4037	Claim	04N	02E	28	NE	NW		IRRIGATION	5/60	VANCROFT CORP
63-21875	Claim	04N	02E	28	NE	NW		IRRIGATION	10/55	VANCROFT CORP
63-4037	Water Right	04N	02E	28	NE	NW		IRRIGATION	5/60	VICTOR L NIBLER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4037

03/16/2005

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-9758	Water Right	04N	02E	28	NE	NW		IRRIGATION	31/110	DAVID HENDRICKSON
63-2576	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2605	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2874	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2954	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2956	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2989	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-3164	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7067	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7577	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7998	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-19456	Claim	04N	02E	28	NE	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2103B	Claim	04N	02E	28	NE	NW		DOMESTIC		ROBERT M DONNELLY
63-2103B	Claim	04N	02E	28	NW	NW		IRRIGATION	4/5	ROBERT M DONNELLY
63-4037	Claim	04N	02E	28	NW	NW		IRRIGATION	20/60	VANCROFT CORP
63-4037	Water Right	04N	02E	28	NW	NW		IRRIGATION	20/60	VICTOR L NIBLER
63-9758	Water Right	04N	02E	28	NW	NW		IRRIGATION	17/110	DAVID HENDRICKSON
63-2576	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2605	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2874	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2954	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2956	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-2989	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-3164	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7067	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7577	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-7998	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC
63-19456	Claim	04N	02E	28	NW	NW		MUNICIPAL		UNITED WATER IDAHO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4037

03/16/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4037	Claim	04N	02E	28	NW	NE		GROUND WATER	VANCROFT CORP
63-21875	Claim	04N	02E	28	NW	NE		STEWART GULCH CREEK BOISE RIVER	VANCROFT CORP
63-4037	Water Right	04N	02E	28	NW	NE		GROUND WATER	VICTOR L NIBLER
63-9758	Water Right	04N	02E	28	NW	NE		GROUND WATER	DAVID HENDRICKSON

COMPUTATION SHEET

BY	DATE	PROJECT	SHEET ____ OF ____
CHKD BY	DATE	FEATURE	
DETAILS			

KEVIN ORR
SHOP 344 7009

#601 A0000058

FLOW RATE = 350 GPM (SIGNET PROPELLER METER)

ID PWR

03 876 705

29.33 Demand

$$WHP = \frac{(222.15)(350)}{3960}$$

$$\frac{19.9 WHP}{39.0} = 51\%$$

RR
EFF.

PWL

66.4 m

216.68 FT

DISCH 3.7 PSI = 8.6'

TDH = 225.15

$$26.72 \text{ times } 10 \text{ RWS } \frac{(3.6)(21.6)(10)}{26.72} = (29.10 \text{ kW}) \times 1.34 = 39.0 \text{ IHP}$$

$K_h = 21.6$

$\times 1.88$

34.32 BHP 85.8%
40 NAMEPLATE LOAD

#602

A0000057

#603

1 1/2 MILE

HENDRICKSON

11/2 MILE

POD + STEWART GULCH

GPS

2320994
1386937

#41

A000 2481

WATER

North Well

GO Well



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

TEE LTD.

PO BOX 762
BOISE, ID 83701

Type of Business: CORPORATION, GENERAL BUSINESS

Status: FORFEITED 01 Dec 1994

State of Origin: IDAHO

Date of 17 Jul 1986

Origination/Authorization:

Current Registered Agent: THOMAS T. SANDERSON
1087 W RIVER ST #280
BOISE, ID 83702

Organizational ID / Filing C81772
Number:

Number of Authorized Stock 1
Shares:

Date of Last Annual Report: 11 Jul 1988

Amendments:

Amendment filed 17 Jul 1986 INCORPORATION

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Search Result Summary

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Search Results 1 through 1
(SHAMANAH INC. ... SHAMANAH INC.)

SHAMANAH INC. [View Details]

Organizational ID / Filing number: C64694

Filed 05 Sep 1980
CORPORATION
FORFEITED

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

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
01 SEP 17 AM 9:33
CLERK OF STATE
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

3. Corporate Form 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 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2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 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2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921

KENNETH R. ARMENT, P.A.

A Professional Corporation



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Edson Law Offices
280 North 8th Street, Suite 132
Post Office Box 448
Boise, Idaho 83701-0448

Telephone 208 345-8700
Facsimile 208 389-9449

RECEIVED

DEC 10 1993

Department of Water Resources

December 9, 1993

Jim Johnson
IDWR
1301 N. Orchard Street
Boise, Idaho 83720-9000

Re: Water Right License 63-09758

Dear Mr. Johnson:

As you know, I represent Dave Hendrickson, dba Quail Hollow Golf Club, the successor in interest to Tee, Limited. It has come to my attention that the above-referenced water right license was inadvertently issued in the name of Vancroft, Inc. dba Quail Hollow Golf Club, rather than to Mr. David E. Hendrickson.

I understand that the Vancroft Corporation bases its claim to the license on a June 8, 1990 warranty deed for the underlying property from Victor and Ruth Nibler to Vancroft Corporation. The transfer indicates that it includes "all water rights."

As you know, the water right permit held by Tee, Limited under Permit No. 63-09758 was the personal property of Tee, Limited. At the time the underlying property was deeded to Vancroft Corporation, the Niblers did not have any rights to the above-referenced water right as it was owned by Tee, Limited, and subsequently acquired by Mr. Hendrickson.

Mr. Hendrickson does have an interest in the real property where the golf course is situated. Vancroft Corporation's interest is subject to a 99-year lease. Accordingly, Mr. Hendrickson insists on reissuance of the above-referenced water right license to David E. Hendrickson dba Quail Hollow Golf Club. Mr. Hendrickson obviously wants to keep his options open as far as the use and potential marketing of the water right.

RECEIVED

FEB 24 1994

KENNETH R. ARMENT, P.A.

Attorney At Law

1770 W. State Street,
Suite 339
Boise, Idaho
83702

TELEPHONE 208 388-3839
FAX/WHISKEY 208 388-3839



October 9, 1996

William D. Collins
516 W. Franklin
Boise, ID 83702

VIA FAX
336-2121

RE: Quail Hollow

Dear Bill:

In accordance with our telephone conference, enclosed is my first stab at at proposed permit language regarding use of cold water first at Quail Hollow Golf Course.

Without any waiver or forfeiture of existing rights, Applicant agrees to utilize the new cold water source as it's first source of irrigation water so long as it is reasonably available. Additional diversion may still be required from the low-temperature geothermal aquifer to fill Applicant's water rights and needs during the irrigation season. *subject to regulation by the Water Dist.* A nonexclusive list of factors which conceivably could make the cold water, *unavailable* include the call for water, litigation, equipment failure or well recovery. *concerns as problems.* perceived and managed by Applicant.

Please advise of any perceptions or concerns you or your client may have. Thank for your time and attention to this matter.

Very truly yours,

Ken Arment
Kenneth R. Arment

COPY

MEMORANDUM

RECEIVED

RECEIVED

JAN 07 2000

JAN 7 2000

Department of Water Resources

To: File no. 63-04037, Sue Taylor, ^{1st} Kari Lynn Townsend
 From: Gary Spackman *Gary*
 Date: December 28, 1999

DEPARTMENT OF WATER RESOURCES Re: Protest Against Application for Transfer Withdrawn

Claim no. 63-04037 is was filed by Victor Nibler, asserting the right to divert 2.4 cfs of ground water for the irrigation of 60 acres. The claim was one of two water rights included on an application for transfer filed by David Hendrickson in 1996 related to the Quail Hollow Golf Course. The application was published in early May, 1996, and protested in late May, 1996. In December 1996, Hendrickson removed right 63-04037 from the application for transfer. The transfer was finally approved in 1997. I've attached documents recreating this history. No other filings related to claim no. 63-04037 are currently pending.

I conclude that when claim 63-04037 was removed from the application for transfer, the protest date in the IDWR database was not removed. I ask that you remove it immediately.

1-7-00 - Protest date removed from WR2 database. Ret

Post-it® Fax Note	7671	Date 1-7-00	# of pages 1
To <i>Sue Taylor</i>	From <i>Gary Spackman</i>		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO. 63-09758 & 63-04037

Notice is hereby given that David Hendrickson, DBA Quail Hollow Golf Course, 4520 N 36th St, Boise ID 83703, has applied to the Department of Water Resources to add a point of diversion the following water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED

No.	63-09758
Basis	License
Date of Priority	06/30/1981
Source	Ground Water
Amount	1.31 cfs
Use	Irrigation/Aesthetics
Point of Div	SWSE, T04N R02E, Sec 21 NWNE, T04N, R02E, Sec 28
Place of Use	S1/2SE, Sec 21, NWNE, N1/2NW, SENW, Sec 28, T04N R02E

No.	63-04037
Basis	Statutory Claim
Date of Priority	10/01/1931
Source	Ground Water
Amount	2.4 cfs
Use	Irrigation
Point of Div	NWNE, T04N, R02E, Sec 28
Place of Use	SESW, SWSE, Sec 21, NWNE, N1/2NW, Sec 28, T04N, R02E

THE FOLLOWING PORTION OF THE ABOVE WATER RIGHTS TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4804

No.	63-09758 & 63-04037
Point of Div	NWNE, T04N, R02E, Sec 28, 2 Existing Pts NWSW, T04N, R02E, Sec 28, Proposed
Place of Use	No Change

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before May 20, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

Published in the Idaho Statesman on May 2 and 9, 1996.

~~THIS IS REVISED APPL. REPLACE ORIGINAL~~

Jeffrey C. Fereday
GIVENS PURSLEY & HUNTLEY, LLP
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1201

Attorneys for Protestant The Terteling Company, Inc. and Terteling Trust #7

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4804, INVOLVING)
WATER RIGHT NOS. 63-09758)
and 63-04037)

PROTEST OF
THE TERTELING
COMPANY, INC. AND
TERTELING TRUST #7

RECEIVED

MAY 17 1996

Department of Water Resources

RECEIVED

MAY 20 1996

WATER RESOURCES
WESTERN REGION

The Terteling Company, Inc., an Idaho corporation, and Terteling Trust #7 (collectively, "Terteling"), by and through their attorney, Jeffrey C. Fereday of Givens Pursley & Huntley, LLP, and pursuant to I.C. §§ 42-211, 42-222 and Department Rule 250, hereby protests the above-captioned transfer applications (the "transfer") submitted by David Hendrickson, d/b/a Quail Hollow Golf Course ("Quail Hollow"). A \$25.00 protest fee is submitted with this Protest.

The grounds for this Protest are as follows:

1. Terteling holds ground and surface water rights in the vicinity of Quail Hollow that could be affected by the transfer.
2. While Terteling favors the change of Quail Hollow's points of diversion from a low-temperature geothermal source to a cold water aquifer, Terteling is concerned that the proposed post-transfer use of ground water under right no. 63-04037 may involve an illegal enlargement from the amounts historically placed to beneficial use under this right. Terteling wishes to be a party to the transfer in part to assure that any order issued approving the transfer not misstate the priority

PS 4
AJ0749NP
No. A63-04037

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/28/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VANCROFT CORPORATION 3222 S PASS COURT BOISE ID 83705 (208) 384-0414	10/01/1931	IRRIGATION	03-15 11-15	2.40 CFS	
					TOTAL DIVERSION:	2.40 CFS
					CONSUMPTIVE USE:	210.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04N R02E S28

NUNUNE

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04N	02E	21	:													10		10		20.0
04N	02E	28	:			15				05	20									40.0
																			TOTAL ACRES	60.0

POU County: ADA

Non-Irrigation Uses: N/A

Other Rights: N/A

Other Water Rights Listing Overlapping Place(s) of Use:
A63-02103 A63-02103B A63-21875

Remarks: GEN USE OF THIS RIGHT AT PRESENT IS FOR IRRIGATION OF QUAIL HOLLOW GOLF COURSE. CLAIMANT FOR THIS RIGHT HAS LEASED THE GROUND COVERED BY THE RIGHT ON A 99-YEAR BASIS TO TEE LIMITED, THE OPERATOR OF THE GOLF COURSE.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED
AUG 06 1999

SRBA CLAIM
A63-04037 N/A
AGE 12/19/96 Ameno.

-SL

PS 5

WR0749NP
No. 63-09758

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/10/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON DBA QUAIL HOLLOW GOLF COURSE 4520 N 36TH BOISE ID 83703	06/30/1981	IRRIGATION AESTHETIC	03/15 10/15 01/01 12/31	1.310 CFS	495.00 AFA 2.00 AFA
TOTAL DIVERSION:					1.310 CFS	497.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.310 CFS

Point(s) of Diversion: T04N R02E S21 S28

SWSE
NWNE

ADA County
ADA County

Place of Use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04N	02E	21	:													04	31	35.0
04N	02E	28	:		16				31	17		11						75.0
TOTAL ACRES																	110.0	

Place of use location for AESTHETIC is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-04037

Other Water Rights Listing Overlapping Place(s) of Use:
63-00307 63-02103 63-02355 63-04037 63-07595 63-12301

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63S.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks: Place of use is located within Quail Hollow Golf Course.

Dates: App. Received: 06/30/1981 Priority Date: 06/30/1981
Proof Due Date: 06/01/1989 Proof Made Date: 05/31/1989
Exam Made Date: 05/30/1989 Exam Sent to S.D.: 05/30/1989
Licensed Date: 10/26/1993

Misc: Water District Number: 63S Field Exam Fee:

Right
63-09758

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attachment "A" = PS-8

MICROFILMED
AUG 06 1999

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]

(Signature of Applicant)

Subscribed and sworn to before me this 16 day of March, 19 96.

[Signature]

(Notary Public)

My commission expires 6/14/2000

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and — attachments

Received by RB Date 3-19-96

Protest filed by _____

Prelim. check by Ly Fee \$100-

Receipted by DB W020581 Date 3-19-96

Published in Idaho Statesman

Copies of protest forwarded by MICROFILM

Pub. dates May 2 & 9, 1996

Hearing held by SUE Date 11-19-99

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

AMENDED BY D.H. 12/19/96 = REDUCTION, NO RE-ADVERTISING OR FEE NEEDED.

-FL

comment letter
to 63-5 WM.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT David Hendrickson TRANSFER NO. 4804
DBA Quail Hollow Golf Course

INITIAL ALLOCATION REVIEW BY [signature] DATE 4/10/96
SRBA SUPERVISOR REVIEW BY [signature] DATE 2-14-97

1. Right number(s) 63-09758, 63-04037 *deleted 12/19/96 -fr*

2. Type of right ☒ Decree ☒ License ☒ Statutory Claim
☒ SRBA Beneficial Use Claim A63-04037 matches stat claim

3. Purpose of transfer ☒ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ All of right
- b. N/A Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- * c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. N/A Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: statutory

claim will be verified in SRBA
review. P/D can be added in
meantime

? NEED for
Landowner's
question
(see 2/14/97
comm. memo;
AHS: 6/25/96
16/96A)
-fr

* P/D involves 2 wells, one of which was licensed in the wrong section. Both wells are located in NWNE sec. 28 per 4/96 field check by IDWR. This transfer proposes a new well plus clarifies existing records.

CONVERSATION MEMORANDUM

DATE 2/14/97FILE T 4804

NAME OF PARTY

Mike Creamer ^{Attorney} for Vancroft Corp.

EMPLOYEE

Steen Leth

RE:

INVOLVEMENT in PROCEEDINGS

Atty. called to discuss status of T. 4804. Was under the impression that Vancroft could not be involved since 63-04037 ("Niller well") was withdrawn from transfer Application (but 63-04037 has not been withdrawn from SRA). We discussed land ownership etc. as an issue usually involved in transfers. Normally, Region does not solicit ownership information for just P/O transfers.

Atty. stated that Vancroft owns all of the golf course land & leases it to transfer Applicant. While ~~not~~ not a protestant, Vancroft does want to be involved/informed in proceedings. Will send written Request with proof of ownership soonest.

MEANWHILE, INUR should include Vancroft - by contacting Atty. - for any further proceedings in this matter.

MICROFILMED

AUG 06 1999

Orig - S.O. unit file

cc - Western T4804 file

CONVERSATION MEMORANDUM

DATE 9/19/96

FILE T. 4804

NAME OF PARTY _____

EMPLOYEE Steve Latta

RE: - Status Conference -

(golf course)

ORIG - T4804

CC - 635 file

Mtg. @ 5:00 10:00 John H., 82, Bill Snyder (Flora),
Ken Demant (golf course), Bill Collins (Kentel)

① T. 4804

a) possible delete 63-04037 from Appl - remove need
for VanCleft approval since owns pld that right;
however, old well ("Noble well") owned by VanCleft is
that well is 2nd pld a new right, 63-09758.

b) possible flexible cond. of approval to use proposed
cold water well pld as much as can to minimize
but " " use i prevent water shortage in 635.

c) attorneys will work on (not Iowa) language i
let IDWR know @ program/agreement.

d) possible pump test cold water well - may need
to complete above items.

- SEE my 8/26/96 letter @ conditions
before IDWR approves any M&P

FILED
AUG 06 1996

② If can resolve T. 4804 Appl., can possibly complete
process to allow dismissal of lawsuit re 635 that's
been ongoing several years - attorneys to work on that.

③ Status conf. call 9/30 - John H. to initiate w/ Above.

L.T.S. Inc

9/30/81

63-9758

1:30 P.m.

Water Resources State Office

Protestant - Joe Terteling, The Terteling Co. Inc.

App - Jack Kelly - G.W. source to develop golf course

- Samuel ~~San~~ - should be enough G.W. for everyone - if not need to live together.
- At present 300 ft of Blue Clay

63-4037 - irrigation for 70 acres in 21428 of 2.4 cfs - existing well does not produce 2.4 cfs -

The total rate sought is 3 cfs - would not use a great deal more water than presently used,

Total irrigation will probably be less than 110 acres - probably 68 acres,

Gulch provides water through June 15 - July 1 - use wells after that time,

P 21422 masters thesis - Stuart Gulch May have limited aquifer

Vic Nibler well - 1971 - Terteling well causes decline in Nibler well

IDWR - Carbon dating water in area - preliminary indication of "old" water from existing wells - not new recharge.

Issues - May have well interference or limited resource

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(2)

{ Possibility of pump tests to determine interference.

Kelly - deep aquifer is unknown - recognize first in time is first in right.

< Torkeling wells are warm >

72 hour notice of pump testing - possible condition.

■ Nibbler well - 1200 ft deep - originally produced 300 gpm now maybe 35 gpm.

Will reach agreement - after agreement will withdraw protest.

MICROFILMED

State of Idaho
Department of Water Resources

AMENDED **WATER RIGHT LICENSE** AMENDED
WATER RIGHT NO. 63-09758

Priority: June 30, 1981

Maximum Diversion Rate: 1.31 CFS
Maximum Diversion Volume: 497.0 AF

This is to certify, that DAVID E HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH
BOISE ID 83703

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 30, 1981; and
has submitted Proof of Beneficial Use on May 31, 1989. An examination indicates
that the works have a diversion capacity of 1.310 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/15	1.31 CFS	495.0 AF
AESTHETIC	01/01 to 12/31		2.0 AF
	Totals	1.31 CFS	497.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 21, Township 04N, Range 02E
NWNE , Sec. 28, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	02E	21	SWSE 4	SESE 31		35
		28	NWNE 16	NENW 31	NWNW 17	
			SENE 11			75

Total number of acres irrigated: 110

PLACE OF USE:

AESTHETIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

FEB 24 1994

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 63-09758

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 63S.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.
8. Place of use is located within Quail Hollow Golf Course.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22nd day of FEBRUARY, 1994.

Acting for

Norman C Young
R. Keith Higginson, Director

UNDOCU MENTED

FEB 24 1994

— THIS IS REVISED APPL., REPLACE ORIGINAL

PART 1



6. General Information:

a. Description of diversion system Drilled well to 90', submersible turbine pump, pipeline to ponds on Quail Hollow Golf Course.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

Due to curtailment of irrigation supplies from the existing system, QHGC seeks to add a new P/D in the non thermal system. Priority of the new well is recognized to be junior to adjacent rights in the non thermal system. Applicant believes the addition of the new well will assist sustainment of the thermal system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of MICROFILMED, 19 AUG 06 1999

Also corrects location of 2 hot wells *
- 76
- 82

pg. 3

WR0749NP
No. 63-04037

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VICTOR L. NIBLER 4250 N. 36TH BOISE ID	10/01/1931	IRRIGATION	04/01 10/31	2.400 CFS	
TOTAL DIVERSION:					2.400 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04N R02E S28 NWNE ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
04N	02E	21	:	04N	02E	28	:	04N	02E	21	:	04N	02E	28	:	20.0
			:				:				:				:	40.0
			:				:				:				:	60.0
TOTAL ACRES																60.0

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-09758

Other Water Rights Listing Overlapping Place(s) of use:
63-02103 63-09758 63-12301

Dates: App. Received: Priority Date: 10/01/1931
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 12/24/84 05/01/88 CONVERT

MICROFILMED
AUG 06 1999

Right 63-04037
N/A per
12/19/96 Amemo.
-82

RECEIVED

Department of Reclamation

Identification No.

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Victor L. Nibler
post office address 4250 North 36th, Boise, Idaho

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 28 Township 4 N
Range 2 E B.M. located on a groundwater source
(name of source)
tributary to _____ in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

October 1, 1931 amount: 2.4 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 2.4 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from April 1 to October 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works

a. Surface water diversion dam and/or headgate material is composed of

_____ length is _____ feet, height is _____ feet;
width at bottom is _____ feet with at top is _____ feet explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known

b. Underground water diverting works is well flowing or pumped pumped depth of well is

_____ feet diameter of well is _____ inches; type of pump is electric turbine
capacity of pump is _____ g.p.m. name and address of well driller is Jack Dir

No _____ if so, please state and explain _____

ing date and dimensions if possible. _____

is reservoir on or off stream explain . . .

location of reservoir by 40-acre subdivisions 14

describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated	60
---------------------------------------	----

Explain any significant increase in area irrigated since first use; give dates and acreages if known.

b. Do you get water through a ditch owned by several users? No

If yes, give the name of the ditch
The other users and their respective

interests in the ditch are (if known)

6. Where water is used for stock watering, give number of each kind of stock watered

7. Where water is used for domestic or municipal purposes give number of families served
name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of. Ada ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this

16th

day of

Victor L. Zuber
Claimant

May

1969.

Residing at

Small Social
Notary Public

Boise, Idaho

My commission expires

Jan 19, 1973

683 1000

For Department Use Only

Received by SR Date 5-6-69

Produced by S Date 5-6-69

Fee received by K.H. Date 5-6-69 Fee \$ 10.00

Approved for publication by SR Date 5-22-69

Published in Ada Co. State Date 5-22-69

Forwarded to
claimant by

Date

Snake River



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

May 15, 1969

To Whom It May Concern:

Reference is made to a 10 HP pumping installation located in the NW 1/4, NE 1/4, Section 28, TS 4N, R 2E, Ada County, Idaho. This letter is to certify that power was furnished this installation as of April 7, 1937 in the name of Western Loan & Investment Company, and that service has been furnished continuously since that time either in the name of Western Loan & Investment Company or Victor L. Nibler.

Very truly yours,

O. D. Mullins
Asst. Division Acctg. Mgr.

GDM:po

A/C 0625-2460-2
4-85
39/28 232 (1937)

W. R. Kuffin
Boise, Idaho -

300 North 6th

DATE

JUN 5 69

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4037

Notice is hereby given that Victor I. Nibler, 4250 North 38th,
Boise, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of 2.4
cubic feet per second ~~surface~~ of water from a ground water source
with point of diversion in NW 1/4 NE 1/4
Sec. 28, T. 4 N., R. 2 E., B.M. in Ada County; the water is
claimed to be used from April 1 to October 31 for irrigation
with a priority of
October 1, 1931; the place of use is NW 1/4 NE 1/4, Sec. 29; SE 1/4 SW 1/4, SW 1/4 SE 1/4 Sec. 21, T. 4 N., R. 2 E., B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

P. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho Daily Statesman, Boise, Idaho
on May 29th and June 5th

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-04037 Date: 4-10-01

	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												10			10		20
GIS															.4			38		38.4
Claim	4N	2E	28		15			5	20											40
GIS					23			27	8.4											58.4
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 60

Overlapping POU Claim #'s:

Total GIS Acres: 96.8

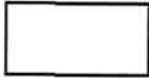
COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-04037

Legal: T4N, R2E, S21,28

Reviewed By:

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

