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Department of Water Resources

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MAY 31 1989

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-9758

1. Owner: TEE Ltd (Quail Hollow) Phone No. 344 7807

Current Address: 4520 N 36 Boise Id 83703

data entered on 6/7/89 KW

2. Accompanied by: Kevin Orr EXAM. DATE: 5/30/89

Address: _____ Phone No. _____

Relationship to Permit Holder: Groundskeeper

3. Source: Groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: None

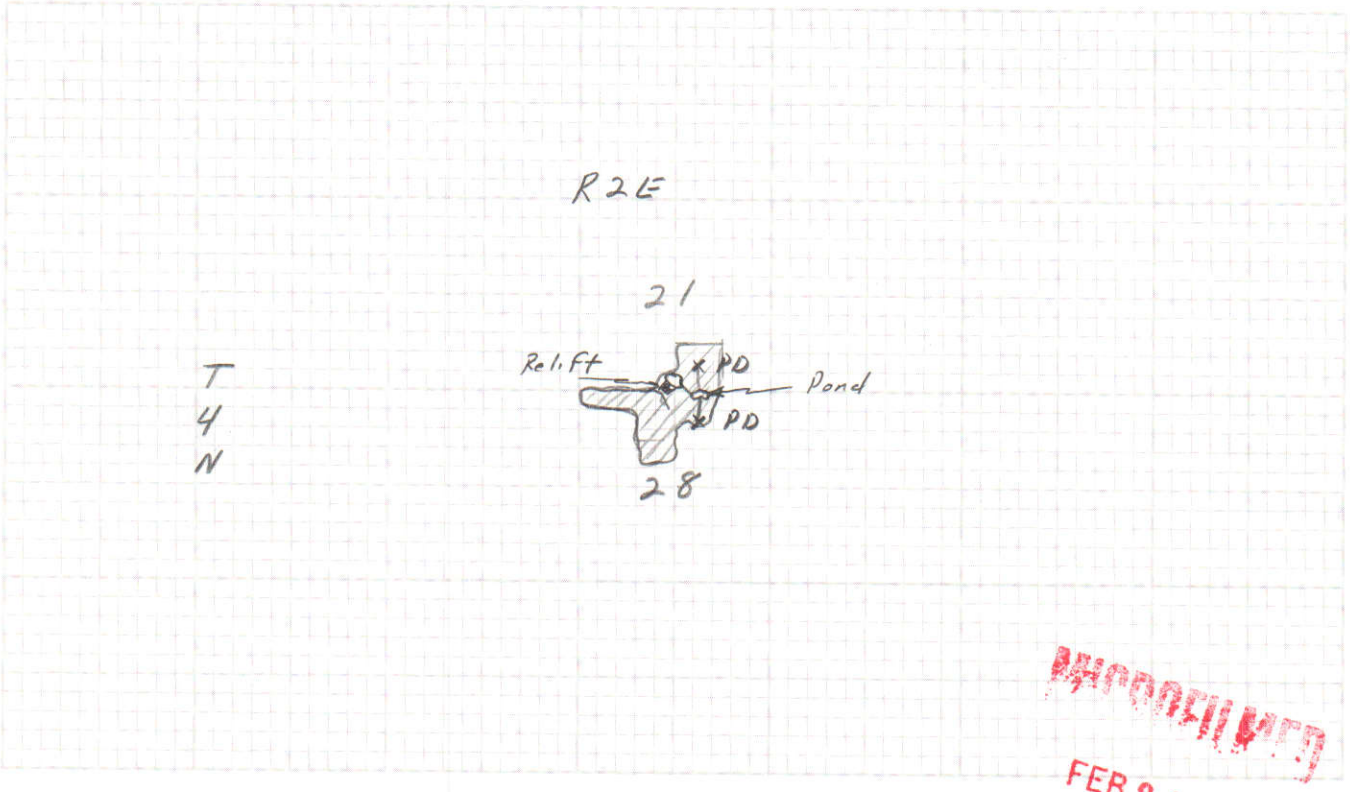
_____ ☐ Copies Attached

2. Other water rights with same point of diversion: None

_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



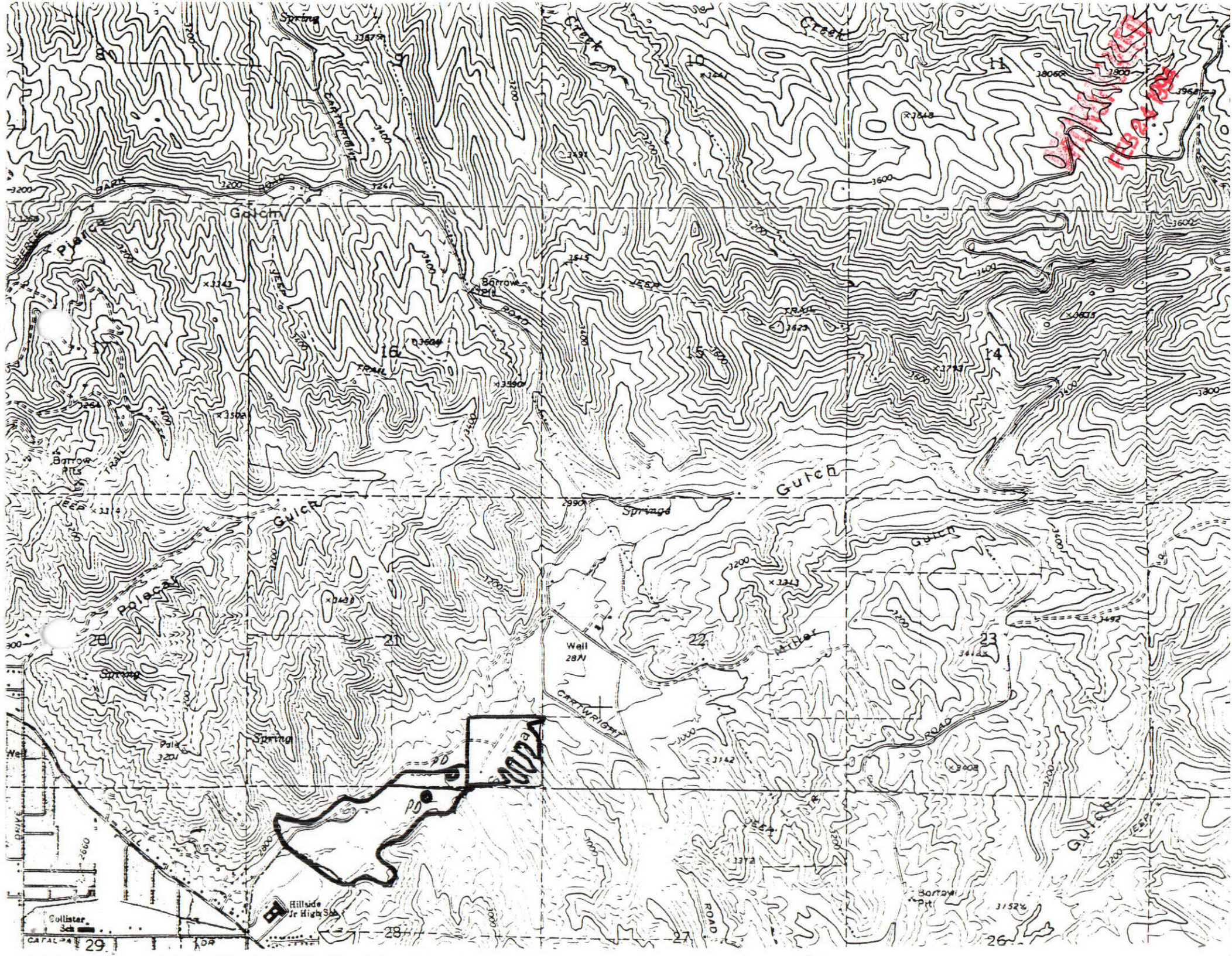
APPROVED
FEB 24 1994

Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.


Spring
Creek
Gulch
Springs
Well
28N
Hillside
Jr High Sch
Collister
Sch
Borrow
Pits
Trail
Jeep
Road
Cartwright
Mather
Pole
Line
Hill
Drive
Canal
8
9
10
11
16
15
14
21
22
23
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27
29
26

63-9758



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STATE OF IDAHO)
)ss.
COUNTY OF ADA)

Verlyn Childers, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the issue of August 13, 19 81, and ending with the issue of August 20, 19 81.

Verlyn Childers

Subscribed and sworn to before me this 20th day of August, 19 81.

Dorothy Engren

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for a Water Right Permit No. 63-9758 in the name of L.T.S., Inc. was published in error on 7/16 and 7/23/1981.

The place of use was advertised as being within the SWSE, Sec. 21, and the NENE, NENW, NWNW, SENW, Sec. 28, T4N, R2E. Whereas, the actual place of use is within the SWSE, Sec. 21, and the NWNE, NENW, NWNW, SENW, Sec. 28, T4N, R2E.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before August 31, 1981.

A KENNETH DUNN
Director
Pub. Aug. 13, 20, 1981 944

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Department of Water Resources
Western Regional Office

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

63-9760
COLE, W. R. &/or JUDITH C.
BISHOP, JACK &/or KATHY
11320 W. COLUMBIA RD., BOISE, ID 83709
Source: GROUNDWATER
Date Filed: 07/02/1981
Amount: 0.20 CFS
Diversion Point: SWSE Sec 03 T 02N R 01E, ADA Co.
Use: IRRIGATION (0.15 CFS) from 03/15 to 11/15
DOMESTIC (0.06 CFS) from 01/01 to 12/31
Place of Use: SWSE Sec 03 T 02N R 01E FOR 5 ACRES
Diversion Means: WELL

63-9758
L.T.S., INC., SHAMANAH GOLF COURSE
4423 N. 36th ST., BOISE, ID 83703
Source: GROUNDWATER
Date Filed: 06/30/1981
Amount: 3.00 CFS 2.0 AC-FT
Diversion Point: SWNE Sec 28 T 04N R 02E SWSE Sec 21 T 04N R 02E, ADA Co.
Use: IRRIGATION (3.00 CFS) from 03/15 to 10/15
AESTHETICS STORAGE (2.0 AC-FT) from 01/01 to 12/31
Place of Use: SWSE Sec 21 T 04N R 02E NENE NENW NWNW SENW Sec 28 T 04N R 02E for 110 ACRES
Diversion Means: WELLS, PUMPS & SPRINKLER SYSTEM

63-9755
U.S. DEPT. OF INTERIOR, BUREAU OF LAND MGMT.
3948 DEVELOPMENT AVE., BOISE, ID 83705
Source: UNNAMED DRAW tributary to NORTH INDIAN CREEK
Date Filed: 06/16/1981
Amount: 0.5 AC-FT
Diversion Point: NWSE Sec 09 T 01N R 03E, ADA Co.
Use: STOCKWATER (0.5 AC-FT) from 04/01 to 12/31
STOCKWATER STORAGE (0.5 AC-FT) from 01/01 to 12/31
WILDLIFE (0.5 AC-FT) from 01/01 to 03/31
WILDLIFE STORAGE (0.5 AC-FT) from 01/01 to 12/31
Place of Use: NWSE Sec 09 T 01N R 03E
Diversion Means: DAM

63-9756
WATSON, ELDON DEAN
7701 USTICK RD. #152, BOISE, ID 83705
Source: GROUNDWATER
Date Filed: 06/22/1981
Amount: 6.40 CFS
Diversion Point: SENW Sec 32 T 01N R 03E, ADA Co.
Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01
Place of use: NENW NWNW SWNW SENW NWSW SWSW SESW NESW Sec 32 T 01N R 03E FOR 320 ACRES
Diversion Means: WELL, PUMPS, MAINLINE & LATERALS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before AUGUST 3, 1981.

A. KENNETH DUNN
Director

Pub. July 16, 23, 1981 744

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

Verna L. Johnson, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the issue of July 16, 1981, and ending with the issue of July 23, 1981.

Verna L. Johnson

Subscribed and sworn to before me this 28th day of August, 1981.

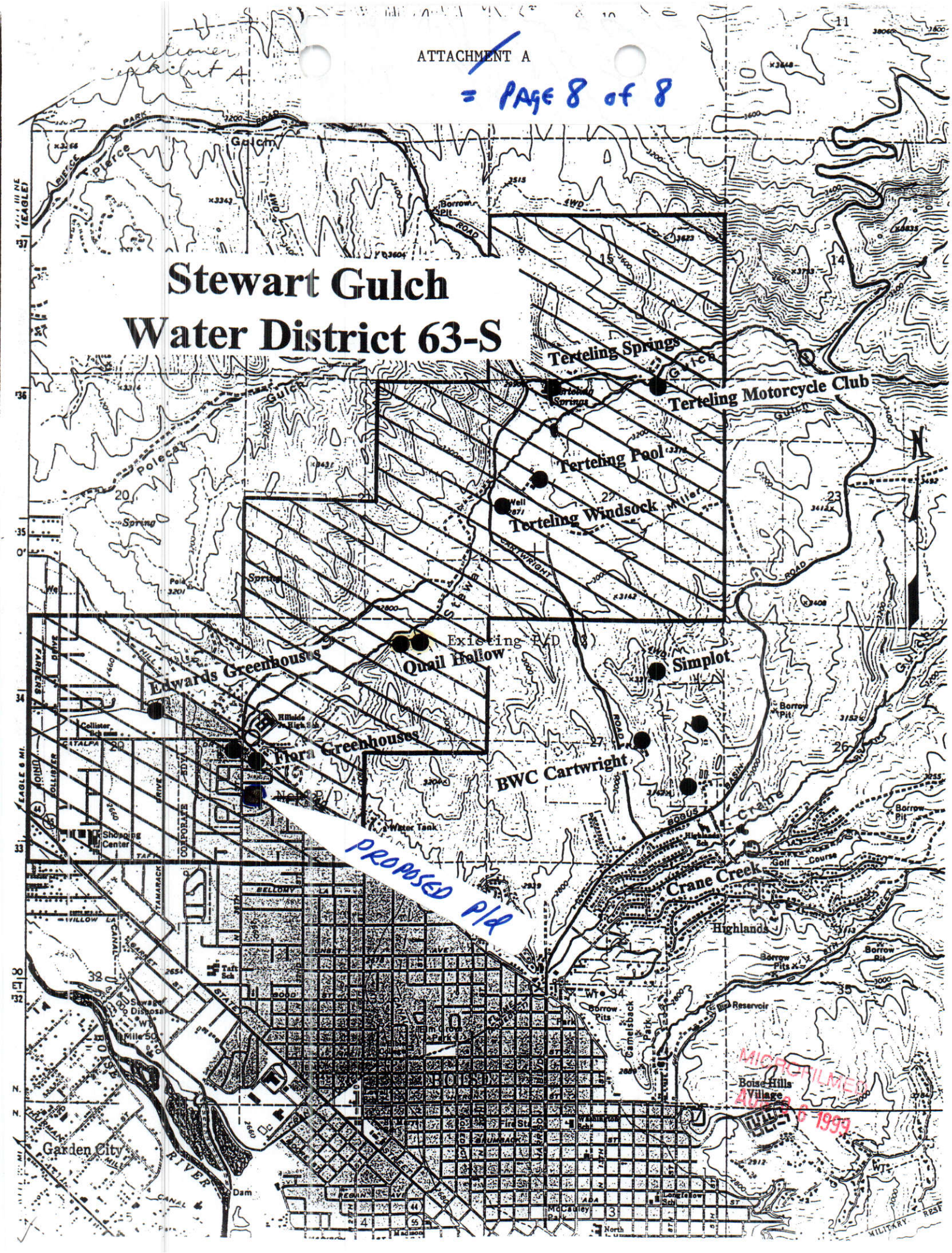
Margaret Rose Stone
Notary Public for Idaho, Residing at Boise, Idaho

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Department of Water Resources
Western Regional Office

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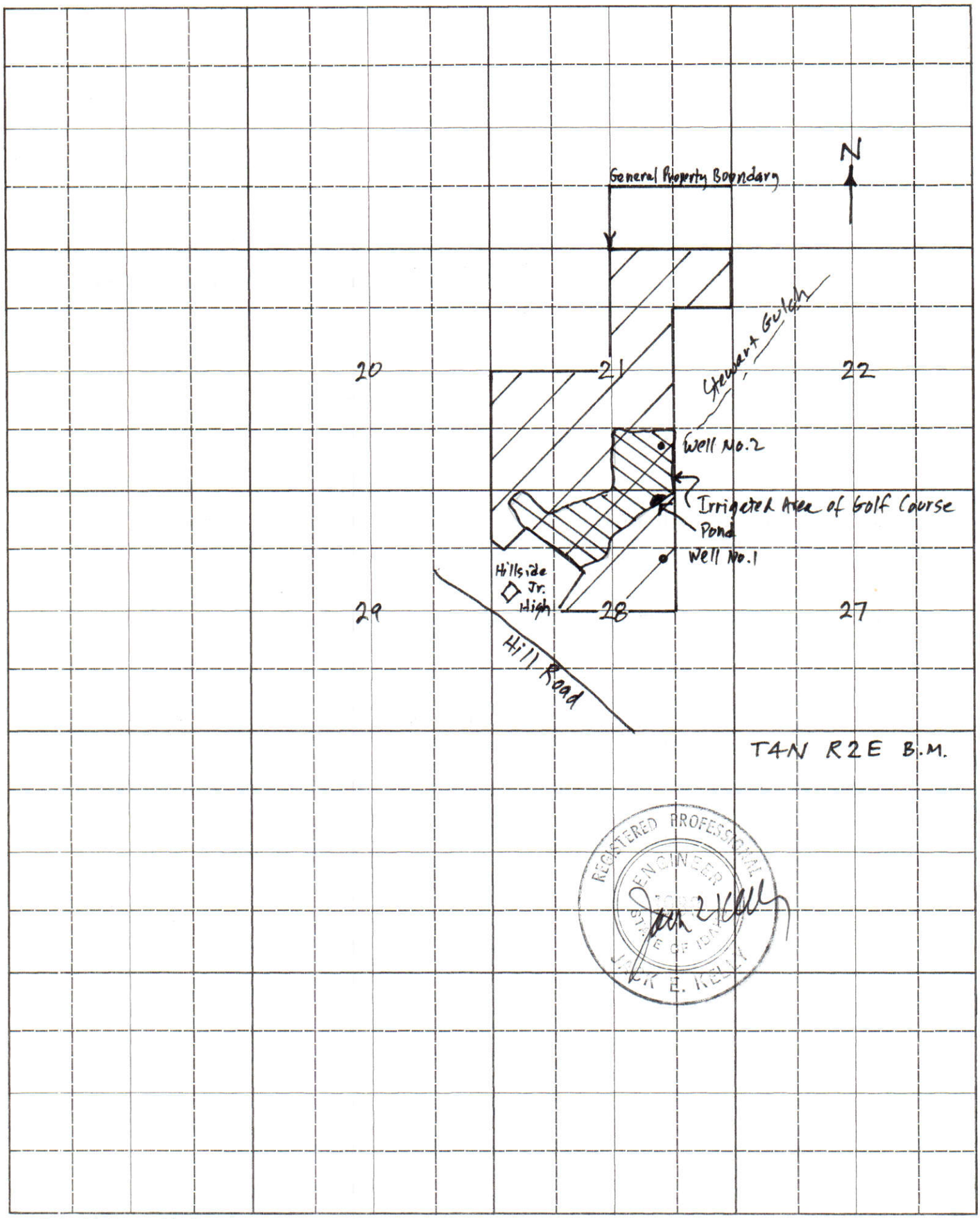
ATTACHMENT A

= PAGE 8 of 8



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AUG 2 6 1999

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



Scale: 2 inches equal 1 mile.

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

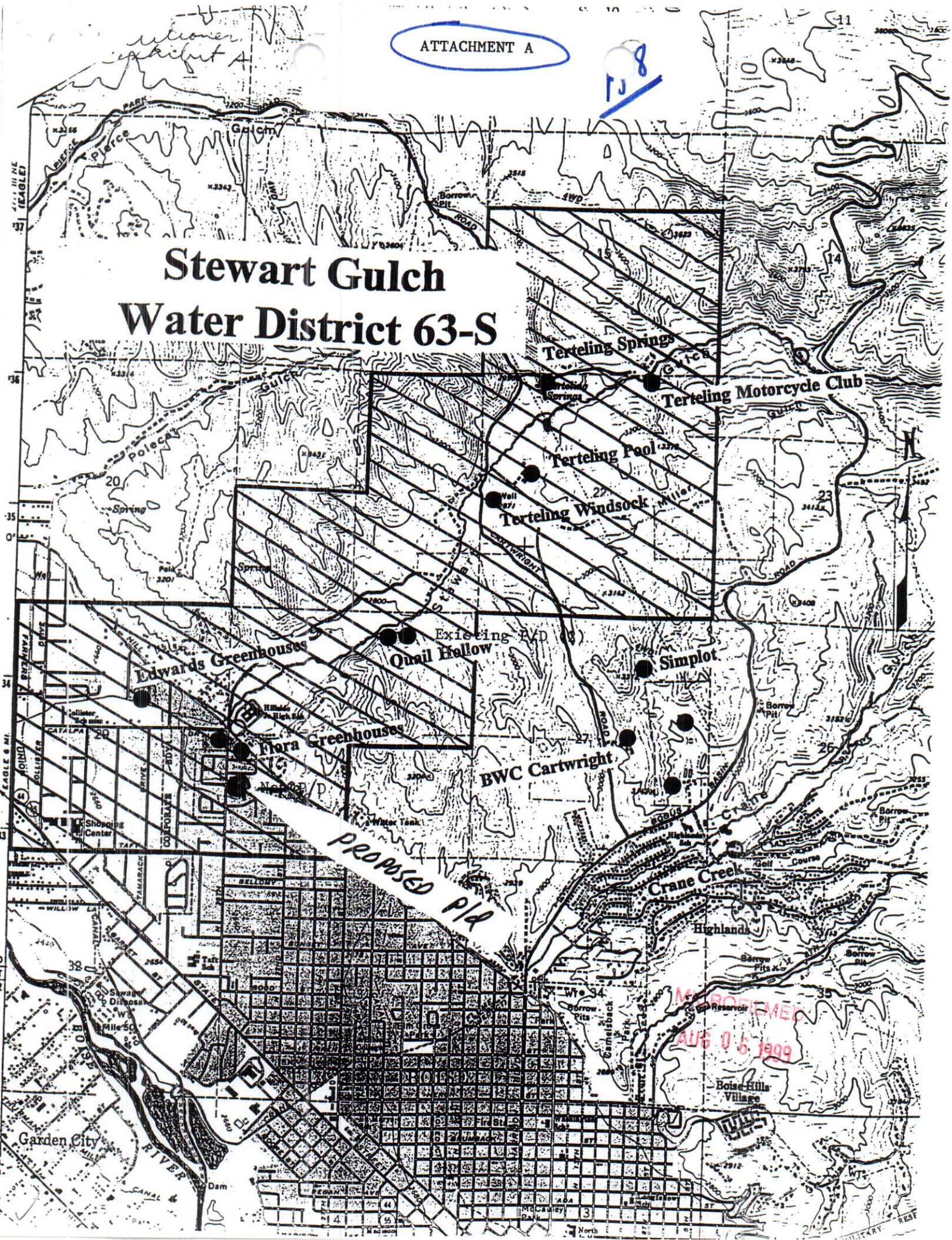
(Applicant) Dennis E. Labrum

L.T.S., Inc.
President

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ATTACHMENT A

TJ 8



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AUG 06 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
(208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MORE Specific? ✓
Or best leave more general?
discussed w/ JH
10/16/96

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 10/9

TO: Steve Lester ✓ FROM: John Homan

327-7924

DOCUMENT DESCRIPTION: Proposed transfer permit condition language.

COVER SHEET + 1 PAGES

CONTACT: J Homan IF YOU DO NOT RECEIVE ALL THE PAGES

Steve, is this language something the Dept could live with

THANK YOU! JH

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AUG 0 6 1999

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MAY 2 3 1996

WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

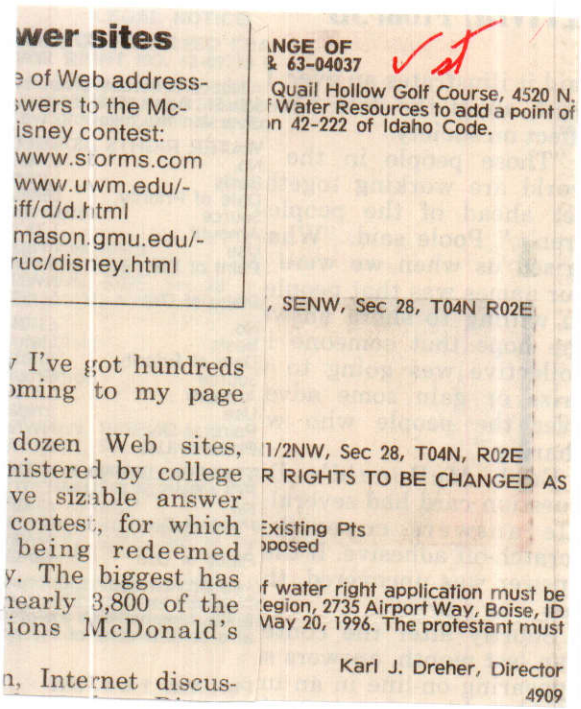
Amount Due
$103.00

Account Number	Identification
047628	NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-09758 & 63-04037

Ordered By	P.O. Number	Rate	Run Dates
Sue Taylor		TT	May 2,9, 1996

Sue Taylor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Estimated Inches	Real Inches
# Affidavits	Legal Number
1	4909



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www.uwm.edu/-
iff/d/d.html
mason.gmu.edu/-
ruc/disney.html

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NGE OF
& 63-04037

Quail Hollow Golf Course, 4520 N.
Water Resources to add a point of
in 42-222 of Idaho Code.

, SENW, Sec 28, T04N R02E

1/2NW, Sec 28, T04N, R02E
R RIGHTS TO BE CHANGED AS

Existing Pts
oposed

f water right application must be
legion, 2735 Airport Way, Boise, ID
May 20, 1996. The protestant must

Karl J. Dreher, Director
4909

LINDA PORTER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of May 2, 19 96

and ending with the issue of May 9, 19 96

Linda Porter

STATE OF IDAHO)
ss.
COUNTY OF ADA)

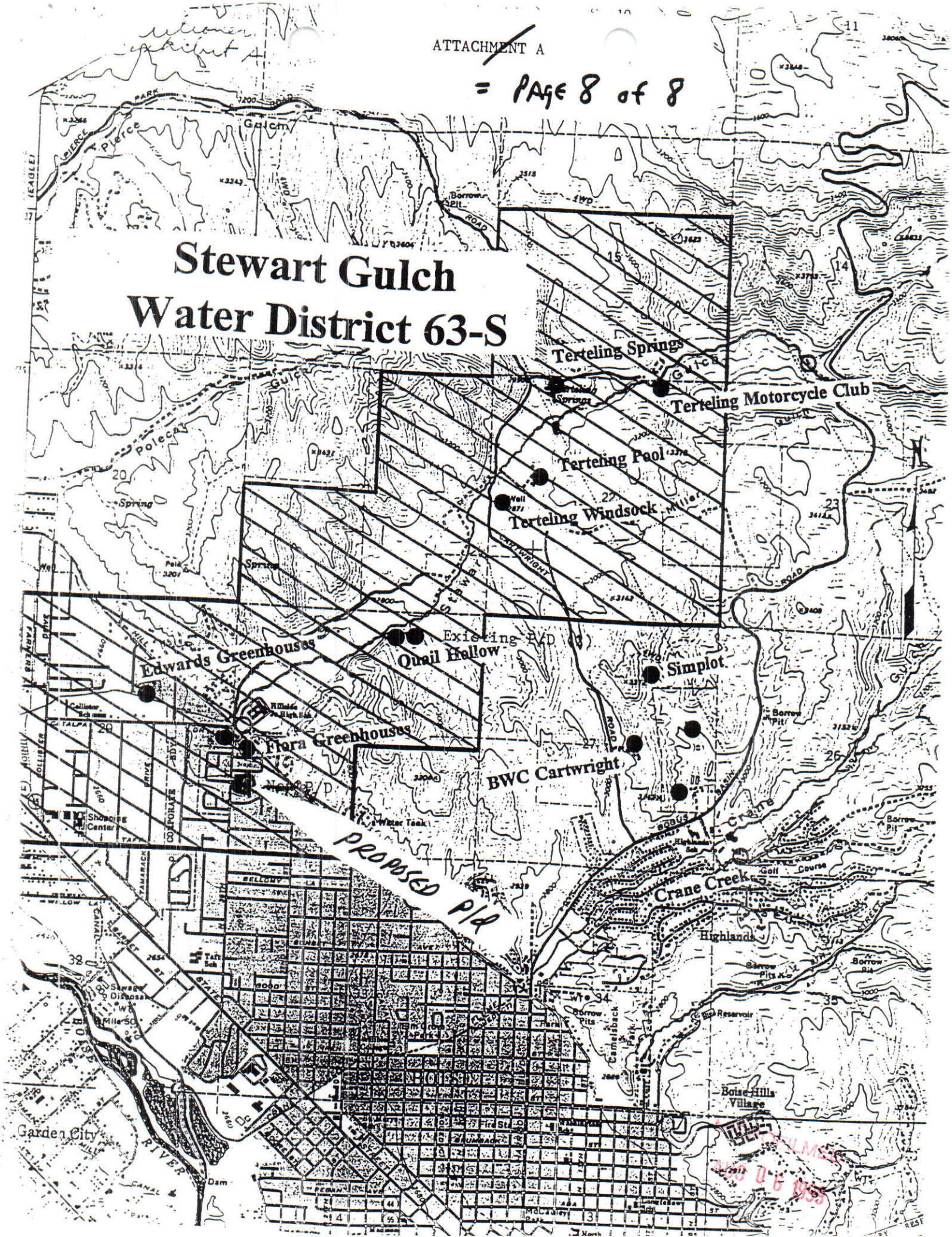
On this 9th day of May in the year of 1996, before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

MICROFILMED
AUG 0 6 1996

Janice Madrie
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 5/97

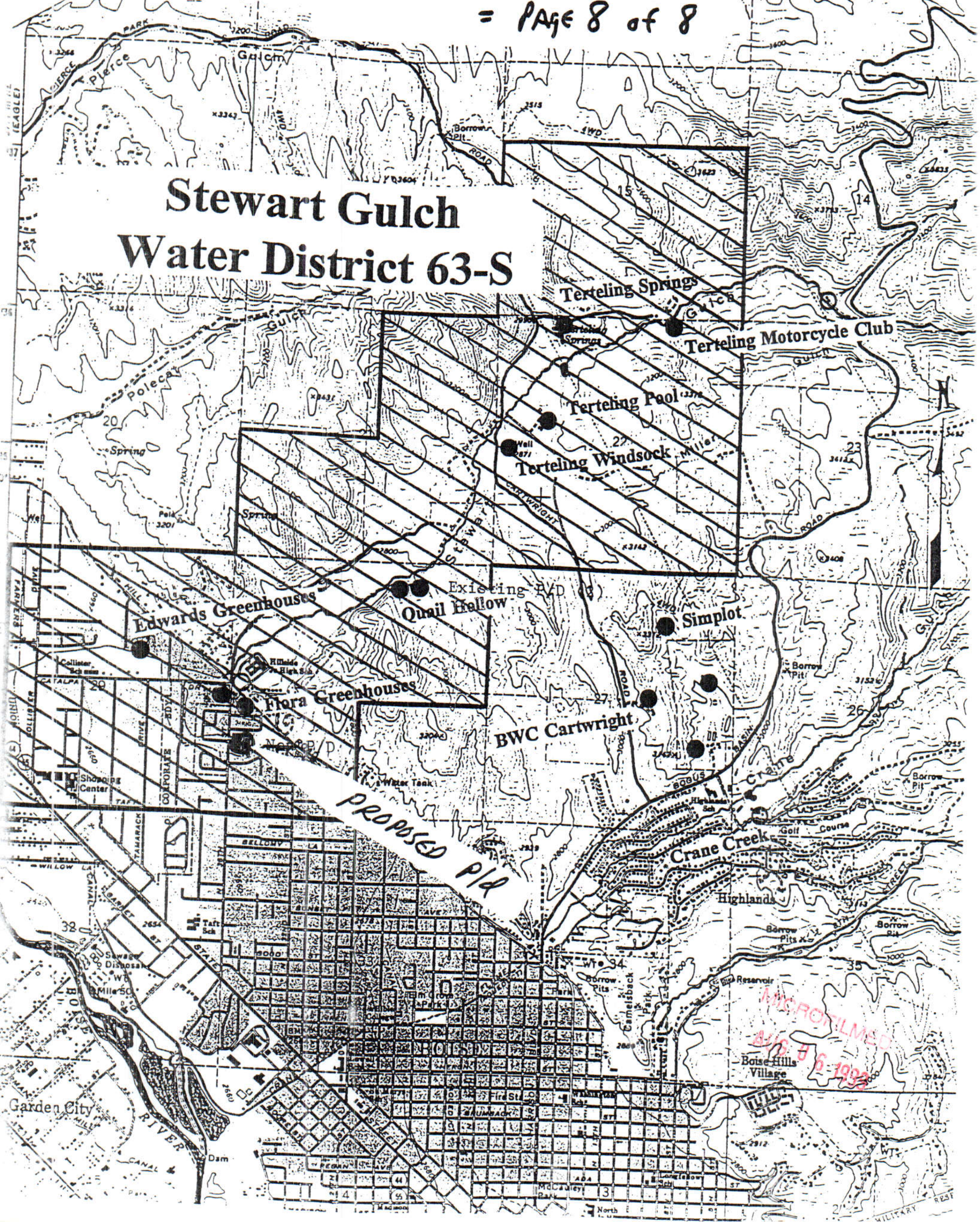
ATTACHMENT A

= Page 8 of 8



ATTACHMENT A

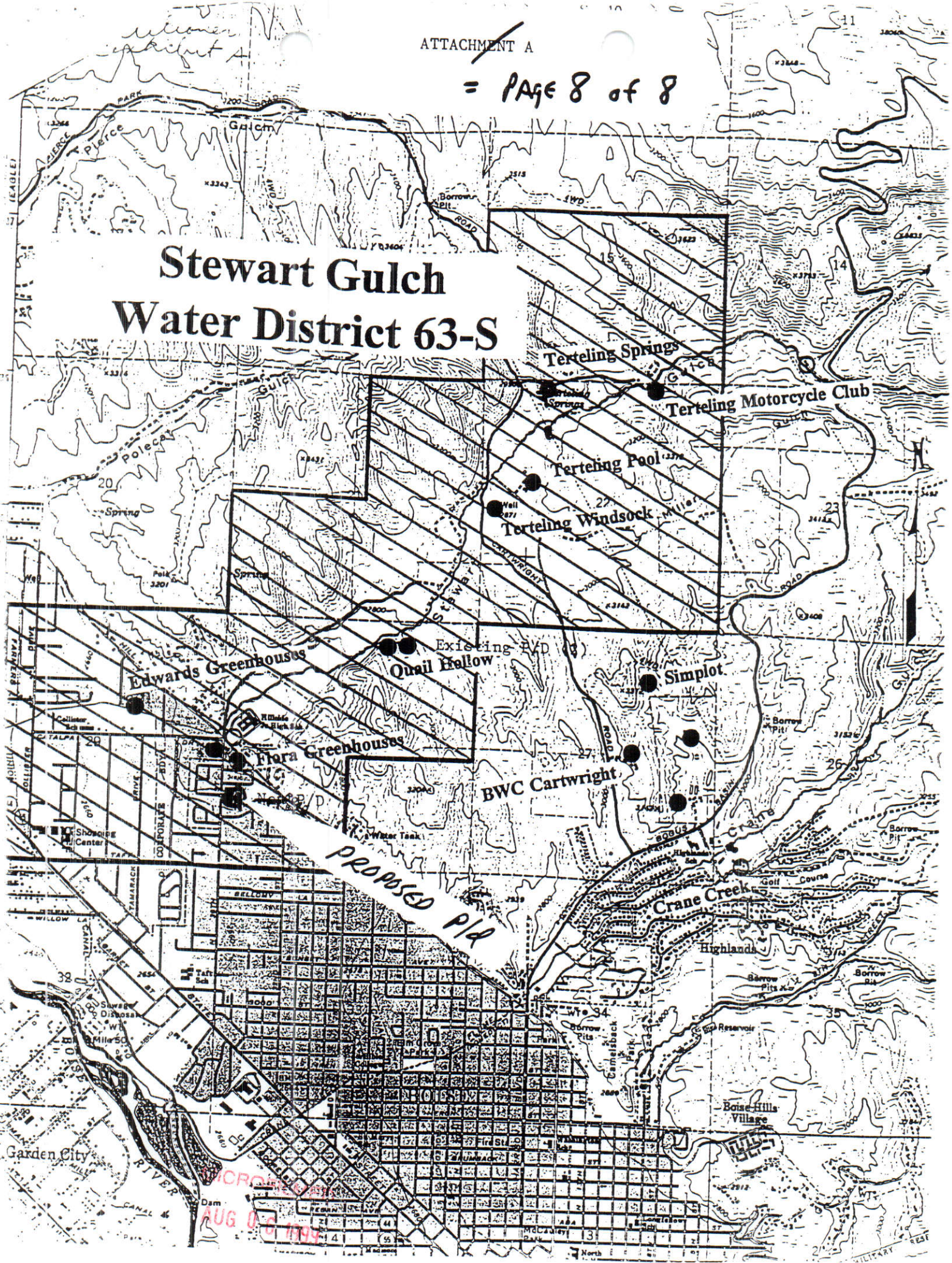
= PAGE 8 of 8



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= PAGE 8 of 8



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MAY 31 1989
Department of Water Resources

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-9758

1. Owner: TEE Ltd (Quail Hollow) Phone No. 344 7807
   Current Address: 4520 N 36 Boise Id 83703

data entered 6/7/89 kw

2. Accompanied by: Kevin Orr EXAM. DATE: 5/30/89
   Address: _____ Phone No. _____
   Relationship to Permit Holder: Groundskeeper
3. Source: Groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: None
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

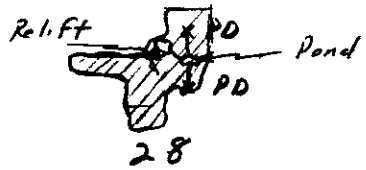
C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

R2E

21

T
4
N



28

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Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
   Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
   place(s) of use (required).
   ☒ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Two wells pumping to ponds, rel. ft from ponds to sprinkler system
Well #1 - HP unknown - put in several years ago
Well #2 - 30 HP submersible
Relift #1 - one 30 HP two 75 HP turbine pumps

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	-	-	-	Submersible	6"
2	Berkely	30	-	Submersible	4"

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1			SW	SE	21	4N	2E	Ada	map/field
2			NW	NE	28	4N	2E	Ada	map/field

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2E	21															4	31	35
		28		16			31	17		11									75
																			110

Do not use this space

FEB 24 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Badger meter	impeller	Badger	mDIM-8	M0646708	8"	1982

2. **Measurements:**

335 gpm measured with Badger meter (8") and stopwatch
255 gpm measured with Badger meter (8") and stopwatch

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 495

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 636

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 495

2. Volume Calculations for Other Uses: 2 Ac ft - aesthetics

FEB 24 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Data is sketchy on the system. Pump data is not available on well #1 and acreage levels are difficult to calculate due to the very small scale of the aerial photos of the area and the limitations of topographic maps. Acreage was calculated as best possible from the as built diagram of the sprinkler system. No aerial photos were found showing the developed golf course

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3/15	11/15	1.31	495
Aesthetics	3/15	11/15		2
		Totals:	1.31	497

2. **Recommended Amendments**

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

J. AUTHENTICATION

Field Examiner's Name: Sheryl L. Chapman

Signature: Sheryl L. Chapman

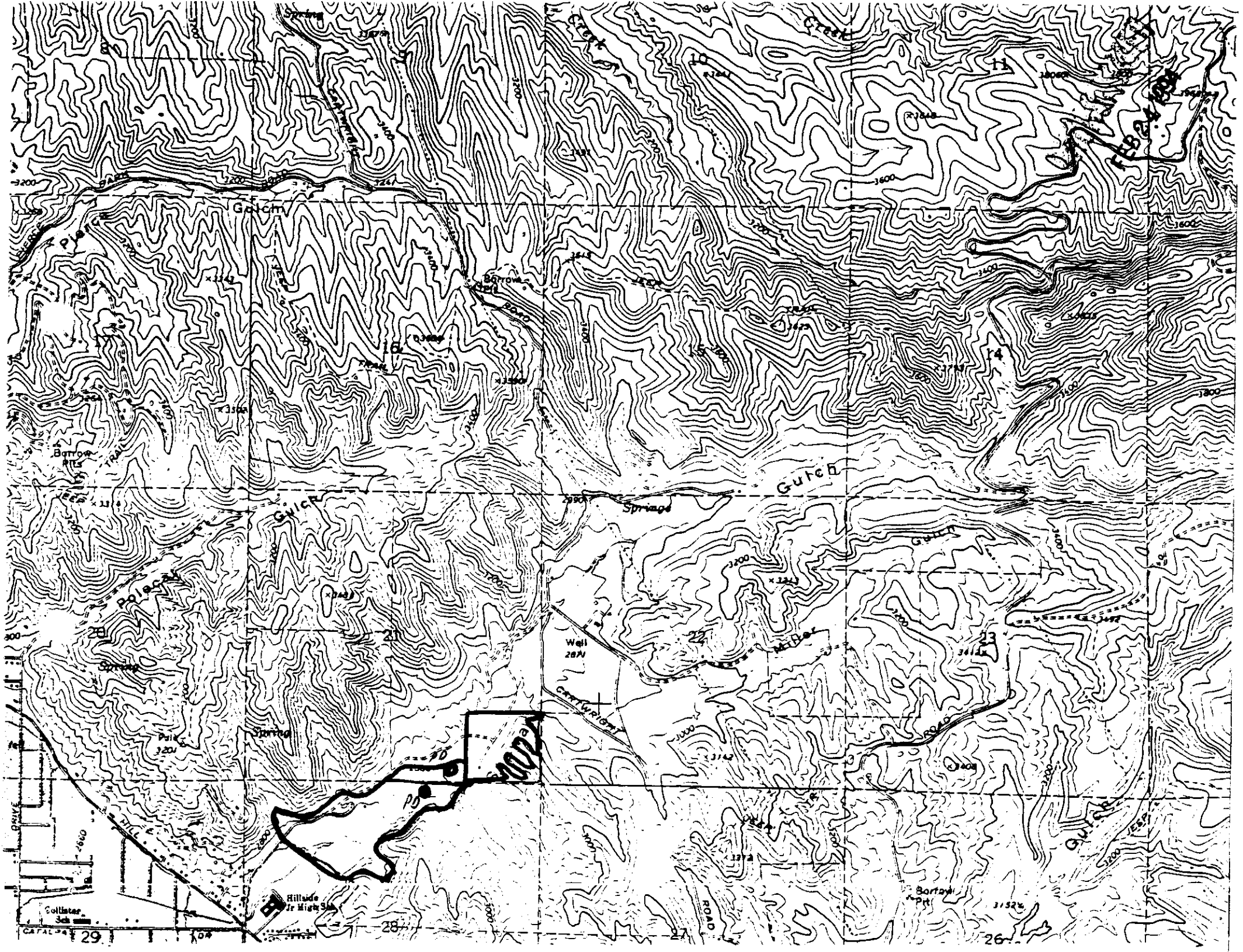
Certification Date: 2/17/89

Field Report Preparation Date: 5/30/89

REGISTERED PROFESSIONAL GEOLOGIST SHERL L. CHAPMAN NO. 21 CONSULTANT SEAL STATE OF IDAHO

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

FEB 24 1994


Gulch
Spring
Creek
Gulch
Spring
Spring
Spring
Spring
Well
28N
Hillside
Jr High Sch
Borrow
Pit
Borrow
Pit
ROAD
ROAD
TRAIL
TRAIL
DRIVE
10
11
14
15
16
21
22
23
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28
29

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name L.T.S. Inc.

Address 4423 North 36th Street
Boise, Idaho 83703

Owner's permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☒ Abandoned (describe method of abandoning)

4" steel plate welded on 20" casing

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 710 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
~~20~~ inches	_____ inches	_____ feet	_____ feet
.25 inches	20 inches	2 feet	45 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

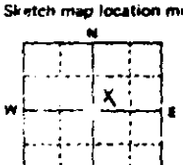
Placed from _____ feet to _____ feet

Surface seal depth 35' Material used in seal ☐ Cement grout ☐ Puddling clay ☒ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Stewart Gulch

Lot No. _____ Block No. _____

County Ada

SW ¼ NE ¼ Sec. 26 T. 4 ☐N. ☒S. R. 2 ☐E. ☒W.

7. WATER LEVEL

Static water level 14 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow

Temperature ° Quality

Artesian closed-in pressure _____ P.S.I.

Controlled by ☐ Valve ☐ Packer ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20	0	2	Top soil		X
20	2	46	brown sandy clay		X
18	46	265	blue shale		X
14	265	668	light gray shale		X
14	668	684	dark gray shale		X
14	684	688	hard broken gray shale	X	
14	688	710	gray shale	X	

10. Work started Aug 21-81 finished Dec 15-81

11. DRILLER'S CERTIFICATION

Firm Name Witt Well Drilling Firm No. 55

Address Rt 8 Box 380 Caldwell ID Date 9-27-82

Signed by (Firm Official) Kenneth Witt the owner is deceased

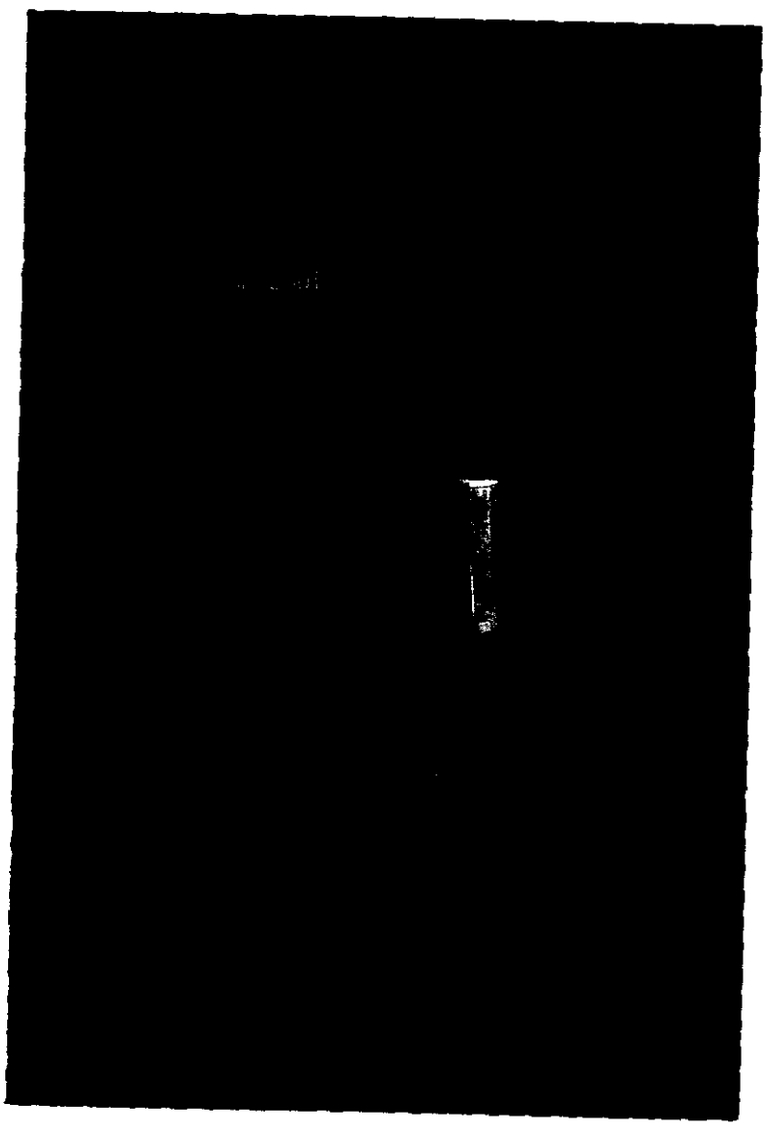
and

(Operator) _____

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

RECEIVED
FEB 24 1994

63-9758



FEB 24 1994

LAW OFFICE
BRADY, SAETRUM & LERMA
CHARTERED
FIRST INTERSTATE CENTER
877 WEST MAIN STREET SUITE 800
P.O. BOX 1398
BOISE, IDAHO 83701-1398
(208) 345-8400
Facsimile (208) 345-8790

MICHAEL G. BRADY
RODNEY R. SAETRUM*
JOHN J. LERMA
KENNETH R. ARMENT
DAVID E. DAY**
MICHAEL E. POWERS
KENT V. REYNOLDS
REBECCA A. BROADBENT*

*Also licensed in Utah
**Also licensed in Oregon

OFFICES IN
TWIN FALLS, IDAHO
303 SHOSHONE STREET NORTH
83301
(208) 734-0801

March 22, 1991

RECEIVED
MAR 2 6 1991
Department of Water Resources

John F. Westra
Idaho Department of Water
Resources
2735 Airport Way
Boise, ID 83705

Re: Permit No. 63-9758, Quail Hollow Golf Course,
d/b/a Tee Limited

Dear Mr. Westra:

This letter will confirm your recent conversation with Kenneth R. Arment in which Mr. Arment was informed that the claim for a water right in the Snake River Basin Adjudication would not be needed for the above-referenced water right permit number. Mr. Arment has indicated the reason a claim is not needed is because proof of beneficial use for the water right permit was submitted in 1989 and an exam actually made in June, 1989, after the commencement of the SRBA.

If the foregoing is incorrect, or if Quail Hollow Golf Course needs to take additional action to preserve its full rights to water right Permit No. 63-9758 via filing of a claim in the Snake River Basin Adjudication, please let me know.

Sincerely,

BRADY, SAETRUM & LERMA,
CHARTERED

William H. Thomas

WHT:ats
cc: Tommy Sanderson
L. Glen Saxton

MICROFILMED
FEB 2 4 1994

MEMORANDUM

TO: File No. 63-9758; Stewart Gulch
FROM: Gary Spackman
DATE: December 1, 1989

Please note that Colin Connell is a potential user of Stewart Gulch. A copy of the Order to Show Cause was sent to Mr. Connell and he needs to be put on the mailing list to receive any information sent to other individuals on the mailing list.

Dec. 6, 1989 - A copy was sent to 5316 N. 36th, Boise, ID 83703

MICROFILMED
1994

March 31, 1989

138088

TEE LTD.
4520 N. 36TH ST.
BOISE, ID 83703

PROOF DUE NOTICE

RE: PERMIT NO. 63-09758

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully compeleted your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

FEB 24 1994

✓

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

August 23, 1988

RE: Water Right No. 63-9758

TEE LTD.
4520 N. 36th St.
Boise, ID 83703

Dear Sirs:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Please be advised that since this water right is still in the permit stage, further requirements may be required of the permit holder to finalize the water right into a license. The Department will subsequently notify you of these requirements.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

RECEIVED
SEP 29 1988

63-9758

June 21, 1988

CERTIFIED MAIL

Quail Hollow Golf Club
4520 N. 36th
Boise, ID 83703

Gentlemen:

RE: BOISE FRONT - ORDER ESTABLISHING A MORATORIUM

Enclosed is an order establishing a moratorium in connection with further development of the warm water aquifer in the Boise Front Low Temperature Geothermal Ground Water Management Area.

The moratorium has been ordered pursuant to the authority of Section 42-1805(7), Idaho Code, and Rule 7 of the Department's Water Appropriation Rules and Regulations.

Objections to entry of the order shall be considered by the department under the provisions of the department's adopted Rules of Practice and Procedure and applicable law. Objections must be filed within fifteen (15) days of the date of this letter.

Sincerely,

NORMAN C. YOUNG
Administrator

Encl: 1

SEP 09 1994

Permit No. 63-9758

ASSIGNMENT REVIEW CHECK LIST

2. Assignments)

1. Signature of Permit Holder? (1) trustee, ok (2) pres.
2. Notary? ✓
3. a. Full Assignment? ✓

   ~~b. Partial Assignment?~~

4. "No assignment" condition on permit? N/A
5. Commencement of Works received? ✓

   a. Commencement of works requested? ✓

   b. Show Cause Order drafted & sent?

   c. Cancellation necessary?

6. Affidavit of residency required? N/A
7. Extension granted due to litigation?
   (If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type.
4. Copy to region. ✓

Date 8-23-88

Employee S Curtis

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 10, 1984

RE: Permit No. 63-9758

L.T.S., Inc. (Shamanah Golf Course)
4423 N. 36th St.
Boise, ID 83703

Gentlemen:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page. Also enclosed is a copy of the Order approving the application.

Be sure to note the special condition requiring you to install a measuring device, or an access port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the access port.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

cc: The Terteling Co., Inc.

MICROFILMED

Form No. 202a
3/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: C APPLICATION NUMBER: 63-9038

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Quantity of water and period of use.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☑ No Field check required.
- ☐ Yes ☐ No Critical groundwater area.
- ☐ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____
- ☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☑ Yes ☐ No Platted by: _____ Map No. _____
- ☑ Yes ☐ No Other rights on same place of use. 63-2163, 4037
- ☑ Yes ☐ No* In form for advertising. surface unnamed stream — groundwater 50 ne/duplication
  Final date for protests: Aug 3, 81
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: 8-31-81
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application. $500 T19523
- ☑ Publication dates and paper, recorded on application. 7/16 & 23/1981 the Statesman
- ☐ Protests, dates, withdrawal, etc., recorded on application. (see IMD + C)
- ☑ Recommendation & initial, recorded on application.
- ☐ Yes ☑ No Measuring device required.
- ☑ Yes ☐ No Access port required.
- ☐ Yes ☑ No Will water be delivered by watermaster? If yes, what district? _____
- ☑ 6/30/81 Date of priority recommended.

Special conditions of approval or cover letter. Idaho Power Letter

See order.

By: DBS Date: 5/16/84

STATE OFFICE REVIEW:

L03, CT 26 01C 04

☐ See attached sheet for more information.

By: _____ Date: 5-22-84

MICROFILMED

Application No. 63-9758

SPECIAL NOTE: Dennis E. Labrum
5318 Redbridge Dr. 83703
4520 N 36 83703

PROTEST INFORMATION SHEET

Protestant - Name(s)

The Tenneling Company, Inc. & Joseph L. Tenneling, P.O. Box 4127, Boise, Id. 83704

Address

Attorney - Name & Address Walter M. McKeu

Date Filed July 30, 1981 Protest Date

Issues

Applicant - Attorney - Name & Address

Dates:

Acknowledgement letters: 7-31-81

Hearing Notice:

Hearing Date:

Jack Kelly for applicants 375-9220

Other: Protestants did not appear 4/18/84

MICROFILMED

RECEIVED
MAY 18 1984
Department of Water Resources

Protest Information submitted in Computer (following hear

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

Department of Water Resources
Western Regional Office

U.S.MAIL

RETURN RECEIVED
APR 26 1984
Department of Water Resources

(Name of Sender)

Idaho Department of Water Resources
Western Region
Statehouse
Boise, Idaho 83720

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

8510-69

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. **ARTICLE ADDRESSED TO:** Walter M. McKaw
the tantalizing Cadne
1753 Westgate Dr
PO Box 4127
Boise ID 83704

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

X E. Kuhl

5. **DATE OF DELIVERY**

POSTMARK

6. **ADDRESSEE'S ADDRESS** (*Only if requested*)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

4/23/94

P 397 135 030

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Walter M. McKeon The Pentaling Co Inc	
Street and No. P O Box 1755 Westgate - 4127	
P.O., State and ZIP Code Boise ID 83704	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, Feb. 1982

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Dennis E Labrum
5318 Redbridge Dr
Boise ID 83702

4. **TYPE OF SERVICE:**
☑ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☑ Addressee ☐ Authorized agent

D E Labrum

5. **DATE OF DELIVERY**
3-27-84

POSTMARK
U S P S BOISE ID
MAR
27
1984

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7 [illegible]

RS 10-63

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S. MAIL

RECEIVED
MAR 23 1984
Department of Water Resources
Western Regional Office

RETURN
RECEIVED
MAR 28 1984
Department of Water Resources

Idaho Department of Water Resources
Western Region
Statehouse (Street or P.O. Box)
Boise, Idaho 83720

(City, State, and ZIP Code)

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Walter M. McKay. attorney
the tantaling Co Inc
P.O. Box 4127
Baton Rouge. La 70704

4. TYPE OF SERVICE:
☑ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
B. Baxter

5. DATE OF DELIVERY

POSTMARK
MAR 28 1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

P 515 639

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S.MAIL

APR 3 1984

Idaho Department of Water Resources
Western Region

RETURN TO

Department of Water Resources
MAR 29 1984

(Name of Sender)

Idaho Department of Water Resources
Western Region
Statehouse (Street or P.O. Box)
Boise, Idaho 83720

(City, State, and ZIP Code)

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

P 516 - 631

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
LTS. Inc (Diamondback Golf Course)
4423 N. 36th St
Boise. Id 83703

4. **TYPE OF SERVICE:**
☑ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY** 3/24/84 **POSTMARK**

MAR 24 1984 USPS

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

RECEIVED

RETURN TO

MAY 26 1984

Department of Water Resources

(Name of Sender)

Idaho Department of Water Resources
Western Region
Statehouse
Boise, Idaho 83720

(Street or P.O. Box)

(City, State, and ZIP Code)

P 397 135 025

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Walter M. McKay, Attorney	
Street and No. The Tensling Co Inc P O Box 4127	
P.O., State and ZIP Code Boise Id 83704	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, Feb. 1982

P 397 135 022

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Dennis E. Lebrun	
Street and No. 5318 Beatbridge Dr	
P.O., State and ZIP Code Boise, ID 83703	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, Feb. 1982

P 397 135 024

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to LTS Inc. (Shamanah Early Courses	
Street and No. 4423 N. 36th St	
P.O., State and ZIP Code Boise ID 83703	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, Feb. 1982

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-9758)
IN THE NAME OF LTS, INC.) ORDER TO SHOW CAUSE

WHEREAS, on June 30, 1981, LTS, Inc. applied to the Department of Water Resources for a permit to appropriate 3 cubic feet per second of water from groundwater within the SW¼NE¼, Sec. 28, and SW¼SE¼, Sec. 21, all in Twp. 4N., Rge. 2E. B.M. Ada County to be used for irrigation purposes; and,

WHEREAS, on July 16 and July 23, 1981 notice of this proposed appropriation was published in the Idaho Statesman newspaper Boise, ID; and,

WHEREAS, on August 13 and August 20, 1981, a correction to the previous notice was published in the Idaho Statesman, Boise, ID; and,

WHEREAS, on July 30, 1981, the Department received a protest against the approval of this application from the Terteling Company, Inc. and Joseph L. Terteling by Walter M. McKew, counsel; and,

WHEREAS, on September 30, 1981, a conference was held concerning this matter at which the applicant and protestants determined an agreement could be reached which would allow the withdrawal of the protest against the application; and,

WHEREAS, as of May 18, 1984, an agreement had not been reached and the protest against the application was still outstanding; and,

WHEREAS, on April 18, 1984, a hearing concerning this matter was held at Boise, ID at which the protestants failed to appear and were not represented:

IT IS, THEREFORE, HEREBY ORDERED that the protestants show cause on or before May 14, 1984, why their protests against application for permit No. 63-9758 should not be dismissed for failure to appear at the hearing.

Dated this 23 day of April, 1984.

DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

Re: No. 63-9758 - L.T.S. Inc. (Shamanah Golf Course)

Place: Third Floor Conference Room, Department of Water Resources, Boise, ID

Date: Wednesday, April 18, 1984 at 1:30 p.m.

Hearing conducted by: Bob Fleenor & David Shaw

ROSTER OF ATTENDANCE

Name	Address	Representing
Dennis E Labrum	4423 Nth 36th Boise	Shamanah Golf Club.
Jack E. Kelly	6700 Emerald Boise	Anderson + Kelly, Inc.

MICROFILMED

63-9758 — LTS Inc.

App. Jack Kelley
Dennis Labrum.

Prof. ~~The~~ Tortelino Co.

4520 N 36th Office Address

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 63-9758 IN THE NAME OF L.T.S., INC.)
(SHAMANAH GOLF COURSE))

NOTICE OF HEARING AND/OR CONFERENCE

On June 30, 1981, L.T.S., Inc. (Shamanah Golf Course) filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On July 30, 1981, the Department received a protest against approval of said application from The Terteling Company, Inc. and Joseph L. Terteling.

The Department has set the matter of protest for hearing for Wednesday, April 18, 1984, 1:30 p.m. in the Third Floor Conference Room, Idaho Department of Water Resources, State Towers Building, 450 W. State Street, Boise, ID, 83720. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and Adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 22 day of March, 1984.

DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral agruments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED

January 25, 1984

Dennis E. Labrum
5318 Redbridge Drive
Boise, ID 83703

Re: Application for Permit No. 63-9758 in the Name of L.T.S., Inc.

Dear Mr. Labrum:

It has been over two years since we met with yourself and representatives of the Terteling Company regarding your proposed well for the Shamanah Golf Course. At that meeting it was agreed that you and the Terteling Company would attempt to reach an agreement that would allow the protest against your application to be withdrawn.

Would you please advise the Department by February 27, 1984 of your progress in reaching an agreement and a time table by which you would propose a resolution to the protest would be achieved.

If you have any questions about this filing, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

cc: Terteling Co.

MICROFILMED

CONVERSATION MEMORANDUM

DATE 5/4/82

FILE 63-9758

NAME OF PARTY Jack Kelly

EMPLOYEE David Shaw

RE: Well tests, Agreement, Etc.

Jack said they have not yet finished the well. Runoff has caused severe erosion problems and driller can not get back on hole. Will probably be two months after driller gets back to work before testing is complete.

No time frame known or estimated at this time.

MICROFILMED

Re: 63-9758 - L.T.S., Inc. (Shamanah Golf Course)

Place: Department of Water Resources, State Office, 450 W. State St., 2nd Floor Conference Room

Date: September 30, 1981 at 1:30 p.m.

Hearing conducted by: Fleenor & Shaw

ROSTER OF ATTENDANCE

Name	Address	Representing
[illegible]	3572 Brewer ct	Shamanah
[illegible]	6700 Emerald St	Anderson & Kelly (Shamanah)
JOE L. TERTELING	1755 WEST GATE DR.	J. L. TERTELING
Walt McKeon	" "	Terteling Co.
THOMAS H. HOOD	" "	J. L. TERTELING / TERTELING CO INC.
[illegible]	2024 Blaine	Shamanah
[illegible]	5470 Waterwheel Dr.	Shamanah

MICROFILMED

Sec 22 Tertelling

63- 3604	Springs	trib Stuart Gulch	0.05 cfs. 4/26/67	
3603	Groundwater	1.03 cfs 4/26/67	SWNW, NENW, NWSW 22	
7595	"	2.00 cfs 5/3/72	SESE, NWNE, SWNW 22	
9288	"	3.00 cfs 9/20/79	NWSE	22 4N2E

Thomas - Silkey - Trees SENE Sec 29 4N2E

MICROFILMED

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Hillside Junior School

Address Boise Idaho

Owner's Permit No. ?

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☑ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole ____ inches Total depth 500 feet

Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	
.250 inches	16" inches	0 feet	45 FT feet
.250 inches	8" inches	0 feet	500 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was a packer or seal used? ☐ Yes ☑ No

Perforated? ☑ Yes ☐ No

How perforated? ☐ Factory ☑ Knife ☐ Torch

Size of perforation 3/16 inches by 4 inches

Number		From	To
80	perforations	30 feet	38 feet
2680	perforations	20 feet	500 feet
____	perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☑ No

Manufacturer's name ____

Type: ____ Model No. ____

Diameter ___ Slot size ___ Set from ____ feet to ____ feet

Diameter ___ Slot size ___ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☑ No Size of gravel ____

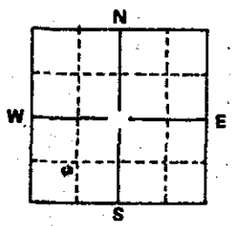
Placed from ____ feet to ____ feet

Surface seal? ☑ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☑ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County Ada

¼ NE ¼ SW ¼ Sec. 28 T. 4 N/S, R. 2 E/W

7. WATER LEVEL

Static water level 6 feet below land surface

Flowing? ☐ Yes ☑ No G.P.M. flow ____

Temperature ____ ° F. Quality ____

Artesian closed-in pressure ____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☑ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
1800 EST.	150	4
	DRY Hole	

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes
16	0	2	Top Soil	
8	2	30	Sand, Clay, Silt	
	30	31	Sand Small Gravel	L
	31	328	Blue Shale	
	328	380	Blue Sandy Clay	L
	380	390	Blue Clay	
	390	450	Clay Blue Sandy	L
	450	500	Stiff Blue Clay	

MICROFILMED

10.

Work started 8/13/69 finished 10/5/6

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

WITT AND SON'S 55
Driller's or Firm's Name Number

RT 4 CALDWELL, IDAHO
Address

Kenneth Witt 6/29/
Signed By Date

WHITE COPY - RECLAMATION DEPARTMENT

1/78

DEPARTMENT OF WATER RESOURCES

BALLPOINT P

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name J. A. Terteling & Sons, Inc.

Address P.O. Box 1428, Boise, Idaho 83701

Owner's Permit No. 63-7595

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary

☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness		Diameter		From		To	
.250	inches	16	inches +	2	feet	378	feet
.250	inches	8	inches +	1	feet	293	feet
.258	inches	5	inches	293	feet	295	feet
.258	inches	5	inches	303	feet	326	feet
.258	inches	5	inches	334	feet	344	feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number		From		To	
_____	perforations	_____	feet	_____	feet
_____	perforations	_____	feet	_____	feet
_____	perforations	_____	feet	_____	feet

Well screen installed? ☒ Yes ☐ No

Manufacturer's name Johnson

Type 304 Stainless Model No. _____

Diameter 6 Slot size 35 Set from 295 feet to 303 feet

Diameter 6 Slot size 35 Set from 326 feet to 334 feet

Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8 minus

Placed from 50 feet to 378 feet

Surface seal depth 50' Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth

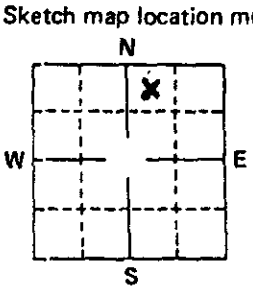
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata

Describe access port To be determined

6. LOCATION OF WELL

63

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Ada

NW ¼ NE ¼ Sec. 22, T. 4N N/S, R. 2E E/W.

7. WATER LEVEL

225' 16" Pipe
45' 8" Pipe

Static water level _____ feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	W Ye
28	0	10	Topsoil & Sand	
	10	32	Crse. Sand w/some Clay	
	32	34	Fine to Med. Sand	
	34	78	Fine to Crse. Sand	
	78	88	Fine to Crse. Green Sand	
	88	95	Fine to Crse. Sand-Mixed Colors	
	95	146	Crse. Gray Sand-Hard	
	146	166	Gray Sandstone-Hard	
	166	226	Blue-Gray Sandstone-Hard	
	226	233	Clay	
	233	239	Blue-Gray Sandstone-Hard	
	239	243	Blue Sand w/some Clay	
	243	259	Dark Brown Shale & Clay	
	259	269	Light Black Sandstone	
	269	275	Dark Sandstone w/some Clay	
	275	277	Brown Clay w/some Fine Sand	
	277	279	Sandstone & Clay	
	279	284	Dark Blue Sandstone & Clay	
	284	289	Sandstone-Mixed Colors	
	289	293	Dark Blue Sandstone	
	293	299	Crse. Qtz. Sand	
	299	304	Fine to Med. Qtz. Sand w/some Cla	
	304	309	Fine Sand w/some Mudstone	
	309	311	Sandstone & Mudstone	
	311	312	Mudstone	
	312	318	Mudstone & Carbon Shale	
	318	319	Blue Shale-Crse. Qtz. Sand	
	319	323	Quartz Sand & Shale	
	323	329	Crse. Qtz. Sand-Pea Pebbles	
	329	336	Crse. Green Qtz. Sand	
	336	349	Blue Sandstone & Mudstone	
	349	354	Mudstone	
	354	356	Light Brown Mudstone	
	356	357	White Clay	
	357	359	Brown Clay	
			(Cont'd)	

10.

Work started 9-21-78 finished 10-18-78

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards we complied with at the time the rig was removed.

Firm Name Pete Cope Drilling Co. Inc. Firm No. 213

Address P.O. Box 561 Meridian, Idaho Date 10-19-78

Signed by (Firm Official) Pete Cope

and

(Operator) Frank Terteling

MICROFILMED

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

WELL OWNER

Name _____

Address _____

Owner's Permit No. _____

1. NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

2. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

3. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

4. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
_____ inches	_____ inches +	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

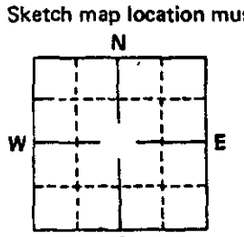
Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☐ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth _____ Material used in seal: ☐ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port _____

5. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County _____

7. WATER LEVEL

Static water level _____ feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature ____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
	359	363	Blue Clay & Brown Shale		
	363	366	Black Shale		
	366	375	Basalt		
18	375	402	Black-Green Basalt-Hard		
	402	412	Clay w/Broken Basalt		
	412	437	Basalt-Hard		
	437	441	Clay & Cinders		
	441	445	Basalt-Hard		
	445	448	Basalt & Clay		
	448	453	Basalt		
	453	467	Red Clay & Cinders		
	467	470	Basalt-Hard		
	470	476	Clay & Broken Basalt		
	476	486	Basalt-Hard		
	486	497	Clay-Various Colors		
	497	499	Basalt-Hard		
	499	500	Clay & Shale		
	500	506	Cinders & Broken Basalt		
	506	514	Brown & Blue Clay w/Basalt & Shale		
	514	522	Basalt-Hard		
12	522	532	Basalt w/some Clay		
	532	535	Red Clay & Cinders		
	535	538	Basalt		
	538	554	Blue Clay & Cinders		
	554	555	Lava		
	555	570	Clay w/some Grey Sand		
	570	572	Fine to Crse. Sand		
	572	615	Gray Clay w/some Sand		
	615	616	Crse. Sand		
	616	652	Gray Clay w/some Sand		
	652	672	Gray Clay		
	672	702	Dark Blue Clay		
	702	712	Brown to Blue Clay		
	712	725	Blue-Green Clay		

10.

Work started _____ finished _____

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name _____ Firm No. _____

Address _____ Date _____

Signed by (Firm Official) _____

and

(Operator) _____

orm 238-7
/78

STATE OF IDAHO
EPARTMENT OF WATER RESOURC

USE TYPEWRITER O
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name J.R. Simplot

Address 1500 Harrison Blvd. 83702

Owner's Permit No. _____

2. NATURE OF WORK

XX New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic XX Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
XX Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: XX Steel ☐ Concrete ☐ Other _____

Thickness		Diameter		From		To	
.250	inches	16	inches +	2	feet	372'4"	feet
.250	inches	12	inches	342'9"	feet	348'3"	feet
.250	inches	10	inches	348'3"	feet	529	feet
_____	inches	_____	inches	_____	feet	_____	feet

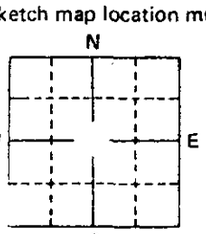
Was casing drive shoe used? ☐ Yes XX No
Was a packer or seal used? ☐ Yes XX No
Perforated? XX Yes ☐ No
How perforated? XX Factory ☐ Knife ☐ Torch
Size of perforation 1/8 inches by 3 inches

Number		From		To	
640	perforations	352'4"	feet	372'4"	feet
3600	perforations	348'3"	feet	529	feet
_____	perforations	_____	feet	_____	feet

Well screen installed? ☐ Yes XX No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Gravel packed? XX Yes ☐ No ☐ Size of gravel 3/4 minus
Placed from 20 feet to 370 feet
Surface seal depth 20 Material used in seal: XX Cement grout
☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit XX Temp. surface casing
XX Overbore to seal depth
Method of joining casing: ☐ Threaded XX Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Ada
NE ¼ SE ¼ Sec. 27, T. 4 N/S, R. 2 E/W.

7. WATER LEVEL

Static water level 183 feet below land surface, Rice
Flowing? ☐ Yes XX No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature ____ °F. Quality _____

8. WELL TEST DATA

XX Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
600	209	4
990	250	6

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes
16	0	2	topsoil	
	2	73	cemented sand	
	73	117	blue clay	
	117	121	blue cemented sand	X
	121	160	gray blue clay	
	160	246	gray shaley clay	
	246	270	blue gray shale	
	270	298	coarse blue sand in shale	
	298	310	blue shale	
	310	346	sandy blue shale	
	346	350	sand, hard black ash	
	350	361	solid hard black ash	
	361	362	broken lava with greenish granite sand	X
	362	385	hard black lava	
	385	398	grayish black lava	
	398	403	red hard sticky clay	X
	403	429	lava & red cinder	X
	429	440	hard black lava	
	440	447	hard gray lava	
	447	448	broken lava	X
	448	453	red sticky clay	
	453	458	brown clay & sand	X
	458	462	black sandy clay	
	462	469	coarse blue sand & pea gravel	X
	469	476	coarse sticky clay with sand streaks	X
	476	486	streaks of green, white & gray hard clay	
	486	491	red & black lava	
	491	493	black lava	
	493	502	green, white, red clay with lava streaks	
	502	515	red & black lava	
	515	519	broken red & black lava	X
	519	529	harder black lava	

10. Work started 2/5/80 finished 4/26/80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name W.E. Stevens & Sons License No. 153
Address 3709 Hawthorne Drive Date 4/27/80
Signed by (Firm Official) _____
and
(Driller) _____

MICROFILMED

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

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
- Samuelson - 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 21&28 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 21&22 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

MICROFILMED

✓

Possibility of pump tests to determine interference.

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

< Terteling 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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

RECEIVED

SEP 2 1981

Department of Water Resources
Western Regional Office

(Name of Sender)

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
92 SOUTH POLE ROAD
BOISE, IDAHO 83709

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
   - ☐ Show to whom and date delivered..... ¢
   - ☐ Show to whom, date and address of delivery..... ¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered..... ¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery.$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Weston M McKee
P.O. Box 4127
Coeur d'Alene ID 83704

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	P 20 [illegible]	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Michele Dickens

4. DATE OF DELIVERY: SEP 1 1978
POSTMARK: COLE VILLAGE STATION BOISE, IDAHO SEP 1 1978

5. ADDRESS (Complete only if requested)
COLE VILLAGE STATION
3485 NO. COLE ROAD
BOISE, IDAHO 83704

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

DELIVERED

☆GPO : 1979-289-848

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE

U.S.MAIL

RECEIVED

SEP 2 1981

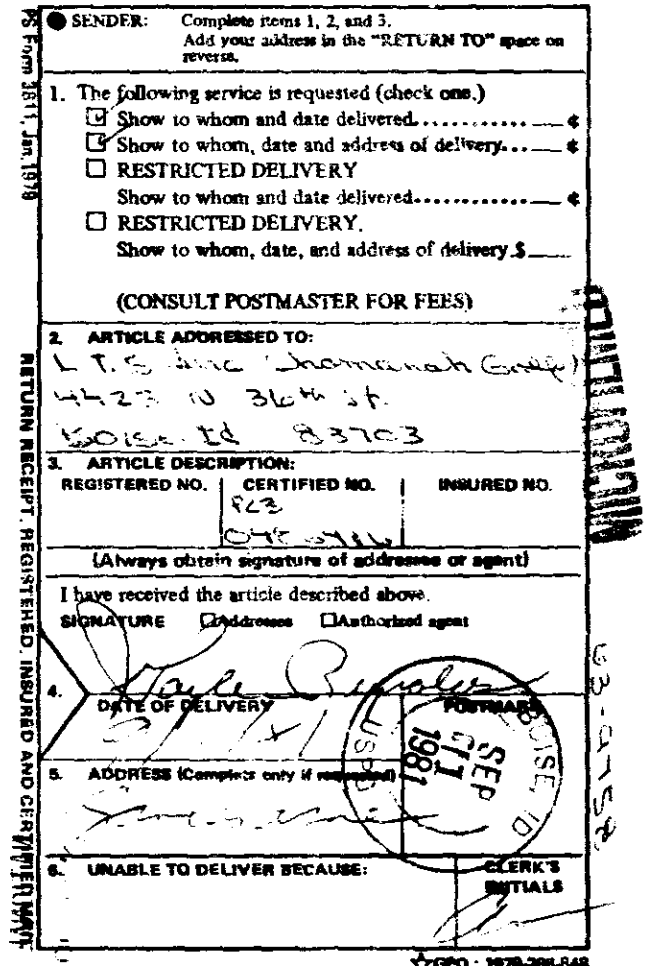
Department of Water Resources
Western Regional Office

(Name of Sender)

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
92 SOUTH COLE (Street or P.O. Box)
BOISE, IDAHO 83709

(City, State, and ZIP Code)

MICROFILMED



SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☑ Show to whom and date delivered..... ¢
- ☑ Show to whom, date and address of delivery.... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery $

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
L.T.S. Inc. (Thomas Gulf)
4423 N 36th St.
Boise, Id 83703

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 823 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY SEP 21 1981 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-286-848

P23

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO				
STREET AND NO.				
P.O., STATE AND ZIP CODE				
POSTAGE				$
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE			¢
	OPTIONAL SERVICES	SPECIAL DELIVERY		¢
		RESTRICTED DELIVERY		¢
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
			SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	¢
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
			SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES				$
POSTMARK OR DATE				

PS Form 3800, Apr. 1976

P23 [illegible]

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Wallace W. McKelvey

STREET AND NO.
P.O. Box 4127

P.O., STATE AND ZIP CODE
Boise, Id. 83704

POSTAGE					$
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE				¢
	OPTIONAL SERVICES	SPECIAL DELIVERY			¢
		RESTRICTED DELIVERY			¢
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		¢
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
			SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢
TOTAL POSTAGE AND FEES					$
POSTMARK OR DATE					

PS Form 3800, Apr. 1976

L.J. 5, Inc. (Shamarah Golf Course) 63-9758
9/30/81

Protestant
Tertling Co. Inc.
Walt McKew, attorney
Thomas Hood – Geologist – 63-4067
Joe Tertling

Want to develop a groundwater source – No violation of 5 points –

Has drilled 300 feet in Blue Clay

Will irrigate 68 acres of Turf plus.

Issue
1. Injury with existing right
2. Not sufficient water

Past History
June 23 1971 Nippler well dropped 0.6 feet per day due the Tertling pumping –
Carbon dating being done on existing wells –

Tertling wells are warm water –
Condition [redacted] no more than 0.03 cfs per acre
[redacted]

/

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
PERMIT NO. 63-9758 IN THE NAME)	NOTICE OF HEARING
OF L.T.S., INC. (SHAMANAH GOLF COURSE))	AND/OR CONFERENCE

On June 30, 1981, L.T.S., Inc. (Shamanah Golf Course) filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On July 30, 1981, the Department received a protest against approval of said application from The Terteling Company, Inc. and Joseph L. Terteling.

The Department has set the matter of the protest for hearing for September 30, 1981, at 1:30 p.m. in the Conference Room, Second Floor, State Tower Bldg., 450 W. State St., Department of Water Resources, Boise, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

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If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 31st day of August, 1981.

David B. Shaw
Western Region Supervisor

MICROFILMED

RECEIVED
OCT 2 1981
Department of Water Resources

ANDERSON & KELLY
CONSULTANTS IN ENGINEERING AND GEOLOGY
6700 EMERALD STREET BOISE, IDAHO 83704

KEITH E. ANDERSON
JACK E. KELLY
W. L. BURNHAM

AREA CODE 208
TELEPHONE: 375-9220
CABLE ADDRESS: ANDKEL

October 1, 1981

Mr. Thomas H. Hood
Geolinear
P.O. Box 4127
Boise, ID 83704

Dear Tom:

During the conference held on September 30, 1981 at the Department of Water Resources it was agreed that the Terteling interests would withdraw their protest of application No. 63-9758 subject to certain conditions. These conditions were that the Shamanah Golf Course interests agree to 1) a general exchange of technical data, 2) to give 72 hours notice to Terteling interests of any test pumping of wells on Shamanah Golf Course and 3) to cooperate in a monitoring program during test pumping, as well as consideration of continuing monitoring of water levels on a longer term basis.

This letter has been prepared at the request of L.T.S. Inc. by the undersigned and constitutes Shamanah Golf Course interests agreement to the conditions listed above.

Enclosed is a copy of our letter report dated June 5, 1980 which summarized all of the technical analysis prepared to date by Anderson & Kelly.

Looking forward to our continuing cooperation, we are,

Sincerely,

ANDERSON & KELLY

Jack E. Kelly

JEK/sk

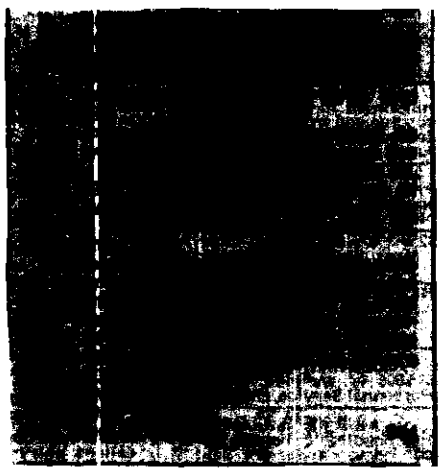
encl.

cc: Bob Fleenor-DWR w/o encl.
L.T.S. Inc.-w/o encl.

MICROFILMED

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

Verlyn Childers, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for



two insertions, beginning with the issue of August 13, 19 81, and ending with the issue of August 20, 19 81.

Verlyn Childers

Subscribed and sworn to before me this 20th day of August, 19 81.

Dorothy Engren

Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED
AUG 21 19[illegible]
Department of Water Resources
Western Regional Office

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before AUGUST 31, 1981.

A. KENNETH DUNN

Director

Published 8/13 & 8/20.

MICROFILMED

✓

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

July 31, 1981

L.T.S., Inc.
4423 N. 36th St.
Boise, Idaho 83703

Dear Sirs:
Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. ~~63-9758~~. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

July 31, 1981

The Terteling Company, Inc.
Joseph L. Terteling
P. O. Box 4127
Boise, Idaho 83704

RE: 63-9758

Dear Sir:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

The application was advertised as Place of Use: NENE¼, Sec 28, T04N, R02E for 15 Acres, the correct description is NWNE¼, Sec 28, T04N, R02E, for 15 Acres.

DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

DBS

TTC

July 30, 1981

Director
Department of Water Resources
Western Regional Office
92 S. Cole Road
Boise, ID 83705

Re: Water Permit #63-9758 - Formal Protest
for The Terteling Company, Inc. and J. L. Terteling

Gentlemen:

Please be advised that this constitutes our formal protest to application for water permit #63-9758 filed by LTF Incorporated on June 30, 1981, final protest day August 3, 1981.

As adjacent landowners, The Terteling Company, Inc. and Joseph L. Terteling, it is our conclusion that the increased usage as applied for will have a serious and detrimental impact on wells developed and used by us. It is our position that the permit as applied for will be viewed an encroachment both at law and fact upon our water rights as they presently exist, having a significant impact due to the extent of the increased usage and depth on the availability and water pressure of wells which we have spent rather extensive time, effort and money to develop.

Please direct any further notices or request you may have to my attention.

Sincerely yours,

Walter M. McKew
Counsel for
The Terteling Company, Inc.
and Joseph L. Terteling

WMM/bsh

RECEIVED
JUL 29 1981
Department of Water Resources
Western Regional Office

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

---

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

AUGUST 6, 1981

The Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 31, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

✓

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for a Water Right Permit No. 63-9758 in the name of L.T.S., Inc. was published in error on 7/16 and 7/23/1981.

The place of use was advertised as being within the SWSE, Sec.21, and the NENE, NENW, NWNW, SENW, Sec.28, T4N, R2E. Whereas, the actual place of use is within the SWSE, Sec.21, and the NWNE, NENW, NWNW, SENW, Sec.28, T4N, R2E.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before August 31, 1981.

A. Kenneth Dunn
Director

Published in the Statesman on August 13, and August 20, 1981.

MICROFILMED

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

Verna L. Johnson, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the issue of July 16, 1981, and ending with the issue of July 23, 1981.

Verna L. Johnson

Subscribed and sworn to before me this 28th day of August, 1981.

Margaret Rose Stone
Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED
AUG 31 1981
Department of Water Resources
Western Regional Office

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

JULY 9, 1981

The Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 3, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before AUGUST 3, 1981.

A. KENNETH DUNN

Director

Published 7/16 & 7/23/81.

MICROFILMED

63-9258_

L.T.S., INC., SHAMANAH GOLF COURSE

4423 N. 36TH ST., BOISE, ID 83703

Source: GROUNDWATER

Date Filed: 06/30/1981

Amount: 3.00 CFS 2.0 AC-FT

Diversion Point: SWNE Sec 28 T 04N R 02E SWSE Sec 21 T 04N R 02E,
ADA Co.

Use: IRRIGATION (3.00 CFS) from 03/15 to 10/15
AESTHETICS STORAGE (2.0 AC-FT) from 01/01 to 12/31

Place of Use: SWSE Sec 21 T 04N R 02E (NENE) NENW NWNW SENW Sec 28 T 04N R 02E
FOR 110 ACRES NWNE

Diversion Means: WELLS, PUMPS & SPRINKLER SYSTEM

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED
JUL 29 1998
Department of Water Resources

TRANSFER NO. 4804
WATER RIGHT NO. 63-09758

This is to certify that: **DAVID HENDRICKSON**
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.31 CFS	495.0 AF
AESTHETIC	01/01 to 12/31		2.0 AF
	Totals	1.31 CFS	497.0 AF

SOURCE
GROUNDWATER

Priority: 06/30/1981

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 28, Township 04N, Range 02E
NWSW , Sec. 28, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02E	21	SWSE	4	SESE	31			35
		28	NWNE	16	NENW	31	NWNW	17	
			SENW	11					75
					Total number of acres irrigated:				110

PLACE OF USE: AESTHETIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

Right No. 63-09758 is subject to the conditions of the Amended Preliminary Order in the matter of Application for Transfer 4804.

Dated this 14th day of May, 1998.

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
AUG 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4804
WATER RIGHT NO. 63-09758

This is to certify that: **DAVID HENDRICKSON**
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.31 CFS	495.0 AF
AESTHETIC	01/01 to 12/31		2.0 AF
	Totals	1.31 CFS	497.0 AF

SOURCE

GROUNDWATER

Priority: 06/30/1981

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 28, Township 04N, Range 02E
NWSW , Sec. 28, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02E	21	SWSE	4	SESE	31			35
		28	NWNE	16	NENW	31	NWNW	17	
			SENW	11					75
					Total number of acres irrigated:				110

PLACE OF USE: AESTHETIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

Right No. 63-09758 is subject to the conditions of the Preliminary Order in the matter of Application for Transfer No. 4804.

Dated this 26th day of June, 1997.

Chief, Water Allocation Bureau

RECEIVED
AUG 06 1999

Form 1-222
12-92

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4804

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

AMENDED TO DELETE 63-04037 ON 12/19/96

Name of applicant David Hendrickson DBA Quail Hollow Golf Course Phone 208-344-7807

Post Office address 4520 N 36th St, Boise ID 83703

A. PURPOSE OF TRANSFER — CORRECTED locations, not wells

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Existing water supply is highly regulated and subject to curtailment during the irrigation season. A new well has been drilled in a non-regulated area to allow more efficient irrigation management.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

DELETE 12-19-96 DH

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
63-09758	6-30-81	1.31/495	Irrigation	3/15	to	11/15
		2 ac/ft	Aesthetics	1/1	to	12/31
~~63-04037~~	~~10-1-31~~	~~2.48~~	~~Irrigation~~	~~4/1~~	to	~~10/31~~
					to	

2. Total amount of water being transferred ~~3.79~~ 1.31 cubic feet per second and/or 2.00 acre-feet per annum. (STORAGE)

3. Source of water Ground water tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	28	4N	2E	Ada	2 Existing Pts (CORRECTED LOCATIONS)
		NW	SW	28	4N	2E	Ada	Proposed (cold WATER WELL)

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED
AUG 0 6 1999

— THIS is REVISED APPL., REPLACES ORIGINAL —

✓

Transfer No. 4804

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 _____, 19____.

MICROFILMED
AUG 06 1999

Also corrects location of 2 lot wells -82 -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	USE PERIOD 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 --- 2.400 CFS	
					TOTAL DIVERSION:		

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					
			NENE	NWNE	SWNE	SENE		NENW	NWNW	SWNW	SENW		NESW	NWSW	SWSW	SESW		NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac		Lt Ac	Lt Ac	Lt Ac	Lt Ac		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

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 0 6 1999

Right 63-04037
N/A per
12/19/96 Amend.
-SL

Pg 4

AJ0749NP
No. A63-04037

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

DATE: 03/28/
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD 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	210.00 AFA CONSUMPTIVE USE:

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLAIM

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

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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:

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SRBA Claim
A63-04037 N/A
ASR 12/19/96 Amend.
-SL

Pg 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	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON	06/30/1981	IRRIGATION	03/15	10/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH						
	BOISE ID 83703			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 SWSE ADA County
S28 NWNE ADA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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.O.: 05/30/1989
Licensed Date: 10/26/1993

AUG 06 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

MICROFILM
AUG 0 6 1999

SCALE: 2 inches equal 1 mile. Draw plan in ink.

 Transfer No. _____

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.

SHERL L. CHAPMAN NOTARY PUBLIC STATE OF IDAHO

Darrel Bendixen
(Signature of Applicant)

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

Sherl L Chapman
(Notary Public)

My commission expires 6/14/2000

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and — attachments

Received by KB 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 _____

Pub. dates May 2 & 9, 1996 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

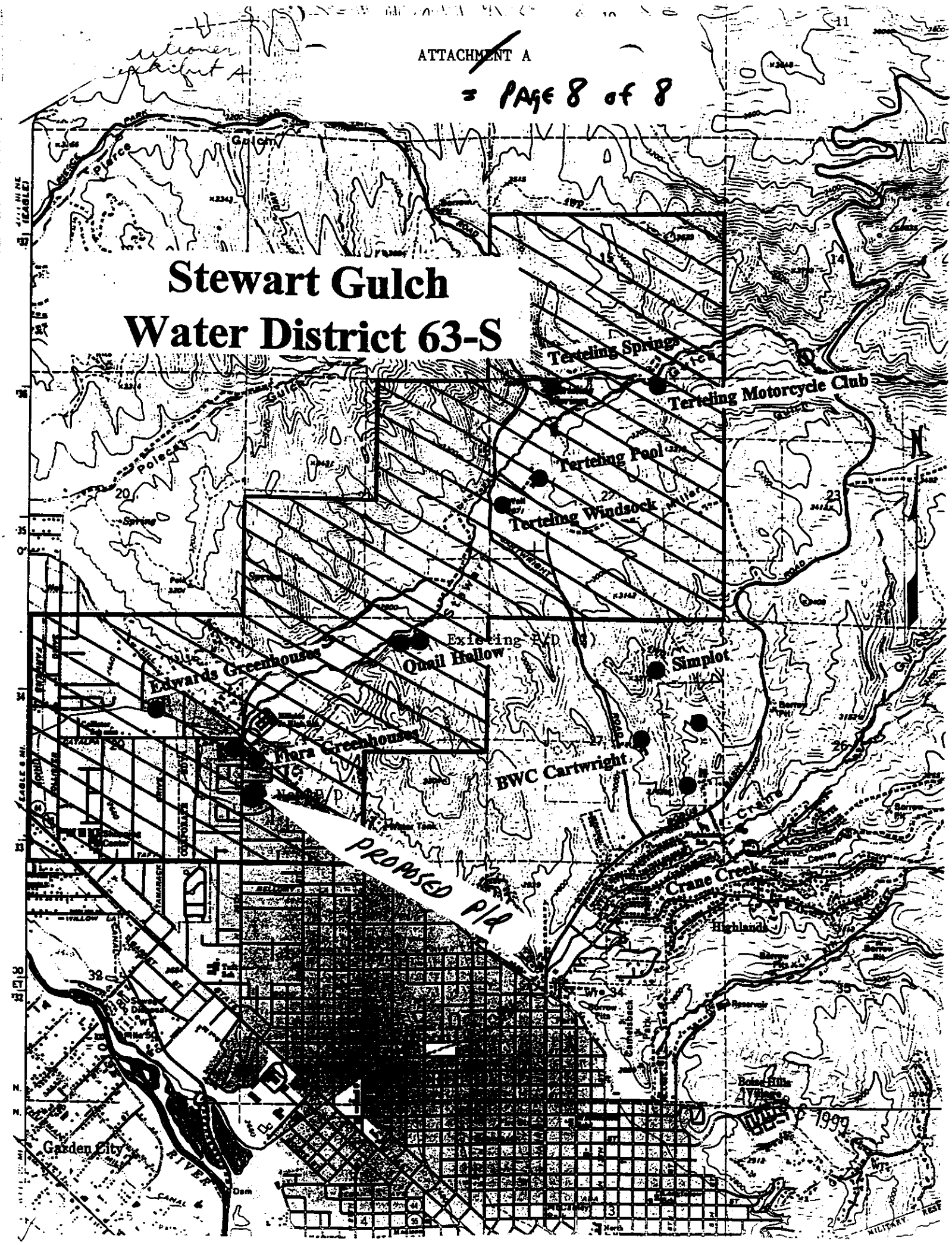
Copy of transfer sent to lien holder _____

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

-SL

ATTACHMENT A

= Page 8 of 8



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:**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02E	21	SWSE	4	SESE	31			35
		28	NWNE	16	NENW	31	NWNW	17	
			SENW	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.

Norman C Young

Acting for R. Keith Higginson, Director

APPROVED

FEB 24 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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 VANCROFT INC
DBA QUAIL HOLLOW GOLF COURSE
C/O MARI E MONTGOMERY
600 W 76TH AVE #10
ANCHORAGE AK 99518 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:**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02E	21	SWSE	4	SESE	31			35
		28	NWNE	16	NENW	31	NWNW	17	
			SENW	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 use 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.

AUTHORIZED

FEB 24 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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 26TH day of OCTOBER, 1993.

Acting for R. Keith Higginson, Director

RECEIVED
FEB 24 1994

State of Idaho
Department of Water Resources

RECEIVED
SEP 14 1993
Department of Water Resources

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09758

Date of Priority: June 30, 1981

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

Comes now DAVID E HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-09758, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02E	21	SWSE	4	SESE	31			35
		28	NWNE	16	NENW	31	NWNW	17	
			SENW	11					75

Total number of acres irrigated: 110

PLACE OF USE: AESTHETIC, same as IRRIGATION use

Permit holder asserts that no one will be injured by such change and that such chang will be made at permit holder's own risk.

Signed at 10:30 AM, this 13 day of SEPT, 1993

David E Hendrickson
(Signature)

FEB 24 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09758

****

FOR DEPARTMENT USE ONLY

Preliminary check by BC Fee = $20.00 Receipted by QW # 028572 Date 9-14-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-09758 with the following;

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 use 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.
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.

Witness my hand this 26TH day of OCTOBER, 1993.

Acting for R. Keith Higginson, Director

Mailed

FEB 24 1994

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JUN 18 1999
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 15, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHERL L CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

Re: Water Monitoring by Quail Hollow Golf Course

Dear Mr. Chapman:

Thank you for your letter dated February 17, 1999, in which you requested that Quail Hollow Golf Course not be required to gather additional water level information that is required by the transfer approval decision. I have reviewed the decision, and it states as follows:

> . . . . the water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during 1998 to determine the impact of pumping from the water right holders' cold water well located in the NW1/4 SW1/4 Sec. 28, Township 04N, Range 02E, B.M. A report of the . . . . monitoring results and conclusions shall be submitted to IDWR and Wersch & Jones.
>
> IDWR may require monitoring of ground water levels during future years if IDWR determines that monitoring is necessary to protect water rights.

You submitted the results of monitoring conducted by Quail Hollow. Your report concludes that pumping from the Quail Hollow cold well is not affecting water levels in the Wersch and Jones well. I see no reason to require further monitoring of Quail Hollow during 1999 and subsequent years. Because the order did not require additional monitoring after 1998, no order changing the conditions of the original order is necessary. Please remember, however, that the condition might require monitoring again in the future.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

CC: Water Allocation File No. 63-09758

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AUG 0 6 1999

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

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FEB 19 1999
WATER RESOURCES
WESTERN REGION

February 17, 1999

RECEIVED
JUN 18 1999
Department of Water Resources

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Spackman:

Mr. Hendrickson, dba Quail Hollow Golf Course, filed an application for transfer of license #63-09758 (transfer #4804) which was ultimately approved. The transfer sought to add a point of diversion to the existing water right. A number of protests were entered and resolved. One of the protests by Glen Wersch and Ellen Jones resulted in a condition on the transfer requiring that water levels in the Wersch and Jones well be monitored during 1997 and 1998 to determine if any impact would occur from pumping the Quail Hollow cold water well, which is located in the NW/4 SW/4, Section 28, T4N, R2E. A report of the 1997 and/or 1998 monitoring results and conclusions was to be submitted to the Idaho Department of Water Resources and Glen Wersch and Ellen Jones. This document is the report required under the approved application for transfer.

The new well, constructed by Quail Hollow Golf Course, was not operated in 1996 but was operated during part of 1997 and part of 1998. Water level measurement sheets are attached which show the water level measurements taken by Quail Hollow Golf Course staff on both the Wersch well (homeowner's well) and the Quail Hollow Golf Course well (our well). As can be seen from the 1997 measurements the first date of measurement of the Wersch well on 7/15/97 showed a depth to water of 32.4918 feet. The Wersch well was in operation at that time. The only measurement taken on the Wersch well when it was not operating was 7/19/97 with a depth to water of 31.54 feet, a difference in depth of .95 feet. The Quail Hollow Golf Course well was not operated until August 14, 1997 and measurements taken of the depth to water of the Wersch well indicates insignificant impact. During the 1997 period of operation of the Quail Hollow Golf Course well the water level change in the Wersch well was -.46 feet which is insignificant and does not appear to bear a relationship between the Quail Hollow Golf Course well pumping and the Wersch well.

The Quail Hollow Golf Course well was also operated in 1998. The water levels in both wells were again measured by Quail Hollow Golf Course staff and during the period of operation the water level in the Wersch well only changed 2.03 feet. This change again is minimal and demonstrates a lack of communication between the Quail Hollow Golf Course well and the Wersch well. The depth to water in the Wersch well was essentially the same in both 1997 and 1998.

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Based upon the water level measurements taken on both the Wersch well and the Quail Hollow Golf Course well in 1997 and 1998, it is my opinion that operation of the Quail Hollow Golf Course well does not adversely affect the well owned and operated by Glen Wersch and Ellen Jones. Based on the data and my analysis, Quail Hollow Golf Course requests that the monitoring program specified in the approved application for transfer be eliminated since there does not appear to be any need to continue ground water monitoring on these two wells. Condition #2 clearly indicates that the ground water monitoring program specified in condition #1 was for 1997 and 98 and may be continued if IDWR determines that monitoring is necessary to protect water rights. Quail Hollow Golf Course asserts that no impact to other water rights has occurred because of the operation of its well specified under the transfer and requests that the Department of Water Resources relieve it of the requirement for continued monitoring.

As indicated above, a report of the 1997 and 1998 monitoring results was submitted to Glen Wersch and Ellen Jones. During my previous conversations with Jones and Wersch they gave me an address in Boise to mail the report and any other correspondence to. I mailed the report to this address but it was returned to my office on Tuesday, February 9th marked "undeliverable as addressed, no forwarding order on file". I know that Wersch and Jones were travelling to South America to operate a ranch at the time the transfer was approved and they indicated that they would be gone a year or more but that all correspondence could be mailed to the address they provided. If they make contact with us I will provide them with their copy of the monitoring report that I have on file here in the office.

If you need additional information or have questions, please contact Sherl L. Chapman.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
Enclosure
cc:Mr. Dave Hendrickson

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WERSCH-JONES WELL
1997

DATE	Depth To Water Meters	Depth To Water Feet	Time of Day	Status of Well
7-15-97	9.9	32.4918	1.10 PM	On
7-16-97	9.87	32.39334	8.25 AM	On
7-17-97	9.86	32.36052	10.30 AM	On
7-18-97	9.9	32.4918	9.25 AM	On
7-19-97	9.61	31.54002	8.45 AM	Off
7-21-97	9.89	32.45898	11.45 AM	On
7-23-97	9.93	32.59026	8.35 AM	On
7-25-97	9.98	32.75436	12.02 PM	On
7-27-97	9.86	32.36052	10.04 AM	On
7-31-97	9.82	32.22924	7.30 AM	On
8-3-97	9.95	32.6559	9.10 AM	On
8-5-97	9.94	32.62308	1.40 PM	On
8-8-97	9.95	32.6559	10.50 AM	Off
8-11-97	9.88	32.42616	1.45 PM	On

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Home owners well (Wersch-Jones)

DATE	Depth Meters	Depth Feet	Time	Status of Well
7-7-98	9.82	32.23	2:45 PM	off
7-9	10.1	33.15	6:45 AM	on
7-10	10.11	33.18	6:20 AM	on
7-11	10.13	33.25	7:00 AM	on
7-15	10.26	33.67	9.25 AM	on
7-22	10.35	33.97	2 PM	on
7-23	10.31	33.84	7:15 AM	on
7-30	10.4	34.13	10:45 AM	on
8-3-98	10.24	33.61	12:30 PM	on
8-17	10.44	34.26	1:45 PM	on
8-28	10.31	33.84	1:20 PM	on
9-4	10.42	34.20	12:15 PM	on
10-7-98	10.04	32.95	8:15 AM	on
		0.00		
		0.00		

Our Well (Quail Hollow New Well)

Date	Depth Meters	Depth Feet	Status
7-7-98	8.71	28.59	off
7-9-98	9.82	32.23	on
7-15	10	32.82	on
7-22	10.15	33.31	on
7-30	10.34	33.94	on
8-3	10.01	32.85	on
8-17	10.38	34.07	on
8-28	10.1	33.15	on
9-4	10.3	33.80	on
10-7-98	9.74	31.97	on
		0.00	

RECEIVED
JUL 29 1999
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 21, 1998

RE: In the matter of Application for Transfer No. 4804 of Water Right No. 63-09758 in the name of David Hendrickson, dba Quail Hollow Golf Course

Dear Interested Parties:

The accompanying order is a "**amended preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard,

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the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

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The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

AUG 0 6 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, (TRANSFER NO. 4804 IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	**AMENDED PRELIMINARY ORDER**

On, April 17, 1998, a pre-hearing conference was conducted regarding protests to application for transfer no. 4804. The pre-hearing conference was attended by the applicant, David Hendrickson (Quail Hollow), and his attorney, Scott Campbell. Protestants Terteling Trust #7 and The Terteling Co. appeared by and through their attorney, William D. Collins. Michael Creamer attended representing a non-protesting, interested party, Vancroft Corp. John Homan, Deputy Attorney General, also attended. This preliminary order is issued as a result of the prehearing conference.

The application for transfer was protested by the following parties: Glen Wersch & Ellen Jones, Vicki Jones, The Simplot Co., Crane Creek Country Club, The Terteling Co., Inc. and Terteling Trust #7.

The protest of Vicki Jones was dismissed by default order for failure to appear at a conference conducted by the Idaho Department of Water Resources (IDWR).

Glen Wersch and Ellen Jones agreed to withdraw their protest pursuant to an agreement dated June 5, 1996. The agreement required the construction of a pipeline from the new cold water well constructed by Quail Hollow to the Wersch & Jones property located on 36th Street. A pipeline was constructed to provide water for irrigation at the residence on 36th Street but will only be used if Quail Hollow's cold water well causes interference with an existing well owned by Wersch & Jones.

Glen Wersch filed adjudication claim no. A63-17621 in the Snake River Basin Adjudication (SRBA). Wersch claims the right to divert 0.57 cfs for domestic use in one home and irrigation of a lawn associated with the home. The claim describes two wells, a six inch diameter well that provides domestic water to the house and an eight inch diameter well that provides irrigation water for the lawn and yard. This preliminary order does not confirm the validity of claim no. A63-17621, nor does it authorize diversion of water from the Quail Hollow cold water well to the Wersch & Jones property. Authorization for use of the Quail Hollow cold water well by Wersch & Jones, if necessary, must be obtained separately.

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The agreement also required monitoring of the domestic well owned by Wersch & Jones during 1996 and an evaluation of the monitoring in the spring of 1997. Finally, the agreement stated that the protest would be withdrawn within five days of the date of the agreement. The protest was not expressly withdrawn as contemplated by the agreement. Nonetheless, the parties have acted as if the protest is resolved. The conditions of the agreement will be incorporated into this decision with some date changes. Water was not diverted from Quail Hollow's cold water well to the golf course during 1996. IDWR is uncertain whether water was diverted from the Quail Hollow cold water well in 1997, and whether the Wersch & Jones water levels were monitored in 1997. If not, IDWR will require monitoring of the Wersch & Jones domestic well water levels in 1998 during times when Quail Hollow's cold water well is pumped. IDWR may require additional monitoring, if necessary, to determine the effect of pumping on other rights.

The J. R. Simplot Co., Crane Creek County Club, The Terteling Co., and Terteling Trust #7 stipulated to withdraw their protests by written agreement. This decision refers generally to the agreements but does not adopt the language of the agreements as conditions of approval. The agreements are viewed as contracts between the parties.

Finally, the parties agreed that, upon issuance of a preliminary order, Quail Hollow would immediately begin diverting water from the cold water well.

ORDER

IT IS ORDERED that Application for Transfer No. 4808 is **APPROVED,** subject to the following conditions:

1. If water levels were not monitored during 1997, the water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during 1998 to determine the impact of pumping from the water right holder's cold water well located in the NW¼SW¼, Section 28, Township 04N, Range 02E, B.M. A report of either the 1997 or 1998 monitoring results and conclusions shall be submitted to IDWR and Wersch & Jones.

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

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

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

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5. For purposes of administration of water rights within the cold water aquifer, water right no. 63-09758 will assume a priority date of March 19, 1996.

6. Diversion of water from the two low temperature geothermal wells located in the NW¼NE¼ of Section 28, T04N, R02E, B.M., shall be regulated by the watermaster of State Water District No. 63S.

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

8. Diversion from the approved points of diversion shall not exceed 1.31 cfs under water right no. 63-09758. Approval of this transfer does not affect any other water rights diverted from the points of diversion.

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

10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

11. Failure of the right holder to comply with the conditions of this transfer is cause for the director to rescind approval of the transfer.

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

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

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

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

IT IS FURTHER ORDERED that the water user may immediately begin diverting water from the cold water well located in the NW¼SW¼ of Section 28, Township 04N, Range 02E, B.M. and may continue to divert water pursuant to this approval unless directed otherwise by IDWR.

DATED this 14th day of May, 1998.

for GARY SPACKMAN
Hearing Officer

AUG 06 1999

CERTIFICATE OF MAILING

I certify that on the 21st day of May, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below.

Julie Yarbrough

DAVID HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

TERTELING TRUST #7
C/O WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701-2836

JOHN HOMAN
ID DEPT OF WATER RESOURCES
1301 N ORCHARD
BOISE ID 83706

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY
PO BOX 2720
BOISE ID 83701

GLEN WERSCH
ELLEN JONES
PO BOX 3113
BOISE ID 83701-2773

CRANE CREEK COUNTRY CLUB
C/O D A STEENSON
PO BOX 2773
BOISE ID 83701-2773

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83703-0027

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83702

0 6 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF PERMIT NO. 63-09758 (TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	**ORDER GRANTING PETITION FOR RECONSIDERATION**

The Idaho Department of Water Resources (IDWR) issued a preliminary order approving application for transfer no. 4804 described above. Conditions limited the scope of the approval and required remedial action by the applicant. Copies of the preliminary order were served on the parties.

Crane Creek Country Club, Inc. (Crane Creek), J.R. Simplot Company (Simplot), and Terteling Trust # 7 (Terteling) timely filed petitions for reconsideration of the preliminary order. Following filing of the petitions for reconsideration, the applicant, and an interest entity, Vancroft Corporation, wrote responses to the petitions.

Finding that there are legitimate issues raised by the petitions for reconsideration and the responses to the petitions;

IT IS HEREBY ORDERED that the petitions for reconsideration filed by Crane Creek, Simplot, and Terteling are GRANTED.

IT IS FURTHER ORDERED that a prehearing conference will be scheduled to discuss alternative means of resolving the issues raised by the petitions for reconsideration.

DATED this 30th day of July, 1997.

GARY SPACKMAN
Hearing Officer

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AUG 06 1997

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of July, 1997, I mailed a true and correct copy, postage prepaid, of this document to those listed below:

Sue Taylor
Senior Secretary

DAVID HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

TERTELING TRUST #7
C/O WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701-2836

JOHN HOMAN
IDAHO DEPT OF WATER RESOURCES
1301 N ORCHARD
BOISE ID 83706

KEN ARMENT
1770 W STATE ST STE 339
BOISE ID 83702

MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY
PO BOX 2720
Boise, ID 83701

GLEN WERSCH
ELLEN JONES
PO BOX 3113
BOISE ID 83703

CRANE CREEK COUNTRY CLUB
C/O C A STEENSON
PO BOX 2773
BOISE ID 83701-2773

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83703-0027

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BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758 (TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	**PRELIMINARY ORDER**

On May 29, 1997, a hearing was conducted regarding protests to application for transfer no. 4804. The hearing was attended by the applicant, David Hendrickson (Quail Hollow), and his attorney, Kenneth Arment. Protestants Terteling Trust #7 and The Terteling Co. appeared by and through their attorney, William D. Collins. Michael Creamer attended representing a non-protesting, interested party, Vancroft Corp. John Homan, Deputy Attorney General, also attended.

The application for transfer was protested by the following parties: Glen Wersch & Ellen Jones, Vicki Jones, The Simplot Co., Crane Creek Country Club, The Terteling Co., Inc. and Terteling Trust #7.

The protest of Vicki Jones was dismissed by default order for failure to appear at a conference conducted by the Department of Water Resources (IDWR).

Glen Wersch and Ellen Jones agreed to withdraw their protest pursuant to an agreement dated June 5, 1996. The agreement required the construction of a pipeline from the new cold water well constructed by Quail Hollow to the Wersch & Jones property located on 36th street. A pipeline was constructed to provide water for irrigation at the residence on 36th Street but will only be used if Quail Hollow's cold water well causes interference with an existing well owned by Wersch & Jones.

Glen Wersch filed adjudication claim no. A63-17621 in the Snake River Basin Adjudication (SRBA). Wersch claims the right to divert 0.57 cfs for domestic use in one home and irrigation of a lawn associated with the home. The claim describes two wells, a six inch diameter well that provides domestic water to the house and an eight inch diameter well that provides irrigation water for the lawn and yard. This preliminary order does not confirm the validity of claim no. A63-17621, nor does it authorize diversion of water from the Quail Hollow cold water well to the Wersch & Jones property. Authorization for use of the Quail Hollow cold water

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well by Wersch & Jones, if necessary, must be obtained separately.

The agreement also required monitoring of the domestic well owned by Wersch & Jones during 1996 and an evaluation of the monitoring in the spring of 1997. Finally, the agreement stated that the protest would be withdrawn within five days of the date of the agreement. There was no follow-up withdrawal as contemplated by the agreement. Nonetheless, the parties have acted as if the protest is resolved. The conditions of the agreement will be incorporated into this decision with the exception that, because water was not diverted from Quail Hollow's cold water well to the golf course during 1996, IDWR will require monitoring of the Wersch & Jones domestic well water levels during times when Quail Hollow's cold water well is pumped during 1997. IDWR may require additional monitoring, if necessary, to determine the effect of pumping on other water rights.

The J. R. Simplot Co. and Crane Creek Country Club agreed to withdraw their protests based on the understanding that certain conditions would be incorporated into any approval by IDWR. The suggested conditions will be incorporated into this decision in substantially the form requested.

The Terteling Co. and Terteling Trust #7 agreed to withdraw their protests if IDWR requires use of the cold water well first as a source of supply when water from the cold water well is available. The condition as read into the record will be incorporated into this preliminary order.

Finally, the parties agreed that, upon issuance of a preliminary order, Quail Hollow would immediately begin diverting water from the cold water well subject to any objection to the preliminary order by Terteling.

ORDER

IT IS ORDERED that Application for Transfer No. 4804 is **APPROVED**, subject to the following conditions:

1. The water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during 1997 to determine the impact of pumping from the water right holder's cold water well located in the NW¼SW¼, Section 28, Township 01N, Range 02E, B.M. A report of the monitoring results shall be submitted to IDWR and Wersch & Jones.

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

3. The water right holder shall construct a water supply

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

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

5. For purposes of administration of water rights within the cold water aquifer, water right no. 63-09758 will assume a priority date of March 19, 1996.

6. With respect to cold water diverted pursuant to water right no. 63-09758, the diversion is subordinate to water right no. 63-03108 and permit to appropriate water no. 63-12152.

7. Diversion of water from the two low temperature geothermal wells located in the NW1/4NE1/4 of Section 28, T04N, R02E, B.M., shall be regulated by the watermaster of State Water District No. 63S.

8. Approval of this application for transfer does not waive the right of the protestants to object to adjudication claim no. A63-04037 or any future claim filed for water right no. 63-09758 in the Snake River Basin Adjudication. Approval does not foreclose IDWR's opportunity to review these water rights in the Snake River Basin Adjudication.

9. Diversion from the approved points of diversion shall not exceed 1.31 cfs under water right no. 63-09758.

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

11. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

12. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

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

14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the place of use.

IT IS FURTHER ORDERED that this order will become final order without further action unless the Director decides to review it pursuant to Idaho Code § 67-5245, or the parties petition for reconsideration or appeal pursuant to Rule 730 of IDWR's Rules of Procedure.

IT IS FURTHER ORDERED that the water user may immediately begin diverting water from the cold water well located in the NW¼SW¼ of Section 28, Township 04N, Range 02E, B.M. and may continue to divert water pursuant to this approval unless directed otherwise by IDWR or unless exceptions filed by Terteling specifically request cessation of pumping.

DATED this 26th day of June, 1997.

Gary Spackman

GARY SPACKMAN
Hearing Officer

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AUG 06 1999

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of June, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the following:

David Hendrickson
DBA Quail Hollow Golf Course
4520 N. 36th St.
Boise, ID 83703

Kenneth R. Arment
Attorney at Law
1770 W. State St.
STE 339
Boise, ID 83702

Terteling Trust #7
c/o William D. Collins, Esq.
P.O. Box 2836
Boise, ID 83701-2836

Michael Creamer
GIVENS PURSLEY & HUNTLEY LLP
P.O. Box 2720
Boise, ID 83701

J.R. Simplot Corp.
c/o Vic Conrad
P.O. Box 27
999 Main St.
Boise, ID 83702

John Homan
Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

MICROFILMED
AUG 0 6 1999

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of June, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the following:

David Hendrickson
DBA Quail Hollow Golf Course
4520 N. 36th St.
Boise, ID 83703

Kenneth R. Arment
Attorney at Law
1770 W. State St.
STE 339
Boise, ID 83702

Terteling Trust #7
c/o William D. Collins, Esq.
P.O. Box 2836
Boise, ID 83701-2836

Daniel V. Steenson
RINGERT CLARK CHARTERED
P.O. Box 2773
Boise, ID 83701-2773

Michael Creamer
GIVENS PURSLEY & HUNTLEY LLP
P.O. Box 2720
Boise, ID 83701

J.R. Simplot Corp.
c/o Vic Conrad
P.O. Box 27
999 Main St.
Boise, ID 83702

John Homan
Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

Glen Wersch
Ellen Jones
P.O. Box 3113
Boise, ID 83703

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

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AUG 06 1999

11/97

ROUTING SHEET- PROTESTED APPLICATION FOR TRANSFER

Date **Activity** **Transfer No.** 4804
03-09758

—/— **PREPARE DRAFT RECOMMENDED ORDER** (Julie or Hearing officer)
- Prepare order / clean-up water right file
- Route to Pam for initial review

—/— **INITIAL TRANSFER REVIEW** (Pam)
- Review for standard conditions of approval
- Data enter and print T-prefix profile report
- Route to Hearing Officer

—/— **PREPARE RECOMMENDED ORDER** (Hearing officer)
- Make any needed changes to recommended order
- Route to Norm for review

—/— **MAIL SIGNED RECOMMENDED ORDER** (Julie)
- Prepare certificate of service, cover letter and mail
- Send copy of recommended order to region
- Hold file for 21 days for exceptions and petitions for reconsideration

—/— **CALL UP FILE AND ROUTE TO HEARING OFFICER PROCESS** (Julie)

—/— **PREPARE DRAFT FINAL ORDER** (Hearing Officer)

—/— **PREPARE TRANSFER DOCUMENT / UPDATE DATABASE** (Pam / Kari Lynn)
- Update database with any changes
- Route file to Julie for Final Order preparation

—/— **PREPARE FINAL ORDER** (Hearing Officer)
- Review exceptions, if any, for changes to final order
- Route to Director for signature (Julie)

AFTER FINAL ORDER HAS BEEN SIGNED

5-21-98 (Prelim.) **MAIL ~~FINAL~~ ORDER** (Julie)
- Prepare certificate of service and cover letter
- Mail cover letter, Final Order, certificate of mailing and Transfer
- Send copies within department and to all regions

—✓— **CALL UP FILE AND ROUTE FOR SYNOPSIS PREPARATION** (Julie)
- Call up file after 21 day period in which to file exceptions and/or requests for consideration

—✓— **PREPARE SHORT SYNOPSIS FOR AGENCY ORDER INDEX** (Hearing Officer)
- Route file to Julie for Index update

4-22-99 (28) **REVIEW FILE FOR ANY CHANGES AND REMOVE T PREFIX** (Pam)
- Check file for any changes since last review
- Remove T prefix and route for microfilming

_____ **UPDATE FILE** (Kari Lynn) - Add splits and summary sheets

_____ **ROUTE TO MICROFILM** - Film File - Route to vault

_____ **VAULT**
- Remove hearing tapes, index and file
- Remove out cards from protest and/or hold drawers

SD-3601-2 Water Right Number: 63-09758

END OF DATA FIRST PAGE

Office	Reg	Location	Type Description	Date	User-ID
GLEN	C	BASKET	Approved Transfer	04/22/99	PSKAGGS
PAM	C	BASKET	Desk Top Review	04/22/99	JYARBROU
JULIE	C	BOX	Desk Top Review	03/23/99	CBIRD
JULIE	C	BOX	Desk Top Review	07/27/98	CBIRD
JULIE	C	BOX	Desk Top Review	07/01/98	CBIRD
GARY	W	DESK	Desk Top Review	02/03/98	CBIRD
VAULT	C	PROTEST	Review Complete	01/29/98	JYARBROU
GLEN	C	DESK	Desk Top Review	01/28/98	SCURTIS
VAULT	C	PROTEST	Review Complete	08/26/97	VAULT
JULIE	C	DESK	15 Day Call-up	07/22/97	CBIRD
JULIE	C	DRAWER4	15 Day Call-up	06/27/97	JYARBROU
GLEN	C	BASKET	Transfer in for Signature	06/26/97	JJOHNSON
PAM	C	DESK	Transfer Review	06/24/97	PSKAGGS
VAULT	C	PROTEST	Protested	05/29/96	SCURTIS
VAULT	C	SHELVES	Review Complete	09/09/94	BLOCK
MICRO	C	BOOKCASE	General Correspondence	08/17/94	VAULT

(Enter=Cont) (GOLD4=Prev Scr) (GOLD5=Next Scr) (GOLD6=End of Data) (GOLD8=Exit)

RECEIVED
JUL 29 1999
Department of Water Resources

State of Idaho

Department of Water Resources

RECEIVED
JUL 29 1999
Department of Water Resources

ASSIGNMENT OF PERMIT

I, TEE, LTD., an Idaho corporation, hereby assign to DAVID E. HENDRICKSON

of 4520 North 36th Street, Boise, Idaho 83703
Address

All my right, title, and interest in and to Permit No. 63-9758 to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and to Permit No. 63-9758 to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

See attached Application marked Approved with supporting map, water right summary and assignment.

Made this 30th day of June, 1993.

Tee Ltd
Permit Holder
Tony J. Sanderson President

Spouse of Permit Holder

State of Idaho)
ss
County of Ada)

On this 30th day of June, 1993, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~ (~~they~~), executed the same as President of Tee Ltd

seal

JOYCE H. JOHNSON NOTARY PUBLIC STATE OF IDAHO

Joyce H. Johnson
Notary Public residing at
Boise, Idaho

My commission expires:
1/25/99

FEB 24 1994

Form 217
02/86

RECEIVED
MAY 31 1989

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region ____

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

data entered
exam made
date 6/7/89 tw

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 63-9758

Name(s) of Permit Holder: Quail Hollow Golf Course dba JEE Ltd

Post Office Address: 4520 N 36th st Boise Id 83703

Telephone No. 344 7807

Source of Water: Groundwater

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 110 (acres) Other/Remark Aesthetics

Total rate and/or volume for which proof is submitted 1.31 cfs 497 acre-feet

Show the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? __ Yes X No
Installed? __ Yes X No
Fee enclosed $ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? __ Yes X No
Installed? __ Yes X No

Person to contact to accompany the Department representative during the field examination:

_____
(Name) (Telephone Number)

_____
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

FEB 24 1994

5/30/89
Date

Kevin S Dee Supt
Signature of Permit Holder (and title, if appropriate)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF THE BOISE FRONT LOW TEMPERATURE GEOTHERMAL RESOURCE GROUND WATER MANAGEMENT AREA	ORDER ESTABLISHING A MORATORIUM

On June 15, 1987, the Director of the Idaho Department of Water Resources (IDWR) designated the Boise Front Low Temperature Geothermal Resource Ground Water Management Area (Boise Front) in Ada County due to reported declines in aquifer water levels and pressure. On January 22, 1988, Boise Warm Springs Water District (BWSWD) petitioned IDWR to:

1) Establish a moratorium on further development pursuant to Section 42-1805(7), Idaho Code, and Rule 7 of the Department's Water Appropriation Rules and Regulations,

2) Designate the Boise Front as a critical ground water area pursuant to Section 42-233(a), Idaho Code, and

3) To stop further development in the Boise Front pursuant to management authority provided by Sections 42-233(b) and 42-237(b), Idaho Code.

The IDWR staff has reviewed the present status of use and development of the low temperature geothermal resource in the Boise Front area and based upon this staff review, the Director has determined that:

1) Water levels or pressures in the Boise Front continue to decline at an estimated rate of six (6) to seven (7) feet per year in all or part of the Boise Front.

2) Pending applications and undeveloped permits could increase the annual withdrawal from the aquifer several fold if developed.

3) Protection of existing rights require additional management of the resource.

4) A moratorium on further development which will increase the rate of depletion from the Boise Front is required to insure compliance with the provisions of Chapter 2, Title 42, Idaho Code.

5) Additional hydrogeologic data is needed to adequately

SEP 09 1994

evaluate the characteristics of the aquifer to prevent over appropriation of the resource, to stabilize depletions and to adequately assess the potential of long term declines.

6) By maintaining a ground water management area designation, the Director is authorized to require right holders to report withdrawals of ground water and other information to determine the ground water supply and its usage.

7) The Director is charged with the protection of existing water rights while allowing reasonable use of the resource.

8) Section 42-1805(7), Idaho Code, and Rule 7 of the Water Appropriation Rules and Regulations provide for the establishment of a moratorium on further development.

NOW, THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and Rule 7 of the Water Appropriation Rules and Regulations, it is hereby ORDERED in connection with the Boise Front Low Temperature Geothermal Resource Ground Water Management Area designed on June 15, 1987 that:

1. Effective with the date of entry of this order, further development or additional use pursuant to undeveloped or partially developed permits is prohibited until the permit holder shows to the satisfaction of the Director that further development or additional use: a) will not increase depletions from the aquifer; b) will not increase pumping lift or decrease pressure to existing prior users; and c) will not reduce temperature to existing users causing systems operating at reasonable efficiency to no longer operate.

2. Pending and future applications will be rejected unless information is provided to demonstrate the use: a) will not cause additional depletion of the aquifer; b) will not increase pumping lift or pressure reduction to existing users or undeveloped permit holders; and c) will not reduce the temperature of the resource to existing users or undeveloped permit holders below the temperature necessary for a system operating at reasonable efficiency to operate.

3. The Director retains the designation of the Boise Front as a Ground Water Management Area and DENIES the petition of the Boise Warm Springs Water District to designate the Boise Front a Critical Ground Water Area.

4. The provisions of this order are effective upon issuance and remain effective for a period of five (5) years unless rescinded, modified or extended by subsequent order of the Director.

5. Service and publication of this order shall be made in accordance with the provisions of Rule 7 of the Water

SEP 09 1994

Appropriation Rules and Regulations.

6. Any person aggrieved by this order shall be entitled to a hearing before the Director for the purpose of contesting the order. A request for hearing must be filed with the Director within fifteen (15) days after receipt of a copy of the order by certified mail, or within fifteen (15) days after completion of the publication of the order for three (3) consecutive weeks in a newspaper of general circulation, whichever is earlier. The hearing shall be conducted in accordance with the provisions of Chapter 52, Title 67, Idaho Code, and the rules of Practice and Procedure of the Department of Water Resources.

Dated this 10TH day of JUNE, 1988.

R. KEITH HIGGINSON
Director

SEP 09 1988

RECEIVED

MAY 27 1988

Department of Water Resources

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

33 acres
1301 no orchard

I, A J Corporation, hereby assign to TEE LTD, an Idaho corporation

of 4520 North 36th St., Boise, Idaho 83703
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 63-9758 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 10 day of Dec, 19 87.

Victor A Allman Pres A J Corporation
Permit Holder

Patricia A. Allman
Spouse of Permit Holder

State of Idaho)
County of Nez Perce) ss.

On this 10th day of December, 19 87, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lori A. Root

seal

Notary Public residing at
Lewiston

My commission expires:
6-1-91

MICROFILMED

SEP 29 1988

MAY 17 1988

Department of Water Resources

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, BERNIE R. RAKOZY, TRUSTEE, , hereby assign to A. J. CORPORATION, an Idaho corporatio

of 3521 8th St., Lewiston, Idaho, 83501,.
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 63-9758 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this _____ day of JULY, 19 86.

Bernie R. Rakozy
Permit Holder
Bernie R. Rakozy, as Trustee for L.T.S., Inc.

N/A
Spouse of Permit Holder

State of Idaho)
ss.
County of Ada)

On this 23 day of JULY, 19 86, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

Notary Public residing at

My commission expires:
11-10-87

MICROFILMED
SEP 29 1988

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-9758)
IN THE NAME OF L.T.S. INC.) ORDER

WHEREAS, on June 30, 1981, L.T.S. Inc. applied to the Department of Water Resources for a permit to appropriate three cubic feet per second of water from groundwater within the SW¼NE¼, Sec. 28 and SW¼SE¼, Sec. 21 all in Twp. 4N., Rge. 2E B.M. Ada County to be used for irrigation purposes; and,

WHEREAS, on July 16 and July 23, 1981 notice of this proposed appropriation was published in the Idaho Statesman paper Boise, Idaho; and,

WHEREAS, on August 13 and August 20, 1981 a correction to the previous notice was published in the Idaho Statesman Boise, Idaho; and,

WHEREAS, on July 30, 1981 the Department received a protest against the approval of this application from the Terteling Company, Inc. and Joseph L. Terteling by Walter M. McKew, Counsel; and,

WHEREAS, on September 30, 1981 a conference was held concerning this matter at which the applicant and protestants determined an agreement could be reached which would allow the withdrawal of the protests against the application; and,

WHEREAS, as of April 18, 1984 an agreement had not been reached and the protests against the application were still outstanding; and,

WHEREAS, on April 18, 1984 a hearing concerning this matter was held at Boise, Idaho at which the protestants failed to appear and were not represented; and,

WHEREAS, on April 23, 1984 the Department sent an Order to Show Cause on or before May 14, 1984 why the protests should not be dismissed for failure of the protestants to appear at the hearing; and,

WHEREAS, the protestants failed to show cause why the protests should not be dismissed.

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ORDER

IT IS, THEREFORE, HEREBY ORDERED that the protests are dismissed and the application for permit No. 63-9758 is hereby APPROVED subject to the following conditions:

(1) The permit be and is subject to all prior existing water rights.

(2) The permit holder shall either install a measuring device or an access port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

(3) The issuance of this permit in no way grants any right of way or easement across the land of another.

(4) The permit holder shall commence the excavation of the diverting works within one year of the date of the date that this permit is issued and proceed diligently until this project is complete.

(5) Proof of construction of works and application of water to beneficical use must be submitted to the Department on before June 1, 1989.

Dated this 23RD of May, 1984

for A. Kenneth Dunn
Director

MICROFILMED

Form 202
3/78

Ident. No. 63-9758

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant L.T.S., Inc. (Shamanah Golf Course) Phone 344-7807

   Post office address 4423 N. 36th St., Boise 83703

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW (SW¼) ¼ of NE (SE¼) ¼ of Section 28 (21) Township 4N

   Range 2E B.M. Ada County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 3 cfs (~~cfs or acre-feet per annum~~) for Irrigation storage for ~~c~~ purposes from March 15 to Oct. 15 (both dates inclusive) per phone con. 7/6/81 CEM

   Amount 2 AFT (~~cfs or acre-feet per annum~~) for Asthetics purposes from 1/1 to 12/31 (both dates inclusive)

   Amount _____ (~~cfs or acre-feet per annum~~) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (~~cfs or acre-feet per annum~~) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 3 cubic feet per second and/or b. 2.0* acre-feet per annum.

6. Proposed diverting works: *kw 5/22/84

   a. Description of ditches, flumes, pumps, headgates, etc. 2 wells pumping into pond in NW¼ NE¼ Sec. 28 and repumping into buried sprinkler system.

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

   Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is 16 inches; proposed depth of well is 900 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: NW ¼ of NE ¼ of Section 28 Township 4N

      Range 2E* B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2E	21															40		40
4N	2E	28		15			30	15		10									70

Total number of acres to be irrigated 110

c. Describe any other water rights used for the same purposes as described above. None known

9. a. Who owns the property at the point of diversion Vic Nibler

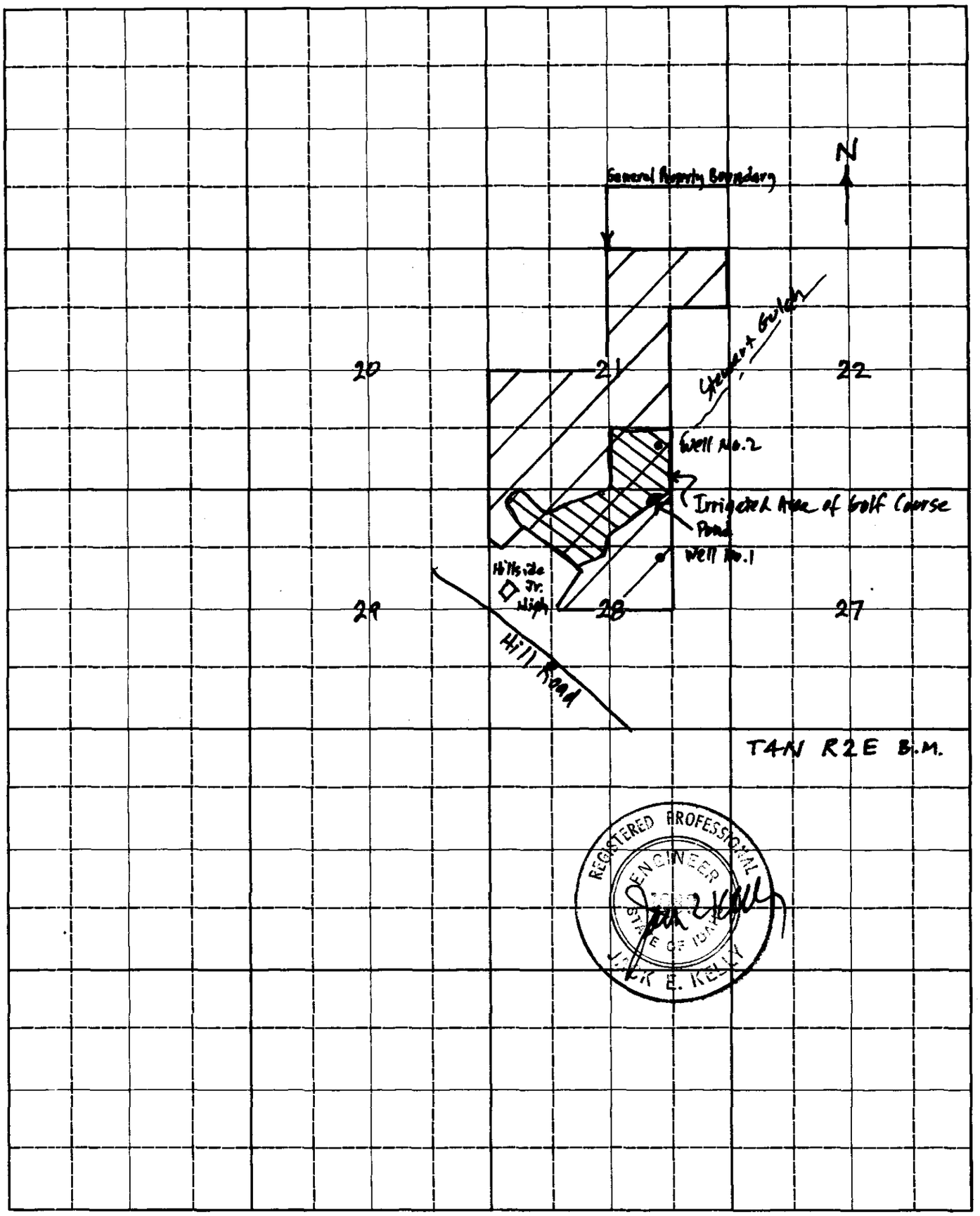
b. Who owns the land to be irrigated or place of use Vic Nibler

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Long-term lease

10. Remarks The two points of diversion shown in 3a are two wells, the first of which will be drilled in 1981. The additional point of diversion is a pond on the golf course that will be used as a water hazard and a storage reservoir for the water pumped from the wells.

Irrigation of the golf course must be done during the night and early morning when the course is not being used. Consequently, water application rates will be somewhat higher than those for normal crop irrigation. This practice has been accepted by the Department for parks and similar recreation areas in the past when considering diversion rates.

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



Scale: 2 inches equal 1 mile.

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

(Applicant) Dennis E. Labrum

L.T.S., Inc.
President

MICROFILMED

Proposed Priority 6/30/81 DBS 7/1/81 3:44 p.m. 85.02

Received by JK Date 6-30-81 Time 4:32

Preliminary check by [illegible] Fee $ *85.00 #14523

Receipted by SP Date 7-9-81

Publication prepared by SP Date 7-9-81

Published in The Statesman

MICROFILMED

Publication dates 7-16-, 23 81

Publication approved SP Date 8-31 81

Protests filed by: Hall Farming Co., Inc. • Joseph L. Farming, P.O. Box 4127, Boise, Id.

Copies of protests forwarded by SP.

Hearing held by _____ Date _____

Recommended for (approval) denial by DBS KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9758, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 89.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: PURSUANT TO ORDER

Witness my hand this 23rd day of MAY, 19 84.

Norman C. Young

Director

RECEIVED
OCT 10 20
Idaho State Insurance Fund

WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-3200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FACSIMILE TRANSMISSION COVER PAGE

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TO: John Noman

RE: Quail Hollow's Additional Pt of Div (Transfer 4804)

FAX # : 327-7866

FROM: W.D. Collins

DATE: 10-9-96

NUMBER OF PAGES: 2 (including cover page)

SENT BY: W.D. Collins

CONTENTS/ COMMENTS: Letter from Arment to me of 10-9-96

NOTE: If you do not receive the total number of pages indicated, please call the sending individual listed above.

KENNETH R. ARMENT, P.A.

Attorney At Law

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

TELEPHONE 208 388-3839
FAX/MODEM 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. 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 perceived and managed by Applicant.~~

Subject to regulation by the Water Dist.

Reasonably

problems.

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,

Kenneth R. Arment

RECEIVED
JUL 29 1999
Department of Water Resources

Post-it® Fax Note 7671 | Date 1/29/98 | # of pages ▶ 2
To Glen Saxton | From Gary
Co./Dept. | Co.
Phone # | Phone #
Fax # | Fax #

BEFORE THE DEPARTI

STATI

IN THE MATTER OF APPLICATION FOR TRANSFER OF PERMIT NO. 63-09758 (TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	**ORDER GRANTING PETITION FOR RECONSIDERATION**

The Idaho Department of Water Resources (IDWR) issued a preliminary order approving application for transfer no. 4804 described above. Conditions limited the scope of the approval and required remedial action by the applicant. Copies of the preliminary order were served on the parties.

Crane Creek Country Club, Inc. (Crane Creek), J.R. Simplot Company (Simplot), and Terteling Trust # 7 (Terteling) timely filed petitions for reconsideration of the preliminary order. Following filing of the petitions for reconsideration, the applicant, and an interest entity, Vancroft Corporation, wrote responses to the petitions.

Finding that there are legitimate issues raised by the petitions for reconsideration and the responses to the petitions;

IT IS HEREBY ORDERED that the petitions for reconsideration filed by Crane Creek, Simplot, and Terteling are GRANTED.

IT IS FURTHER ORDERED that a prehearing conference will be scheduled to discuss alternative means of resolving the issues raised by the petitions for reconsideration.

DATED this 30th day of July, 1997.

GARY SHACKMAN
Hearing Officer

MICROFILMED
AUG 06 1999

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of July, 1997, I mailed a true and correct copy, postage prepaid, of this document to those listed below:

Sue Taylor
Sue Taylor
Senior Secretary

DAVID HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

TERTELING TRUST #7
C/O WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701-2836

JOHN HOMAN
IDAHO DEPT OF WATER RESOURCES
1301 N ORCHARD
BOISE ID 83706

KEN ARMENT
1770 W STATE ST STE 339
BOISE ID 83702

MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY
PO BOX 2720
Boise, ID 83701

GLEN WERSCH
ELLEN JONES
PO BOX 3113
BOISE ID 83703

CRANE CREEK COUNTRY CLUB
C/O C A STEENSON
PO BOX 2773
BOISE ID 83701-2773

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83703-0027

MICROFILMED
AUG 0 4 1998

FAX COVER SHEET

From:
MICHAEL C. CREAMER
GIVENS PURSLEY & HUNTLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Direct Dial: (208) 388-1247
Fax: (208) 388-1201

DATE: Friday, July 25, 1997

TIME: 10:40 am (Mountain Time)

PAGES (INCLUDING COVER): 3

ORIGINAL TO FOLLOW: ( ) Yes ( ) No

OUR FILE NUMBER: 2260-9

MATTER: Quail Hollow Water Rights Transfer

SEND TO FAX PHONE: **334-2348**

TO:

Gary L. Spackman
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Office: 334-2190

MESSAGE:

Please see attached correspondence regarding Quail Hollow Water Rights Transfer.

-Mike Creamer

f transmission is incomplete, call at (208) 388-1256.

* CONFIDENTIALITY NOTICE * * * * * * * * * * * * * * * * * * *

THIS FACSIMILE MAY CONTAIN CONFIDENTIAL INFORMATION THAT IS PROTECTED BY THE ATTORNEY-CLIENT OR WORK PRODUCT PRIVILEGE. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) NAMED ABOVE. IF YOU ARE NOT A NAMED RECIPIENT OR AN EMPLOYEE RESPONSIBLE FOR DELIVERING THE FACSIMILE, YOU ARE INSTRUCTED NOT TO DELIVER, DISTRIBUTE OR COPY THIS FACSIMILE, NOR SHOULD YOU DISCLOSE ITS CONTENTS OR TAKE ANY ACTION IN RELIANCE ON THE INFORMATION IT CONTAINS. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE TO ARRANGE FOR THE RETURN OF THE TRANSMITTED DOCUMENTS TO US. THANK YOU.

[2260\9\FAX\SPACRM01.MCC]

LAW OFFICES
GIVENS PURSLEY & HUNTLEY LLP
A LIMITED LIABILITY PARTNERSHIP
277 NO. 6TH STREET • SUITE 200
P.O. BOX 2720 • BOISE, IDAHO 83701
(208) 388-1200
FACSIMILE (208) 388-1201

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L. W. GRANT III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
RICHARD W. JANKOWSKI
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY D. MALONEY
KENNETH R. MCCLURE

CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
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TERRY L. MYERS
RANONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
ROBERT L. PHILLIPS
KENNETH L. PURSLEY
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

JAMES A. MCCLURE
OF COUNSEL

July 22, 1997

RECEIVED
JUL 25 '97
Givens, Purs...

Mr. Gary Spackman
Regional Manager, Western Region
Idaho Department of Water Resources

AUG 0 6 1997

Re: Quail Hollow Water Rights Transfer
Our File: 2260-9

Dear Mr. Spackman:

This letter is Vancroft Corporation's ("Vancroft") response to Petitions for Reconsideration filed in the above-referenced matter by Terteling Trust #7, Crane Creek Golf Course and J.R. Simplot Company. As you are aware, Vancroft is the fee owner of the lands on which the the Quail Hollow Golf Course is situated, and the owner of water right no. 63-04037, which historically has been diverted for beneficial use from what is known as the "Nibler Well."

As the owner of water right 63-04037, Vancroft objects to any limitation being placed upon the diversion or use of this right in the instant transfer proceeding, which is intended to affect a change in use only of water right 63-09758. Water right number 63-04037 intentionally was deleted from this transfer proceeding by Mr. Hendrickson, and Vancroft has reasonably understood that water right no. 63-04037 was no longer the subject of this proceeding. Nevertheless, the Crane Creek and J.R. Simplot Petitions for Reconsideration improperly seek to impose a limitation on the diversion rate of right number 63-04037 based on alleged historical use. Vancroft has never stipulated with any person what the historical diversion rate of its water right from the Nibler Well may be, or that the diversion rate under that right could be limited. Vancroft will not consent to others stipulating as such in derogation of Vancroft's property rights.

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AUG 0 6 1997

Vancroft has no objection to the Department issuing a final order concerning water right 63-09758 consistent with the Preliminary Order issued by the Department on June 27, 1997. The conditions in that Preliminary Order are limited to the water right which is the subject of the Transfer 4804, namely water right number 63-09758. The issuance of any order in this proceeding that purports to affect or limit Vancroft's water right without its consent, and without providing Vancroft proper notice violates Vancroft's due process rights.

If the Department intends to amend the Preliminary Order to include language requested by J.R. Simplot and Crane Creek, such amendment should be issued as a Preliminary Order as well, which will allow Vancroft to take appropriate steps to preserve its rights.

Sincerely,

Michael C. Creamer

MCC
2260\S\CORR\SPACK01.MCC

cc: Parties on Department's Certificate of Mailing

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AUG 3 6 1999

RECEIVED
JUL 2 1 1997
Department of Water Resources

Kenneth R. Arment
1770 W. State St.
Boise, ID 83702
Telephone: (208) 388-3839

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR THE TRANSFER OF LISCENSE NO. 63-09758 (Transfer No. 4808) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	**RESPONSE TO PETITIONS BY APPLICANT**

Applicant David Hendrickson, DBA Quail Hollow Golf Course, hereby responds to the Petitions filed by Crane Creek Country Club, Inc. (Crane Creek) J.R. Simplot Company (Simplot) and The Tertling Trust #7 (Terteling) as follows:

Applicant has a stated date of priority for administering the new point of diversion in the cold water aquifer. If the Department deems it is necessary to include specific water right numbers which already have senior appropriation dates, then Applicant does not oppose these requests.

With regard to any limits regarding the diversion of water from the existing two wells previously licensed for Quail Hollow, the agreement made with Crane Creek and Simplot was made after the Applicant had dropped the "Nibbler" claim from the application. As the Department is aware, Applicant does not have authority or the legal ability to transfer away its Lessor's water right. Vancroft Corporation, the owner of water right no. 63-04037 has retained all interests. Simplot and Crane Creek ask for that which was never agreed upon and for

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AUG 2 8 1997

something which Applicant had no power to limit the "Nibbler" right. Applicant objects to this proposed change.

With regard to the requested condition that Applicant provide periodic reports to specific water right holders, Applicant never agreed to this, it was not previously requested by any party, and no need for the reports has been shown. It is outside the scope of the protests and is unprecedented. Applicant objects to this proposed change.

Finally, Applicant objects to the request of Crane Creek and Simplot to cease diversion of the new well until this matter is finalized. These Protestants have not even plead any injury or prejudice, they are in violation of the agreements they signed with Applicant as Applicant has performed and in the case of Crane Creek, it should be required to show that its diversion is now in compliance with Idaho law prior to making any call of this nature.

DATED July 17, 1997

Kenneth R. Arment
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, I caused to be served via first class mail a true and correct copy of this document addressed to the following:

William D. Collins
P.O. Box 2836
Boise, ID 83701-2836

Michael Creamer
GIVENS PURSLEY & HUNTLEY
P.O. Box 2720
Boise, ID 83701

John Homan
IDWR
1301 N. Orchard
Boise, ID 83706

Glen Worsch
Ellen Jones
P.O. Box 3113

MICROFILM
AUG 0 6 1997

Boise, ID 83703

D.V. Steenson
RINGERT CLARK CHARTERED
P.O. Box 2773
Boise, ID 83701

Kenneth R. Arment

AUG 0 8 1993

RECEIVED
JUL 18 1997
Department of Water Resources

Kenneth R. Arment
1770 W. State St.
Boise, ID 83702
Telephone: (208) 388-3839

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR THE TRANSFER OF LISCENSE NO. 63-09758 (Transfer No. 4808) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	))))))	**RESPONSE TO PETITIONS BY APPLICANT**

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AUG 0 6 1998

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DATED July 17, 1997

Kenneth R. Arment
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, I caused to be served via first class mail a true and correct copy of this document addressed to the following:

William D. Collins
P.O. Box 2836
Boise, ID 83701-2836

Michael Creamer
GIVENS PURSLEY & HUNTLEY
P.O. Box 2720
Boise, ID 83701

John Homan
IDWR
1301 N. Orchard
Boise, ID 83706

Glen Worsch
Ellen Jones
P.O. Box 3113

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Neither CMS nor CAL in general is for every educator. CAL has many new and emerging options that all educators should investigate. Some accounting educators will find selective uses for materials prepared by others, e.g., commercial videotapes, compact discs, electronic transparencies, and videodiscs. Others like me will become fascinated in authoring their own CAL materials and assigning student projects for both teaching and research endeavors. The considerable time devoted to hypermedia authoring forced me to make better course preparations and generated concern about how to make my presentations more effective. My presentations are more colorful and efficient since I don't fumble as much with acetate transparencies and chalk erasers. My students can concentrate more in class since there is less need for note taking. My students learn the material better when they are able to study technical content on our campus-wide network at their own learning paces. Classroom time is devoted more to inspiration and attention to matters that were not understood on network. My students also are engaged in participative learning on individual and group projects where they both conduct research and develop computer-aided presentations of their work. I become more involved with them by helping them author CMS presentations.

Education researchers will be devoting ever increasing energies creating new ways to use modern technology to help future generations want to learn. Educators of the future must teach more students than those in their classrooms and those who read their research papers and books. CAL is where our hopes of cost effective interactive education and training reside. It is important for educators to produce innovative instructional material for networks or for discs to be mailed to other colleges and libraries.

Two economics professors who, in studying applications of technology in economics education in the United Kingdom, came to essentially the same conclusion that we find in accounting and business studies:

> Whilst there is a great potential for the use of computer-assisted learning in economics, this has yet to be exploited. Although researchers are making increasingly sophisticated use of computers in their work, a great deal of the teaching using computers lacks an innovative approach. Computer-assisted learning will not provide a panacea for addressing the questions of increasing student numbers, a growing body of knowledge and declining real resources. However it can contribute in a significant way to providing a variety of learning experiences for economics students. By this measure many economics lecturers are failing their students. (Emphasis added) Hobbs and Judge (1992, p. 71)

We encourage more professors to take the plunge like Professor Bartlett at Harvard University (with Sumatra Ghoshal at INSEAD) and commence authoring hypermedia lectures and cases. (See the CD-ROM section of Appendix 1 for a listing of what is offered by Professor Bartlett in international management.)

Once the economic and behavioral barriers to educational innovation are surmounted, the reasons for future success of multimedia and networking technologies in future learning endeavors are varied and complex. The key reasons, however, were simply stated as follows:

> But the reason the new technology will prevail is that it combines the best of U.S. educational technology with the best of the famed Oxford and Cambridge one-on-one tutorials. As Sue Smith's session at the computer demonstrates, multimedia technology allows each student to create his or her own solutions to problems by interacting with almost limitless sources of information. And it permits students to do so at their own paces and in places and at times of their own choosing. Elfin (1992, p. 110)

I was truly amazed, as were most of the 4,000 professors who converged on the San Antonio Convention Center in the first week of November to attend the EDUCOM conference. The top hardware and software vendors hawked their latest products and some of the offerings are indeed amazing. I can't imagine teaching mathematics without using the new CD-ROMs and authoring software packages in mathematics. I can't imaging science learning without CD-ROMs and videodiscs that are now relatively cheap and plentiful. I can't imaging teaching without having my own gigabyte on the campus network server. I can't imagine being invited to speak

Boise, ID 83703

D.V. Steenson
RINGERT CLARK CHARTERED
P.O. Box 2773
Boise, ID 83701

Kenneth R. Arment

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JUL 15 1997
WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

July 14, 1997

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Terteling Trust #7, Transfer No. 4804 (Quail Hollow)

Dear Mr. Spackman:

Enclosed please find copy of the Petition for Terteling Trust #7 for Reconsideration of Preliminary Order which was filed with the State Office of the Idaho Department of Water Resources on Friday, July 11, 1997.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.

William D. Collins

WDC:mrs
Enc.

AUG 0 5 1999

RECEIVED
JUL 11 1997
Department of Water Resources

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FACSIMILE: (208) 336-2121
TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Terteling Trust #7

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758 (TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	PETITION FOR TERTELING TRUST #7 FOR RECONSIDERATION OF PRELIMINARY ORDER

Terteling Trust #7 (Terteling) submits this Petition for Reconsideration of the Preliminary Order entered by the Idaho Department of Water Resources (IDWR) approving Application for a Transfer of Water Right No. 4804.

Terteling understands that the Department has or will be receiving a Petition for Reconsideration of the Preliminary Order filed by Crane Creek Country Club, Inc. (Crane Creek) and J. R. Simplot Company (Simplot). One of the requests in that Petition is to add to paragraph 6 of the Preliminary Order a statement that

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the cold water diverted with this new point of diversion would be subordinate to Water Right No. 63-09335 and 63-10314 of Simplot in addition to the water rights of Crane Creek originally referred to in that paragraph.

While Terteling submits there is no reason why the proposed amendment cannot be made, but asserts that by doing so in the fashion requested, the Order becomes misleading or confusing. Terteling initially did not seek to have specific language added to the Order referencing the subordination because the priority of the new point of diversion would be a date subsequent to that of the Terteling rights, that is, the new point of diversion would have a priority of March 19, 1996. However, with the language as proposed, one might question why there was specific reference to the subordination in favor of the Crane Creek rights and the Simplot rights but not for the Terteling rights or any other right prior to March 19, 1996. Therefore, for clarity purposes, Terteling submits that paragraph should be amended to read as follows:

> 6. With respect to cold water diverted pursuant to Water Right No. 63-09758, the diversion is subordinate to Water Right No. 63-03198, Permit to Appropriate Water No. 63-12152 and Water Right Nos. 63-09335 and 63-10314 and any water right from the same source with a priority date earlier than March 19, 1996.

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DATED this 11 day of July, 1997.

WESTBERG, McCABE & COLLINS, Ctd.

By _____
William D. Collins

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of July, 1997, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

David Hendrickson DBA Quail Hollow Golf Course 4520 N. 36th Street Boise, ID 83703	[X] [ ] [ ] [ ]	U. S. Mail FAX Hand Delivery Federal Express
Kenneth R. Arment 1770 W. State Street Suite 339 Boise, ID 83702	[X] [ ] [ ] [ ]	U. S. Mail FAX Hand Delivery Federal Express
Michael Creamer Givens, Pursley & Huntley 277 N. 6th Street, Ste. 200 P.O. Box 2720 Boise, ID 83701	[X] [ ] [ ] [ ]	U. S. Mail FAX Hand Delivery Federal Express
John Homan Dept. of Water Resources 1301 N. Orchard Boise, ID 83706	[ ] [ ] [X] [ ]	U. S. Mail FAX Hand Delivery Federal Express
Glen Wersch Ellen Jones P.O. Box 3113 Boise, ID 83703	[X] [ ] [ ] [ ]	U. S. Mail FAX Hand Delivery Federal Express

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Crane Creek Country Club c/o D. A. Steenson P.O. Box 2773 Boise, ID 83701-2773	[ ] U. S. Mail [X] FAX (208) 342-4657 [ ] Hand Delivery [ ] Federal Express
J. R. Simplot Company Vic Conrad P.O. Box 27 Boise, ID 83703-0027	[ ] U. S. Mail [X] FAX (208) 389-7515 [ ] Hand Delivery [ ] Federal Express

William D. Collins

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AUG 06 1999

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED
JUL 1 1 1997
WATER RESOURCES
WESTERN REGION

July 11, 1997

Gary Spackman, Manager
State of Idaho
Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: David Hendrickson, dba Quail Hollow Golf Course, Application for Transfer of License No. 63-09758 (IDWR Transfer No. 4804).

Dear Mr. Spackman:

Enclosed for filing on behalf of Crane Creek Country Club, Inc. and J. R. Simplot Company, is a Petition for Reconsideration of the Preliminary Order issued for the above referenced Transfer. This Preliminary Order is dated June 26, 1997 and its date of service was June 27, 1997.

Please return a copy of this letter containing your date stamp indicating receipt to the person making this delivery.

Sincerely,

Vic Conrad
Simplot Land and Development

c: Certificate of Mailing

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D. V. Steenson
RINGERT CLARK CHARTERED
455 South Third Street
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Fax No.: (208) 342-4657

Attorneys for Protestant Crane Creek Country Club, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758 (TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	**PETITION FOR RECONSIDERATION OF PRELIMINARY ORDER**

Protestants Crane Creek Country Club, Inc. (Crane Creek), and J.R. Simplot Company (Simplot) submit this Petition for Reconsideration of the Preliminary Order issued by the Idaho Department of Water Resources (IDWR) for Application for Transfer of License No. 63-09758 (Application). This petition is filed on the following grounds:

1. Crane Creek and Simplot each filed protests to the Application. Crane Creek and Simplot each entered a Withdrawal of Protest and Agreement of Conditions with the Applicant, Quail Hollow Golf Course (Quail Hollow), in which they agreed to withdraw their protests and Quail Hollow agreed that four conditions would be included in any IDWR approval of the transfer. Crane Creek and Simplot did not receive any notice of any of the proceedings after

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the execution of the Withdrawals until the issuance of the Preliminary Order.

2. The Preliminary Order states that the aforementioned conditions would be incorporated into the Preliminary Order.

3. The first condition that Quail Hollow and Simplot agreed would be included in the approval is that the new point of diversion sought in Quail Hollow's application will be subordinate to Simplot's water right numbers 63-09335 and 63-10314. This condition is not included in the Preliminary Order. Condition no. 6 of the Preliminary Order should be amended as follows:

> 6. With respect to cold water diverted pursuant to water right no. 63-09758, the diversion is subordinate to water right no. 63-03198 ~~and~~, permit to appropriate water no. 63-12152, and water right nos. 63-09335 and 63-10314.

4. The fourth condition that Quail Hollow, Simplot, and Crane Creek agreed would be included in the approval is that the combined diversion rate from Quail Hollow's "Nibler" well and "Tee Limited" well plus the new well drilled under the application will not exceed the combined diversion rate from the Nibler and Tee Limited wells for any single irrigation season during the period between 1991 to 1995. The maximum combined diversion rate from the Nibler and Tee Limited wells during this period was 465 gpm (1.037 cfs). Condition no. 9 of the Preliminary Order should be amended as follows:

> 9. Diversion from the approved points of diversion shall not exceed ~~1.31 cfs under water right no. 63-09758~~ 465 gpm (1.037 cfs), the maximum combined diversion rate between 1991 and 1995 for the "Tee Limited Well" and the "Nibler Well."

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5. The new point of diversion is outside the geographic boundary of Water District 63-S and consequently there is no clear administrative mechanism available to collect production data from the new well to verify that Quail Hollow is satisfying the conditions set forth in condition no. 9 of the Preliminary Order as amended above. Quail Hollow should be required to provide Simplot, Crane Creek, and protestant Terteling Trust #7 with reports of measurements of water diversions from each of the points of diversion approved in this Transfer to assure that the diversions do not exceed 465 gpm (1.037 cfs). Quail Hollow should provide these reports each year within 30 days after the period(s) of use approved in the Transfer. Condition no. 7 of the Preliminary Order should be amended as follows:

> 7. Diversion of water from the two low temperature geothermal wells located in the NW¼ NE¼ of Section 28, T04N, R02E, B.M., shall be regulated by the watermaster of State Water District No. 63S. Quail Hollow shall provide Simplot, Crane Creek, and Terteling Trust #7 with reports of measurements of water diversions from each of the points of diversion approved in this Transfer each year within 30 days after the period(s) of use approved in the Transfer. Quail Hollow is not required to provide such reports to IDWR or the watermaster for State Water District No. 63S.

6. Quail Hollow Golf Course should not be permitted to divert from the proposed new point of diversion until a final order approving the transfer is issued.

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Dated July 11, 1997.

J.R. SIMPLOT COMPANY

By _____

Its _____

CRANE CREEK COUNTRY CLUB

By _____

D. V. Steenson,
Attorney for Crane Creek Country Club

AUG 0 6 1997

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 1997, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

David Hendrickson DBA Quail Hollow Golf Course 4520 N. 36th Street Boise, ID 83703	_____ __X___ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)
Kenneth R. Arment Attorney at Law 1770 W. State Street STE 339 Boise, ID 83702	_____ __X___ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)
Terteling Trust #7 c/o William D. Collins P.O. Box 2836 Boise, ID 83701-2836	_____ __X___ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)
Michael Creamer GIVENS PURSLEY & HUNTLEY LLP P.O. Box 2720 Boise, ID 83701	_____ __X___ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)
John Homan Dept. of Water Resources 1301 N. Orchard Boise, ID 83706	_____ __X___ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)
Glen Wersch Ellen Jones P.O. Box 3113 Boise, ID 83703	_____ __X___ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)

Daniel Steenson

D. V. Steenson

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AUG 0 6 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 1997

RE: In the matter of Application for Transfer No. 4804 of License No. 63-09758 in the name of David Hendrickson, DBA Quail Hollow Golf Course

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The

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Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

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APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

C: IDWR - Region
Norman C. Young

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AUG 06 1999

Post-it® Fax Note 7671	Date 6-24	# of pages ▶ 2
To GA	From PAM	
Co./Dept. Western	Co. Allocations/S.O.	
Phone #	Phone # 327-7943	
Fax #	Fax #	

~~WR0749NP~~
No. T63-09758

DATE: 06/24/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	DATE	WATER USE	FROM	TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID HENDRICKSON	06/30/1981	IRRIGATION	03/15	11/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH ST						
	BOISE ID 83703			TOTAL DIVERSION:		1.310 CFS	497.00 AFA
	(208) 344-7807						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

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

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

Conditions of Approval: — Modified-specifically geothermal wells

*Added Standard-R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 63S.

(License conditions also) * 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.

Remove totally * T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.

Pipeline in place, system de-stroyed. (#9) T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

* T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

Remarks: — The total instantaneous diversion of water from all points of
Modified to Standard WB4 (#7) diversion under Transfer No. 4804 shall not exceed 1.31 cfs,
nor total combined annual volume of 497.0 af.

— Prior to diversion of water under this approval, the right
Added Standard - Multiple points of divers on 4 WD (T17+R43) holder shall provide a means of measurement and lockable
controlling works from all authorized points of diversion that
is acceptable to the watermaster and will provide suitable
control of the diversions.

— The water right holder shall monitor water levels in a domestic
(#1) well owned by Glen Wersch and Ellen Jones during 1997 to

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6-24-97

Gary -

I have prepared the transfer approval document for signature (Glen's).

This profile report is the "T" file drafted together with your order & other standard & recommended conditions/remarks. You can include them in your order as you choose. The database will be modified to reflect the final signed Order.

If you have questions, call me. The file & approval are on my desk.

Pam

Remarks: determine the impact of pumping from the water right holder's cold water well located in the NWSW, S28, T04N, R02E. A report of the monitoring results shall be submitted to IDWR and Wersch & Jones. Groundwater levels shall be monitored during future years unless IDWR determines that monitoring is no longer necessary to protect other water rights, including water rights o owned by Wersch & Jones.

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

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

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

(#5) With respect to cold water diverted pursuant to Water Right No. 63-09758, the diversion is subordinate to Water Right No. 63-03108 and Permit to Appropriate Water No. 63-12152.

(#6) Approval of Transfer No. 4804 does not waive the right of the protestants to object to Adjudication Claim Nos. A63-04037 or A63-09758 in the Snake River Basin Adjudication. Approval does not foreclose IDWR's opportunity to review these water rights in the Snake River Basin Adjudication.

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

Last #P It is further ordered that the water user may immediately begin diverting water from the cold water well located in the NWSW, S28, T04N, R02E, and may continue to divert water pursuant to this approval unless exceptions filed by Terteling specifically request cessation of pumping.

Added Two points of diversion are located within NWNE, S28, T04N, R02E.

Carried from License Place of use is located within Quail Hollow Golf Course.

(...) including language & not identifying A63-09758

No Claim B/U 6-1-89 Licensed 10-26-93

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.O.:	05/30/1989
	Licensed Date:	10/26/1993		

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

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TRANSFER REVIEW SHEET
(06-97)

Transfer # 4804 **Date Reviewed** 6-23-97

Right(s) 63-09758

WRQII **Print Split Summary** _____ **Run POU Comparison Report**
No Splits

B:Change P/D **C:**Add P/D **D:**Change P/U **E:**Change Nature of Use
F:Change Period of Use **G:**Other **H:**Change P/D & Add P/D
I:Change P/D & P/U **J:**Add P/D & Change P/U

Proof of Ownership Same as License / Order - / Quail Hollow
NA - No change to P/U

Transfer ✓ **All of Right** _____ **Portion of Right**
Resulting Split(s) None

Check Transfer Against Recorded Right **Season/Vol.** D/4.5

(1) ✓ **Priority** (2) ✓ **Use** (3) ___ **Season** (4) ✓ **Rate** (5) ✓ **Volume**

(6) ✓ **Source** (7) ___ **P/D** (8) ✓ **P/U** (9) NA **Proof/Owner** (10) ✓ **Map**

(11) ___ **Water District** (12) Yes **Pertinent Conditions** (13) ___ **Expansion**

(3) Standard IRR Season per T. App. = 3-15 to (11)-15
V.I.R. available under original season / 215 days S/D2
(7) Add/Change P/D

Existing Proposed Well
Combined (T17+R43) ✓ WB4 ✓

Transfer Remarks 2 P/Ds NW NE, Sec 28 ✓ P/U = Quail Hollow Golf Course ✓
Conditions R04, ~~R32~~ ✓ T04, T07, T08, T09
Licensed 94 - Covered Order Conditions

Database/Processing Notes **Standard** ✓ **Non-Standard** _____
T file = APPROVED BY ORDER
Check Cen/Remarks for any changes before Update.
✓ 2nd Order (Reconsideration)

Pccommon File Quail.txt; **Transfer Memo Complete** Preliminary Order
File Deleted _____ **Database Updated** _____

WR0749NP — IDAHO DEPARTMENT OF WATER RESOURCES — DATE: 06/23/97

No. T63-09758 — WATER RIGHT PROFILE REPORT — PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID HENDRICKSON	06/30/1981	IRRIGATION	03/15	11/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH ST						
	BOISE ID 83703			TOTAL DIVERSION:		1.310 CFS	497.00 AFA
	(208) 344-7807						

Water Source: GROUNDWATER — Tributary to: — Stage: LICENSE

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

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

Conditions of Approval:

* Added — R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 636.

* 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.

* T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

* 9 T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

* T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Remarks:

* 1 The total instantaneous diversion of water from all points of diversion under Transfer No. 4804 shall not exceed 1.31 cfs, nor total combined annual volume of 497.0 af.

* Combined T17 & R43 Multiple PODs in WD — Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

* 1 The water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during 1997 to

Draft

Check final Preliminary Order for changes.

✓

Remarks:

determine the impact of pumping from the water right holder's cold water well located in the NWSW, S28, T04N, R02E. A report of the monitoring results shall be submitted to IDWR and Wersch & Jones. ? published

Groundwater levels shall be monitored during future years unless IDWR determines that monitoring is no longer necessary to protect other water rights, including water rights owned by Wersch & Jones.

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

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

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

#5 With respect to cold water diverted pursuant to Water Right No. 63-09758, the diversion is subordinate to Water Right No. 63-03108 and Permit to Appropriate Water No. 63-12152.

#6 Approval of Transfer No. 4804 does not waive the right of the protestants to object to Adjudication Claim Nos. A63-04037 or A63-09758 in the Snake River Basin Adjudication. Approval does not foreclose IDWR's opportunity to review these water rights in the Snake River Basin Adjudication.

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

It is further ordered that the water user may immediately begin diverting water from the cold water well located in the NWSW, S28, T04N, R02E, and may continue to divert water pursuant to this approval unless exceptions filed by Terteling specifically request cessation of pumping.

Last P

* Two points of diversion are located within NWNE, S28, T04N, R02E. Place of use is located within Quail Hollow Golf Course.

Carried from License

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.O.:	05/30/1989
	Licensed Date:	10/26/1993		

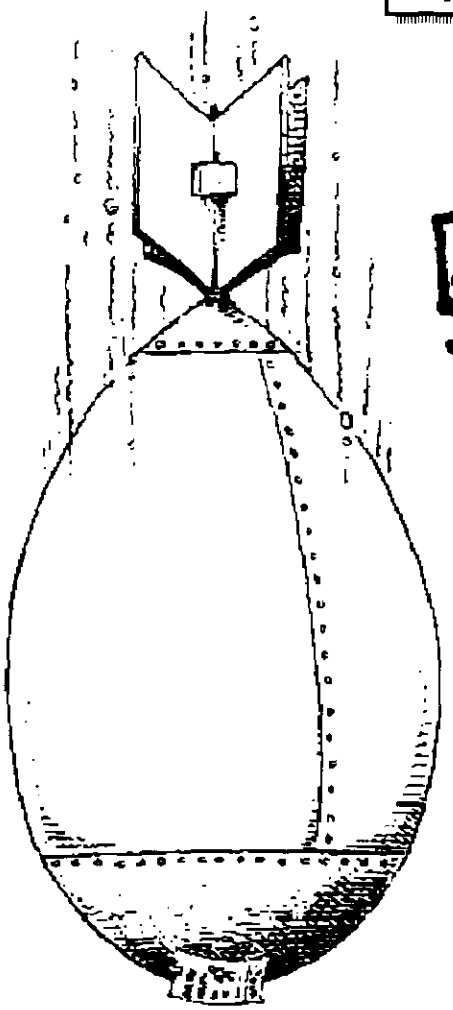
Misc:			
	Water District Number:	63S	Field Exam Fee:

✓

Comments: Date: 06/23/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4804
Transfer No. 4804 adds & changes the points of diversion under
Right No. 63-09758.

Audit: 04/10/96 LGRAVES 05/21/96 STAYLOR 06/23/97 PSKAGGS

WinFax PRO Cover Page



BIG NEWS TRAVELS FAX.



IT HELPS TO HAVE THE RIGHT COVER.

MICROFILMED
AUG 0 6 1999

, Phone: , Fax:		
To Gary Spackman	Fax Number : 334-2348	
From : Arment	Pages: 2	Date: 6/18/97

Cover pages by Delrina

Artwork used with permission. © 1990 John Caldwell

KENNETH R. ARMENT, P.A.

Attorney At Law

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

TELEPHONE 208 388-3839
FAX/MODEM 208 388 3839

June 18, 1997

Gary Spackman
IDWR Western Region
2735 Airport Way
Boise, ID 83705

VIA FAX
(208) 334-2348

RE: Water Right Transfer No. 4804 (Quail Hollow)

Dear Gary:

I have been out of state and received the proposed order yesterday. If it is not too late at this time I propose the following change which does not appear to affect any other active party in this case. The sole issue deals with the monitoring of the Wersch & Jones' well.

Applicant agrees that since diversion by the parties was contemplated to occur in 1996 that the well level will be monitored in 1997 as contemplated in the agreement. This follows an earlier pump test and analysis provided by Sherl Chapman to the affect that interference with the Wersch & Jones well appears unlikely. General aquifer levels can be monitored at the Applicant's new well. In addition, Applicant has been informed that Wersch and Jones are currently residing in a foreign country and continual access for well-monitoring is of concern to the Applicant and most likely the tenants of Worsch & Jones. For these reasons, Applican proposes that Paragraph number 1 of the order portion of the proposed Preliminary Order be altered to provide for monitoring and a report in 1997, but that further monitoring at the Worsch & Jones well not be conducted by Applicant beyond 1997 unless additional monitoring becomes necessary.

Thank you for your attention and consideration in this matter. Very truly yours,

Kenneth R. Arment

cc: Dave Hendrickson
John Human via fax 327-7866
Michael C. Creamer via fax 388-1201
Sherl Chapman
William D. Collins via fax 336-2121

MICROFILMED
AUG 0 6 1999

CONVERSATION MEMORANDUM

DATE 4/14/97

FILE T.4804

NAME OF PARTY Mike Creamer 388-1200

EMPLOYEE Steve Lester

RE: CERTIFIED MAILING LIST

He received 4/10/97 certified letter from Western via "Tetzlaff Trust PO Box 2720" - that is Mike's office address. That entity is holdover per earlier file history. Originally, Mike's office represented Tetzlaff in protest. Due to conflict of interest, that changed to Collins for Tetzlaff, Creamer for VanCroft Corp (landowner & golf course).

Requested re-sending of certified mailing.

However - since all parties needing certified copy (applicant + protestant) & all others either got non-certified or certified (Creamer per above) - do not need to redo certified mailing for 5/28/97 hearing.

MICROFILMED
AUG 0 6 1999

— FUTURE MAILINGS —

CERTIFIED: Applicant + protestant only
↳ c/o Atty Collins

NON CERTIFIED: SEE 4/11/97 Amended Hearing Notice mailing list.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 1997

To: The Parties Listed Below

Re: Quail Hollow Golf Course Transfer of Applications Nos. 63-09758 and 63-04037

Dear Interested Parties:

Pursuant to a request by the protestant in the above-referenced matter, the hearing set for April 17, 1997, has been rescheduled for Wednesday, May 28, 1997. Enclosed is an Amended Notice of Hearing.

Also enclosed is a letter from Mr. Collins, attorney for Terteling Trust #7, stating that neither he nor his client received notice of the hearing. Also, enclosed is a copy of the certified mail return receipt for the notice of hearing. Our records show Terteling Trust #7 received notice of the hearing but Mr. Collins did not.

I encourage any party sending correspondence to the department to send copies to the other parties as required by the Rules of Procedure. I also encourage the parties to discuss settlement options as soon as possible.

If you have any questions regarding this change of hearing date, please call this office.

Sincerely,

Gary Spackman

GS:st

Enc.

MICROFILMED
AUG 0 6 1999

Collins available
Reschedule hearing
Ahrl

Copies of Collins letter
to parties

Collins: 336-5200
Chapman: 344-6690

MICROFILMED
AUG 0 6 1999

63-9756

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "*Return Receipt Requested*" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

4a. Article Number
P 363 550 610

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
MAR 11 1997

5. Received By: *(Print Name)*
paul tedtoe

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form 3811, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

MICROFILMED
AUG 0 6 1999

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

April 4, 1997

VIA FAX (208) 334-2348

Mr. Steve Lester - SL
Deputy Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Quail Hollow Water Right Transfer, No. 4804

Dear Steve:

I understand through the grapevine that a hearing may have been set on the Terteling Trust No. 7 protest of the Quail Hollow Water Right Transfer referred to above. I was told that the hearing has been set for April 17. Neither I nor my client have received any notice to that effect. The 17th of April will not be acceptable with me. I have a deposition previously scheduled for all of that day.

As I had previously mentioned to you, we had made an offer of settlement the end of January to Quail Hollow. The settlement required that Quail Hollow agree to a number of conditions. In talking with Mr. Hendrickson yesterday, he said that he thought some reply could be made to our proposal by the mid part of next week. While I am hopeful we can resolve the protest, I think it is proper to set a hearing, but we do need to change the hearing date.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

MICROFILMED
AUG 0 6 1999

WDC:mrs
cc: Terteling Trust #7

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 1997

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If you have any questions regarding this change of hearing date, please call this office.

Sincerely,

Gary Spackman

GS:st

Enc.

MICROFILM
AUG 0 6 1999

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

April 4, 1997

VIA FAX (208) 334-2348

Mr. Steve Lester - SL
Deputy Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Quail Hollow Water Right Transfer, No. 4804

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Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

WDC:mrs
cc: Terteling Trust #7

MICROFILM
AUG 06 1999

63-9756

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "*Return Receipt Requested*" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

4a. Article Number
P 363 550 610

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
MAR 11 1997

5. Received By: *(Print Name)*
Paul Heddon

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form 3811, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

MICROFILM
AUG 06 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHTS NOS. 63-09758 AND 63-04037 IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	AMENDED NOTICE OF HEARING

On March 19, 1996, David Hendrickson, DBA Quail Hollow Golf Course, filed with the Department of Water Resources (Department) application for transfer of water rights nos. 63-09758 and 63-04037. The applications were protested and the conference held by the department on July 11, 1996, did not resolve the matter of protest.

A hearing was scheduled for Thursday, April 17, 1997. Pursuant to a request from the protestant, the hearing has been changed to Wednesday, May 28, 1997, at 9:00 a.m. at the Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of the Department. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED
AUG 06 1999

4/97 REVISED mailing List

use this for 4/14/97 corrected CERT. vs non-cert. mail list -82

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 11th day of April, 1997.

Gary Spackman
GARY SPACKMAN

I hereby certify that on the 11th day of April, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Senior Secretary

CERTIFIED MAIL

David Hendrickson
dba Quail Hollow Golf Course
4520 N 36th St
Boise Id 83703

Terteling Trust #7
C/O William D. Collins, Esq.
PO Box 2836
Boise ID 83701-2836

~~Terteling Trust #7~~
PO BOX 2720
BOISE ID 83701

NON-CERTIFIED MAIL

John Homan
Idaho Dept of Water Resources
1301 N. Orchard
Boise, ID 83706

Sherl Chapman
410 S. Orchard Ste. 144
Boise, ID 83705

Ken Arment
1770 W State St.
Boise, ID 83702

William A. Harenberg
3927 Garnet St.
Boise, ID 83703-5107

MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY LLP
PO Box 2720
B 83701

4/14/97

MICROFILM
AUG 0 6 1999

comment letter to 63-5 WM.

FORM 22a
rev 3/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

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

INITIAL ALLOCATION REVIEW BY _____ DATE 4/10/96

? → SRBA SUPERVISOR REVIEW BY _____ DATE 2-14-97

1. Right number(s) 63-09758, ~~63-04037~~ / DELETED 12/19/96 -SR

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

? NEED POA LANDOWNER'S question (see 2/14/97 conv. memo & Atty's 6/25/96 letter) -SR

(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

* 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.

i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): _____

_____

j. ✓ SRBA claim(s) - Comments (*NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain*) period of use, volume added

_____

k. ✓ Use within a Water District? ✓ Yes ___ No
___ If Yes, District # 63S

l. ___ Other comment letters? If yes, list name and address below in item #2 for publication review.

PUBLICATION REVIEW BY _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on 5/16/96, Received on _____

Other comments letters - send to the following name(s) & address(es):

_____

3. Transfer published correctly? ✓ Yes ___ No

4. Affidavit of publication received? ✓ Yes ___ No

5. Protests received? ✓ Yes ___ No; Acknowledgement sent? ✓ Yes

6. Copies made for Region file (see attached supplemental page)? ___ Yes

RECOMMENDED ACTION

1. ___ Approve

2. ___ Deny due to _____

_____

3. Conditions (special conditions in Water Districts) _____

_____

_____

_____

4. By _____ Date _____

? → "T" file created? Watermaster comments received? -SL 2/14/97

FORM 222a/suppl
3/96

SUPPLEMENTAL STAFF ANALYSIS SHEET

LGRAVES

TRANSFER NO. 4804 **WORDPERFECT FILENAME** 4804

COPY FOR WATER RIGHT AND ADJUDICATION FILES:

GOAL: Enough information to make filing understandable in Region file for allocation and adjudication uses. Indicate items to be copied below. *Always include first four items where present.*

✓	LEGAL NOTICE
✓	TRANSFER ANALYSIS SHEET (FORM 222a)
✓	TRANSFER APPLICATION INCLUDING MAP
✓	REVIEWER'S ANALYSIS MEMO IF PREPARED
___	REVIEWER'S ADDITIONAL MAPS/DIAGRAMS
___	REVIEWER'S ADDITIONAL COMPUTER REPORTS
___	OWNERSHIP VERIFICATION - *ALWAYS INCLUDE THIS IF SRBA CLAIM FOR RIGHT IS INVOLVED & ANY QUESTION ABOUT OWNERSHIP EXISTS*
✓	OTHER ITEMS - LIST THESE BELOW:

gl 2/14/97

- Amended Appl. pgs 1-2
- 2/14/97 "Current Summary" pg (on L. side of file)
- 2/14/97 "T.4804 Processing" pg (" R. " " ", just cover pg., not letters etc needed)
- SHF Review pg after mgr's review completed

AVOID COPIES WHERE CAN -

excess profile etc. reports; oversized documents; many application attachments unless are clarifying maps or explanations etc.; easements, other agreements unless are essential to understanding the application etc.

DISCARD THIS FORM BEFORE FORWARD FILE TO S.O.

MICROFILMED
AUG 0 [illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHTS NOS. 63-09758 AND 63-04037 IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	NOTICE OF HEARING

On March 19, 1996, David Hendrickson, DBA Quail Hollow Golf Course filed with the Department of Water Resources (Department) application for transfer of water rights nos. 63-09758 and 63-04037. The applications were protested by The Terteling Trust #7, Simplot Land & Development, Vicki Jones and Glen Wersch &/or Ellen Jones. Glen Wersch &/or Ellen Jones, Crane Creek Country Club and Simplot Land & Development have withdrawn their protests. Vicki Jones' protest was dismissed by Default Order. The conference held by the department on did not resolve the matter of protest.

The Department has scheduled the matter for hearing on Thursday, April 17, 1997, at 9:00 a.m. at the Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of the Department. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED
AUG 0 8 1999

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 10th day of March, 1997.

Gary Spackman
GARY SPACKMAN

I hereby certify that on the 10th day of March, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Senior Secretary

CERTIFIED MAIL

David Hendrickson
dba Quail Hollow Golf Course
4520 N 36th St
Boise Id 83703

Terteling Trust #7
C/O William D. Collins, Esq.
PO Box 2836
Boise ID 83701-2836

NON-CERTIFIED MAIL

John Homan
Idaho Dept of Water Resources
1301 N. Orchard
Boise, ID 83706

Sherl Chapman
410 S. Orchard Ste. 144
Boise, ID 83705

Ken Arment
1770 W State St.
Boise, ID 83702

William A. Harenberg
3927 Garnet St.
Boise, ID 83703-5107

MICROFILMED
AUG 06 1999

CONFERENCE AND HEARING PROCEDURE
APPLICATION FOR TRANSFER

ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1) Will the proposed transfer injure other water rights?

2) Will the proposed transfer constitute an enlargement in use of the original right?

3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1,2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers,schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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AUG 0 6 1993

HEARING

The department will tape record the hearing. Copies of the hearing are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. After the hearing, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may waive their right to a recommended order, by written stipulation, particularly when a shortened decision process is desirable or necessary. A waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

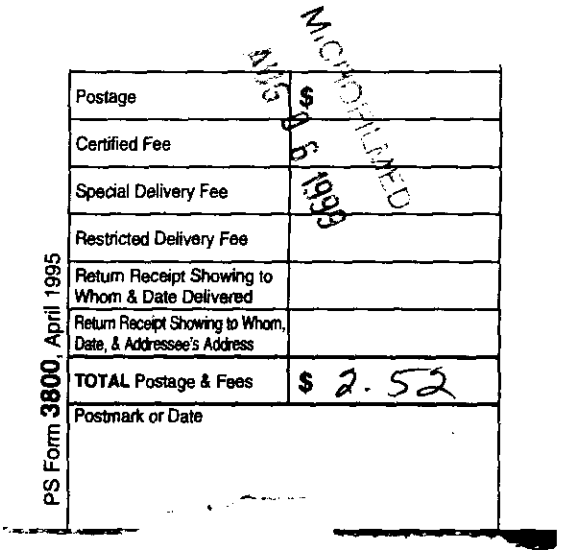
MICROFILMED
AUG 0 6 1999

P 363 550 945

US Postal Service

Receipt for Certified Mail

Terteling Trust #7
PO BOX 2720
BOISE ID 83701



P 363 550 611

US Postal Service

Receipt for Certified Mail

DAVID HENDRICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form 3800, April 1995

MAILED
AUG 4, 1999

P 363 550 944

US Postal Service

Receipt for Certified Mail

Terteling Trust #7
C/O William D. Collins, Esq.
PO Box 2836
Boise ID 83701-2836

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$2.52
Postmark or Date	

PS Form **3800**, April 1995

AUG 0 4 1999

MICROFILMED

P 363 550 606

US Postal Service

Receipt for Certified Mail

David Hendrickson
dba Quail Hollow Golf Course
4520 N 36th St
Boise Id 83703

Postage	$ 1.60
Certified Fee	0.85
Special Delivery Fee	
Restricted Delivery Fee	0.85
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form **3800**, April 1995

P 363 550 610

US Postal Service

Receipt for Certified Mail

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form 3800, April 1995

63-9756

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

CONFIRMED
AUG 0 6 1999

4a. Article Number
P 363 550 610

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
MAR 11 1997

5. Received By: *(Print Name)*
Paul Weddle

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994

Domestic Return Receipt

Is your **RETURN ADDRESS** completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

MICROFILMED
AUG 0 6 1999

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED
MAR 1 2 1997
WATER RESOURCES
WESTERN REGION

67-9758

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DAVID HENDRICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

AUG 06 1999

4a. Article Number
P 363 550 611

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☑ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
3-12-97

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994 Domestic Return Receipt

Is your **RETURN ADDRESS** completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

MICROFILMED
AUG 0 6 1999

RECEIVED
MAR 1 3 1997
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



T. 4804

SEE
4/14/97 conv.
memo & mailing
list

MICROFILMED
AUG 0 6 199

63 9758

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Terteling Trust #7
C/O William D. Collins, Esq.
PO Box 2836
Boise ID 83701-2836

4a. Article Number
P 363 550 944

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
APR 14 1997

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

MICROFILMED

AUG 0 6 1999

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED
APR 16 1997
WATER RESOURCES
WESTERN REGION

63-9758

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
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I also wish to receive th following services (for a extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

David Hendrickson
dba Quail Hollow Golf Course
4520 N 36th St
Boise Id 83703

4a. Article Number
P 363 550 606

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
4-12-97

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or ~~Agent~~)*
X

PS Form **3811**, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

U(STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
APR 14 1997
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

(APR 15 1997

63-9758

SENDER:

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I also wish to receive the following services (for a extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Terteling Trust #7
PO BOX 2720
BOISE ID 83701

4a. Article Number
P 363 550 945

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
APR 14 1997

5. Received By: *(Print Name)*
Dawn Weddoe

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
APR 16 1997
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED
AUG 06 1998

CONVERSATION MEMORANDUM

DATE 3/19/97

336-5200

FILE

NAME OF PARTY Bill Collins (Atty for Tertelig)

EMPLOYEE Steve Lorton

RE: Quail Hollow Transfer - Resolving Protest

Called to mention that Ken Arment not practicing law now (was Atty for Quail Hollow). Bill had sent letter ~ 2 months ago to Ken outlining conditions under which Tertelig protest could be withdrawn.

Apparently, letter has been given to Dave Henderson & Sheal Chapman for Quail Hollow to respond.

Perhaps that letter will result in resolution allowing hearing to be avoided.

Gary -
latest word re
Tertelig - Quail Hollow
re transfer Appl.
Also - Mike Creamer has
concerns re ownership this
client = Vancouver, landowner
for golf course) -SL

MICROFILMED
AUG 06 1999

WESTBERG, McCABE & COLLINS, CTD
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
BOX 2836
BOISE, ID 83701-2

PAUL L. WESTBERG
THOMAS L. McCABE
WILLIAM D. COLLINS

Gary - looks like hearing scheduling will play off with SB Hendrickson

April 4, 1997

VIA FAX (208) 334-2348

Steve Lester - SL
Deputy Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Quail Hollow Water Right Transfer, No. 4804

Dear Steve:

I understand through the grapevine that a hearing may have been set on the Terteling Trust No. 7 protest of the Quail Hollow Water Right Transfer referred to above. I was told that the hearing has been set for April 17. Neither I nor my client have received any notice to that effect. The 17th of April will not be acceptable with me. I have a deposition previously scheduled for all of that day.

As I had previously mentioned to you, we had made an offer of settlement the end of January to Quail Hollow. The settlement required that Quail Hollow agree to a number of conditions. In talking with Mr. Hendrickson yesterday, he said that he thought some reply could be made to our proposal by the mid part of next week. While I am hopeful we can resolve the protest, I think it is proper to set a hearing, but we do need to change the hearing date.

Very truly your

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

WDC:mrs
cc: Terteling Trust #7

MICROFILMED
AUG 0 6 1999

Hearing - S.O.
4-8-10

Sue —
Let's talk
about setting
a conference.
Thanks,
Gary

per telecon
w/ Sherl
2/20/97: Her
sending a
check for
the balance
due.

MICROFILM
AUG 3 1 1998

Route as follows

T. 4804 2/14/97

1) Lori
- Jan's ok on stf. review
- can't find any letter from him & his comments. Can you contact & solicit ASAP (Sue to send 2/14/97)
- get 8165 d.p. upgrade (test well → production well) Sherle office coordinating 8165 line with applicant (by 2/19/97)

2) Sue
- "T" file created? Will just be 1 water right, =63-09758 current existing pld + add new pld. Also add remark that new well is cold H2O.

3) Gary
- file to S.O. for hearing.

Mailing list now = Appl : Sherl Chapman
prot : Bill Collins
landowner : Mike Creamer

Need decision of John H. & resolve lawsuit, which could be but does not have to be coordinated with transfer processing.

MICROFILMED
AUG 0 6 1999

4) Sue Again
final ck made before forward file to S.O.
See 3rd pg of Stf. Review Form -SC

gary - thought I'd already passed the original on to you. Here's a copy I got today. -BC 4/7

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

April 4, 1997

VIA FAX (208) 334-2348

Mr. Steve Lester
~~Deputy Manager,~~ Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Quail Hollow Water Right Transfer, No. 4804

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Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

MICROFILMED
AUG 3 6 1999

RECEIVED
APR 0 7 1997
WATER RESOURCES
WESTERN REGION

WDC:mrs
cc: Terteling Trust #7

RECEIVED
FEB 2 4 1997
WATER RESOURCES
WESTERN REGION

William A Harenberg
Profession Hydrologist
(ATH No. 472)
3927 Garnet Street Boise, ID 83703-5107
208 344-2369

Friday, February 21, 1997

Mr. Steve Lester
~~Deputy Regional Manager~~
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Lester:

Lori Graves of your office called today to ask if I had any comments concerning the proposed transfer by Quail Hollow of ground water from the cold water system for irrigation of the golf course. As watermaster for Water District 63-S, Stewart Gulch Water District, I am charged with distributing water from the geothermal system to businesses in the district. One of those business is the Quail Hollow Golf Course. As I understand the situation Quail Hollow has asked to transfer water from a new well they had drilled south of the golf course off 36th Street to meet their irrigation needs when the lowering of the water pressure in the geothermal system brings on a "call for water" and I have to shut down their two hot water wells.

I have no objections to the transfer of cold water to be used to irrigate the golf course providing it can be demonstrated that pumping water from the cold water system does not have any effect on the geothermal system. My first instincts are that there would be no effects but I think it should be demonstrated that there are none.

For water management purposes I believe that the cold water well should have a flow meter with totalizer installed before pumping begins. This is regardless of whether the well will come under my jurisdiction as water master or not.

I hope this letter will be of some help to your Department in reaching a decision in this matter.

Sincerely,

William A. Harenberg, PH

MICROFILMED
AUG 0 6 1999

TRANSFER # 4804 PROCESSING

LANDOWNER'S INVOLVEMENT

Letter from attorney plus see 2/14/97 conversation memo.

PROTESTS WITHDRAWALS & AGREEMENT OF CONDITIONS

Letters @ withdrawals & agreements for Wersch et al, Crane Creek and Simplot protests. Vicki Jones' protest dismissed with default order 7/25/96.

WELL DATA

Technical information @ cold water test well, need $165 to upgrade to production well prior to transfer approval.

ADDITIONAL CONDITIONS

Should IDWR add conditions requiring cold water use early enough each season to avoid hot water shortages in water district 63-S?

Wouldn't such conditioning serve the local public interest in a more productive way than not requiring such usage?

MICROFILMED
AUG 0 6 1999

Add'l info to consider with staff review
2/14/97

SD-4108 Idaho Department of Water Resources Date: 02/14/97
INQUIRY ONLY Well Drilling Permit Dates - Inquiry Time: 13:37:49

Drilling Permit Number: 63-96-W-0014-801

		Permit	
Proposed Start Date:	01/11/1996	Status: F - Filed	
Verbal Issued Date:	/ /	Driller License Number:	0332
Verbal Issued Time:	: :		
Application Received Date:	01/11/1996		
Permit Approved Date:	01/11/1996		
Extension Date:	/ /		
Extension Expires Date:	/ /		

		Total Fee	Date Paid
Receipt Number:	W020248	35.00	01/11/1996

test well d.p. issued $35
for production well, upgrade +165 Due
$200

(Enter=Exit)
(GOLD8=Cancel)

MICROFILMED
AUG 0 6 1999

TECHNICAL info c
Cold H2O well

Form 238-7
3/95

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp____ Rge____ Sec____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 63-96-W-0014-801
Other IDWR No. _____

2. OWNER:
Name Quail Hollow Golf Course
Address 4520 N. 36th
City Boise State ID Zip 83702

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

Twp. 4 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 28, NW 1/4 (10 acres) SW 1/4 (40 acres) ____ 1/4 (160 acres)
Gov't Lot ____ County Ada
Lat: : : Long: : :
Address of Well Site _____
Forsithia - N. 36th City Boise
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☒ Other Test

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Benton Te.	0	20	1000	Pour.

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10	+1	31	.250	Steel	☐	☐	☐	☐
8	25	32	.250	Steel	☐	☐	☐	☐
8	63	74	.250	Steel	☐	☐	☐	☐

Length of Headpipe 7' 3" Length of Tailpipe 11'

9. PERFORATIONS/SCREENS
☐ Perforations Method 304 Stainless
☒ Screens Screen Type Johnson

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
32	63	.040		8		☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
32 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices: Welded Metal Plate.

11. WELL TESTS:
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
400			6

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
12	0	30	Top Soil		X
1	3	32	Sandy clay		X
10	32	35	Gravel	X	
	35	61	Sand - Gravel	X	
	61	93	Blue Clay		X

RECEIVED
JUN 24 1996
WATER RESOURCES
WESTERN REGION
MICROFILMED
JUL 0 F 1999

Completed Depth 74 (Measurable)
Date: Started 1-10-96 Completed 2-8-96

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Dennis Phipps Firm No. 352
Firm Official _____ Date 3-5-96
and
Supervisor or Operator _____ Date _____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY	ACC FLG
63-96-W-0014-801	O	QUAIL HOLLOW GOLF COURSE 4520 N 36TH BOISE, ID 83702 (208) 344-7807	04N	02E	28	NW SW		ADA	L

Subdivision Well Site Location and Description:
Subdivision Name:
Well Site Address: CORNER OF FORSITHIA AND N 36TH
City, State: BOISE, ID

Lot(s):
Block(s):

Geographic Location:
GPS Site ID:
Lat: : : N
Long: : : W
Accuracy Code:

Proposed Use of Well: Exploratory Proposed Casing Diameter: 10 In. Proposed Depth: 100 Ft.
Anticipated Bottom Hole Temperature: 85F or Less

Well Use Comments:

Driller License No: 0332
Firm Name: DENNIS PHIPPS WELL DRILLING
Official: DENNIS L PHIPPS

Permit Status: Filed

Verbal Issue Date:
Date Received: 01/11/1996
Date Approved: 01/11/1996
Proposed Start Date: 01/11/1996
Extension Date:
Extension Expiration:

Receipt No.	Receipt Date	Fee
W020248	01/11/1996	$ 35.00
	NOT ON FLE	
	NOT ON FLE	
	NOT ON FLE	
	NOT ON FLE	

Specific Conditions: This permit is issued for exploratory purposes only. No water shall be produced from or injected into this well.
A 24-hour test pump is allowed.
This well shall be properly plugged and abandoned upon acquisition of necessary data.

Permit Remarks:

KEN N + Lon G. - will work on getting well temp. + GPS this well 8/8/96

Also - KEN would like to see if can use Kfar for golf course to submit Lot well data

Re-numbered from 63-96-W-0014-000 per d'base

MICROFILMED AUG 0 6 1999

if use for production is T.480, need d.p. upgrade (#165)

-JR

WELL DRILLING PERMIT NUMBER INDEX: Permit No. 63-96-W-0014-801 (cont'd)

Well Remarks:

Condition of well, Repairs Required:

Proposed Methods of Repair or Abandonment:

Conditions of Approval: This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.

The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If the bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1- - - .

- WELL DRILLER'S LOG REPORT -

Drilling Permit No: 63-96-W-0014-801 Water Right No:
Log Status: Pending Data Review Injection Permit No:

Nature of Work: NEW WELL Construction Method: CABLE Number of Monitor Wells:

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AUG 0 6 1996

WELL DRILLER'S LOG REPORT: Permit No. 63-96-W-0014-801 (cont'd)

Casing Diameter:	10	In.	Static Water Level:	20	Ft.	Actual Start Date:	01/10/1996
Depth of Casing:	31	Ft.	Temperature:		F.	Well Finish Date:	02/08/1996
Total Depth:	93	Ft.	Production Rate:	400.00	GPM	Log Received Date:	06/24/1996
Screen Installed?	Yes					Certification Date:	03/05/1996
						Field Inspection Date:	Inspector:

Violation Flag:

Well Log Remarks: SURFACE SEAL 20 BENTONITE
CASING .250 STEEL 10" FROM +1 TO 31 FT
.250 8" FROM 25 TO 32 FT
.250 8" FROM 63 TO 74 FT
SCREENS USED. 8" SS .040 SLOT FROM 32 TO 63 FT
COMPLETED DEPTH 74 FT

no data?

- DENISE ?

RECEIVED
FEB 19 1997
Department of Water Resources

INTER-DEPARTMENT MEMO--1

FROM STEVE L. * DATE 2/14/97

TO S.O. VAULT File T.4804

SUBJECT AMENDMENT PLUS ADDITIONAL PARTY

(1) AMENDED 12/19/96 to delete ALL REFERENCES TO 63.04037.
No ADD'TL FEE OR LEGAL notice NECESSARY for this REDUCTION.

(2) VANCROFT CORP. via Atty. M. Creamer to be included in PROCEEDINGS AS CONTINUE. " " HAS BEEN INVOLVED previously but not as protestant. VANCROFT is landowner for all of golf COURSE. SEE 2/14/97 COMM. MEMO ATTACHED.

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AUG 06 1999

SIGNATURE

* WAS: 63.09758 & 63.04037
✓ NOW: 63.09758

CONVERSATION MEMORANDUM

DATE 2/14/97

FILE T 4804

NAME OF PARTY Mike Cranmer (Attorney) for Vanecott Corp.

EMPLOYEE Steve Leek

RE: INVOLVEMENT IN PROCEEDINGS

Atty. called to discuss status of T. 4804. Was under the impression that VANECOTT could not be involved since 63-04037 ("Miller well") was withdrawn from transfer Application (but A63-04037 has not been withdrawn from SRBA). We discussed land ownership etc. as an issue usually involved in transfers. Normally, Region does not solicit ownership information for just P/U transfers.

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

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

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AUG 0 6 1999

ORIG - S.O. vault file
cc - Western T4804 file

(1)

Steve

Please mail today.

Use Addresses for cc on 7/26/96 mailing (the one returned re Vicki Jones)

for O.H., S.C., Tentolig

Note spelling of Hendrickson.

Also 2 cc to S.O. as noted.

Thanks,

SR

Then - call up for 1/3/97

1-3-97

Call up

Paul Hallow

63-9758

Hold

(3)

- T4804 -

(2)

IMPORTANT MESSAGE

FOR Steve

DATE 1-2-97 TIME 8:35 A.M. P.M.

M Mike Creamer

OF

PHONE 388-1247 (AREA CODE / NUMBER / EXTENSION)

TELEPHONED		PLEASE CALL	X
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Anticipates sending letter that Vanwart Rule n/a per deletion of 63-04037.

SIGNED SR

LITHO IN U.S.A.

71100

If no Response by 1/10/97 - Send file to S.O. to schedule hearing.

Superseded by 2-14-97 call

AUG 3 ... 1973 (4)

SR 1/3/97

Next call up = 1/10

12-19-96 through 1-3-97 Misc. Notes

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 19, 1996

Remaining protest 12/96

WILLIAM D COLLINS
WESTBERG MCCABE & COLLINS
PO BOX 2836
BOISE ID 83701

See 5/16/96 protest document e Terteling

KENNETH R ARMENT
1770 W STATE ST STE 339
BOISE ID 83702

RE: APPLICATION FOR TRANSFER NO. 4804 (AMENDED) IN THE NAME OF QUAIL HOLLOW GOLF COURSE

Dear Gentlemen:

The above-referenced transfer application was amended today by the applicant. The older right, no. 63-04037, has been deleted from the application. That right is also known as the "Nibler right".

The proposed use of the cold water well to be added to the golf course system will therefore only reference the junior right, no. 63-09758. Re-advertising of the application is not necessary based on a reduction in the filing.

It is my understanding that the applicant and the remaining protestant (Terteling) have been working to resolve the last protest in order for application processing to be completed by the department. If the protest cannot be withdrawn through that method, the matter must be set for hearing as soon as possible in anticipation of the 1997 irrigation season.

This letter requests an update by January 3, 1997 regarding the remaining protest. Any withdrawal of protest must be completed in writing.

Thank you for your prompt attention to this matter. Please contact me if I can assist you in any way.

Sincerely,

Steve Lester
Deputy Regional Manager

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AUG 0 6 1999

c: Dave Hendrickson
Sherl Chapman
Terteling Trust No. 7
IDWR State Office - John Homan and Protest File (Vault)

Form 1 222
12-92

Page 1 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4804

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant David Hendrickson DBA Quail Hollow Golf Course Phone 208-344-7807

Post Office address 4520 N 36th St, Boise ID 83703

AMENDED 12-19-96
REPLACED

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Existing water supply is highly regulated and subject to curtailment during the irrigation season. A new well has been drilled in a non-regulated area to allow more efficient irrigation management.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
63-09758	6-30-81	1.31/495	Irrigation	3/15	to	11/15
		2 ac/ft	Aesthetics	1/1	to	12/31
63-04037	10-1-31	2.40	Irrigation	4/1	to	10/31
					to	

2. Total amount of water being transferred 3.71 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	28	4N	2E	Ada	2 Existing Pts
		NW	SW	28	4N	2E	Ada	Proposed

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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AMENDED 12-19-96
REPLACED

This is ORIGINAL Appl. - SEE Revised Appl. instead - SL 12/19/96

Total acres _____

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 _____, 19____.

_____

APPROVED

AUG 3 - 1995

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON	06/30/1981	IRRIGATION	03/15	10/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH						
	BOISE ID 83703			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 SWSE ADA County
S28 NWNE ADA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
T R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE 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.O.: 05/30/1989
Licensed Date: 10/26/1993

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

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AUG 06 1999

WR0742NP — IDAHO DEPARTMENT OF WATER RESOURCES — DATE: 03/28/96

No. 63-04037 — WATER RIGHT PROFILE REPORT — PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD 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 --- 2.400 CFS	
				TOTAL DIVERSION:			

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				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T F S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

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

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AUG 06 1999

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	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
(	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 NWNWNE ADA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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:

FILMED
SEP 2 7 1993

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

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JUN 0 6 1999

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

SHERL L. CHAPMAN NOTARY PUBLIC STATE OF IDAHO

Darrel Bendixen
(Signature of Applicant)

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

Sherl L Chapman
(Notary Public)

My commission expires 6/14/2000

FOR DEPARTMENT USE ONLY

ATTACH A = PS 8

Transfer contains 8 pages and _____ attachments

Received by KB Date 3-19-96 Protest filed by _____

Prelim. check by LS Fee $100- _____

Receipted by KB W020581 Date 3-19-96 _____

Published in _____ Copies of protest forwarded by _____

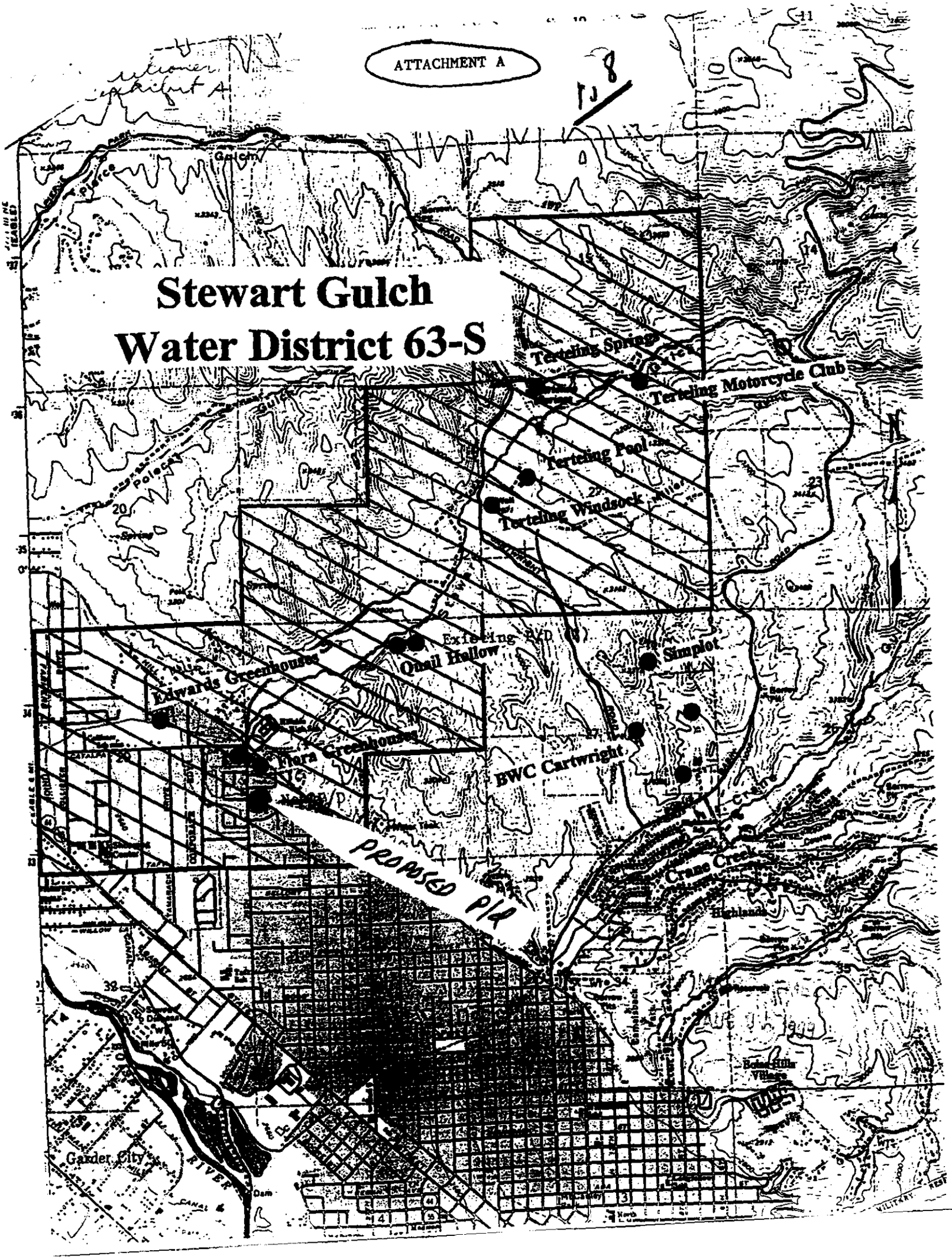
Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

1999


ATTACHMENT A
Stewart Gulch
Water District 63-S
Terteling Spring
Terteling Motorcycle Club
Terteling Pool
Terteling Windsock
Existing PVD
Quail Hollow
Simplot
Edwards Greenhouses
Flora Greenhouses
BWC Cartwright
PROPOSED PIPE
Crane Creek
Highlands
Gooding City
RIVER
Dam
Polecat
Gulch

CONVERSATION MEMORANDUM

DATE 12/16/96

FILE T. 4804

NAME OF PARTY Dave Hendrickson - Quail Hollow

EMPLOYEE Steve Lester

RE: Status of Transfer

① Tentative protest Remains.

② If want to delete older ("Miller") Right-can initial changes. No fee to amend since reduce w/o re-advertising.

③ Region can send letter - to move process along .... hearing needed if protest not withdrawn.

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AUG 0 6 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
...th Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
...08) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR



TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 10/9

TO: Lester FROM: John Homan

327-7924

DOCUMENT DESCRIPTION: Proposed transfer permit condition language.

COVER SHEET + 1 PAGES

CONTACT: J Homan IF YOU DO NOT RECEIVE ALL THE PAGES

Steve, is this language something the Dept could live with

THANK YOU! JH

MICROFILMED
AUG 0 6 1999

KENNETH R. ARMENT, P.A.

Attorney at Law

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

TELEPHONE: 208 388-3839
FAX/MODEM: 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. 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 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,

Kenneth R. Arment

MICROFILMED
AUG 0 6 1999

CONVERSATION MEMORANDUM

DATE 9/19/96

FILE T. 4804 (golf course)

NAME OF PARTY _____

EMPLOYEE Steve Leeth → ORIG - T4804 cc - 635 file

RE: - Status Conference - ↙

Mtg. @ S.O. 10:00 John H., SL, Bill Snyder (Flora), Ken Dermott (golf course), Bill Collins (Tenteig)

(1) T. 4804

a) possible delete 63-04037 from Appl - remains needed for VanCroft approval since owns p/u that right; however, old well ("Nibler well") owned by VanCroft & that well is 2nd p/u & new right, 63-09758.

b) possible flexible cond. of approval to use proposed cold water well p/d as much as can to minimize but " " use & prevent water shortage to 63-S.

c) attorneys will work on (not IDWR) language & 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 MitAmping -

PROFILMED AUG 05 1999

(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~~ Above.

RECEIVED
SEP 0 9 1996
WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

September 6, 1996

VIA FAX (208) 334-2348

Mr. Steve Lester
Acting Regional Manager
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Quail Hollow Transfer No. 4804

Dear Mr. Lester:

We chatted last week generally about the possibility of the pressure in the Flora well eventually reaching an amount this summer which would permit the water master to allow junior appropriators to start pumping from the Stewart Gulch Water Basin. I understand from my client that the water master on September 4 unlocked the Wind Sock well of Terteling and the two wells of Quail Hollow Golf Course. As of the present, my client has not began pumping from the Wind Sock well. I assume, however, that Quail Hollow is now pumping from both of its wells.

It has always been our belief that pumping of the two Quail Hollow wells has the greatest impact upon the down gradient flowing wells. Also, for the purposes of administration of water rights in the basin at this time, the Wind Sock well has priority over the two wells of Quail Hollow. Because of that fact, it is our belief that the department should have only allowed the Wind Sock well to be pumped unless it had sufficient basis upon which to conclude that there was sufficient water for the two Quail Hollow wells and the Wind Sock well for the remainder of the irrigation season. I do not think there has been that determination as of yet. However, since my client does not intend to pump water from the Terteling well at this time you are probably free to permit the pumping from the Quail Hollow wells.

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SEP 0 6 1999

If my client decides to pump water from the Wind Sock well, then I think the Department should, like it has done in the past, restrict the pumping of water from the two Golf Course wells until satisfied that there is sufficient water to meet the demand of all

junior appropriators along with the demand from the Wind Sock well for the remainder of the year. If this practice is not followed, then I think the Department is in effect permitting Quail Hollow to obtain water which should have been available to the Wind Sock well, thus preferring a junior appropriator over a senior appropriator.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

WDC:mrs
cc: The Terteling Trust No. 7

MICROFILMED
AUG 0 6 1999

Vault - file X-fer # T-4804

RECEIVED
SEP 0 5 1996
Department of Water Resources

CONVERSATION MEMORANDUM

DATE 9/3/96

FILE 63-S

(63-09758
63-04037)

NAME OF PARTY — See below —

EMPLOYEE Steve Lester

RE: Pump Test vs. Call for Water
(see my 8/26/96 letter)

APPEARS WILL DELAY

① DAVE H. at Golf Course (4th priority)
- prefers to call for Lot water if available, delay pump test (cold H2O) until final shutdown in 63-S.
- advised him to coordinate calls for H2O with watermaster (WM)

② Bill Collins for Terteling (3rd priority)
- No objections to pump test.
- discussed into in #1 above - advised to coordinate calls for H2O with WM.

③ Watermaster Bill Harnberg
- Flume @ 8 psi, looks OK to deliver to jr. parties.
- advised him to coordinate:
  1st with Flora + Edwards; if OK then....
  2nd " Terteling + Golf Course.

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AUG 0 6 1999

can only deliver 63-09758 old s/w
(new wells)
1.31 cfs.

CC - T. 4804 Region + S.O. files
- LC @ Region

File copy

State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 1996

TO: DISTRIBUTION LIST

RE: TRANSFER APPLICATION NO. 4804 FOR RIGHT NOS. 63-04037 AND 63-09758 (QUAIL HOLLOW GOLF COURSE)

Dear Interested Party:

This letter serves two purposes. One, the status of the above-referenced transfer application to add a cold water well to the Quail Hollow Golf Course (Applicant) irrigation system is summarized. Two, approval for a proposed pump test is granted subject to conditions of approval enumerated in this letter.

APPLICATION STATUS

All of the protests of the transfer application have been resolved or otherwise concluded with the exception of the Terteling protest. It is my understanding that the parties are continuing their efforts to settle that protest.

Comments have been received from Stewart Gulch Watermaster Bill Harenberg. It remains to be seen whether or not the new well will be subject to watermaster control if the department approves the transfer application.

Data from the initial, and very brief, pump test conducted earlier this year have been submitted to the department.

No comments have been received from Vancroft, the owner of record for some or all of the Applicant property, specifying whether or not the transfer proposal has been endorsed by that corporation.

PUMP TEST, GENERAL CONDITIONS

A limited pump test of the new well is authorized under the following conditions. Note that a choice must be made by the two junior parties in the water district (Terteling and Applicant) prior to any pump test. Currently, Flora Company has reported water level recovery at its wells near the point where junior rights could be allowed to divert once again.

However, because use of the Terteling windsock well and/or the Applicant's upper well might mask any impact on Flora's wells associated with the pump test well, the following initial steps must be considered prior to any pump test:

1. Both Terteling and the Applicant must agree that their wells currently closed by the watermaster will remain closed for the duration of the pump test (not to exceed seven days), even if senior right holders have indicated that

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AUG 0 6 1999

water district water is available for use by the junior wells.

2. If either of the these junior right holders does not agree to the first point, the watermaster is authorized to deliver water to the junior parties in priority order once the senior right holders (Flora and Edwards) indicate that senior wells are receiving adequate water. Use of the junior wells remains under control of the watermaster and may be curtailed upon a valid call for water by a senior right holder.

3. In the event that point no. 2 is selected, a pump test is not authorized until circumstances meet the terms of point no. 1.

PUMP TEST, SPECIFIC CONDITIONS

1. The above-outlined general conditions must be met first.

2. The pump test shall occur for at least four, but no more than seven, days.

3. The department may stop the test at any time based upon a finding that injury or other significant factors are found to warrant termination of the test.

4. Approval of the pump test does not authorize trespass or constitute a right-of-way upon any lands.

5. Approval of the pump test does not constitute approval of the transfer application nor indicate the department's intentions to either approve or deny the application.

5. The following parties must be notified prior to the beginning of the test, during any interruption of the test and at the conclusion of the test:

Stewart Gulch Watermaster Bill Harenberg, 344-2369;

Flora Company c/o attorney William Snyder, 336-9080;

Edwards Greenhouses c/o Mike or Garnette Monnie, 342-7548;

Terteling Trust No. 7 c/o attorney William Collins, 336-5200; and

Idaho Department of Water Resources, Steve Lester or Lori Graves at the Western Region office, 334-2190.

7. The test well can only be used to irrigate the golf course during the test within the limits of the appurtenant water rights at the golf course but cannot be used in conjunction with low temperature geothermal ("hot") water.

8. At a minimum, the Applicant must monitor flow, drawdown, temperature and effects in the existing observation well described in the pump test proposal dated August 23, 1996. Additionally, the Applicant must monitor similar parameters at the test well.

9. The Applicant must monitor, or provide reasonable information to assist

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AUG 26 1999

in monitoring, any effects at both wells located at Flora; these are the "Pit" and "Shed" wells. This will be done by notifying the watermaster to allow him to monitor Flora wells on days 1, 2 and 3 of the test. Additionally, the watermaster will monitor Flora wells on the final test day plus on the following day.

10. Other parties are free to monitor any aspects of their wells as they see fit after being notified by the Applicant that the test will begin.

11. At the conclusion of the pump test, the Applicant will submit a report to the department.

12. The report will describe the test type and methodology, will include all test data collected by the Applicant, and will analyze the test results. The report should discuss the aquifer characteristics and potential effects from pumping the test well. Specifically, the report must draw conclusions regarding the degree of interconnection, if any, between the test well and any of the wells of the water district, particularly the Flora wells.

13. The report should indicate the Applicant's intended use of the test well with respect to anticipated use dates and the rate of flow plus annual volume to be diverted on a regular basis from the test well should it be approved as a production well.

To expedite the possible test, I am sending this letter via facsimile where possible and have discussed the matter telephonically with the remaining parties. Letters will also be mailed for your records. Replies before and during the test may be sent via facsimile to this office if you prefer (334-2348).

Please contact me if you have any questions regarding the proposed pump test or the department's conditions listed in this letter. Thank you for your attention to this matter. I hope this test assists the water users in moving to a long-term solution to the water shortages experienced in the Stewart Gulch area, and I would like to express my thanks to all of you for your continued efforts in this process.

Sincerely,

Steve Lester
Deputy Regional Manager

Distribution List

Quail Hollow Golf Course c/o Dave Hendrickson
Sherl Chapman, Consultant for Applicant
Ken Arment, Attorney for Applicant
Terteling Trust No. 7, c/o William Collins, Attorney for Protestant
Flora Company c/o William Snyder, Attorney
Mike & Garnette Monnie, Edwards Greenhouses
Mike Creamer, Attorney for Vancroft
William Harenberg, Watermaster #63-S
IDWR - Ken Neely, S.O. and Lori Graves, Western Region

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Distribution

FAX plus MAIL CC (fax #'s)

- ✓ Steve C. 344-2744
- KEN Arnold 388-3839
- ✓ William Collins 336-2121
- ✓ William Snyder 343-4539
- M + G. Monnie 336-0969
- ✓ Mike Greaney 388-1201

MAIL CC only

- Quail Hollow c/o DAVE H.
- William Harenberg, Watermaster

Dept - cc for

DONE
- ✓ - Lori G.
- ✓ - KEN NEELY
- ✓ - SL

- ✓ - 63-S file
- ✓ - T4804 file - Regin
- DONE ✓ - T4804 file - S. O. Protest file

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AUG 06 1999

✓

Daniel & Elizabeth 345-4408 fax 345-9285

D SEE & E TULLIS
FLORA CO
3823 N 36
BOISE ID 83703

TERTLING TRUST NO 7
877 W MAIN STE 706
BOISE ID 83702

Joe & Tom 338-5200 (w) 381-5213 fax-338-5205
Tc & other
(Tom's direct work Line)
Tom 336-1166 (h)

MARY OR ROSE RYAN 342-8498
4504 FOOTHILLS DR
BOISE ID 83703

W F RINGERT
RINGERT CLARK CHRT LAW
PO BOX 2773
BOISE ID 83701-2773

342-4591
Atty for Nelson
fax 342-4657

DAVE HENDRICKSON
4520 N 36
BOISE ID 83703

Quail Hollow Golf Course 344-7809

KENNETH R ARMENT PA
1770 W STATE ST STE 339
BOISE ID 83702

388-3839 tel + fax
Atty. for Golf Course

REGULER MAIL ONLY
SHERMAN NELSON 342-0380 (h) 364-1200 (w)
4015 WHITEHEAD ST
BOISE ID 83703
("Straton well")

WILLIAM R SNYDER
PO BOX 961
BOISE ID 83701

336-9080
fax 343-4539
Atty. for Flora

SUSAN D MINER
HAWLEY TROXELL ET AL
PO BOX 1617
BOISE ID 83701

344-6000
Atty. for Edwards

J FEREDAY & M CREAMER
GIVENS PURSLEY ET AL
PO BOX 2720
BOISE ID 83701

342-6571
Atty. for ? Vancrift golf course Land owner

WILLIAM D COLLINS
WESTBERG MCCABE & COLLINS
PO BOX 2836
BOISE ID 83701

336-5200
fax 336-2121
Atty. for Tertling

MIKE & GARNETTE MONNIE
EDWARDS GREENHOUSES
4106 SAND CREEK
BOISE ID 83703

342-7548
fax 336-0969

~~WATERMASTER ED YOUNG~~ 343-8605 (h)
~~2320 N 21ST~~
~~BOISE ID 83702~~

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AUG 06 1999

Use this plus Steve's 8/23 letter for mailing list.

WILLIAM A. HARENBERG 344-2369
3427 GARNET ST
BOISE 83703-5107

in monitoring, any effects at both wells located at Flora; these are the "Pit" and "Shed" wells. This will be done by notifying the watermaster to allow him to monitor Flora wells on days 1, 2 and 3 of the test. Additionally, the watermaster will monitor Flora wells on the final test day plus on the following day.

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Please contact me if you have any questions regarding the proposed pump test or the department's conditions listed in this letter. Thank you for your attention to this matter. I hope this test assists the water users in moving to a long-term solution to the water shortages experienced in the Stewart Gulch area, and I would like to express my thanks to all of you for your continued efforts in this process.

Sincerely,

Steve Lester
Deputy Regional Manager

Distribution List

Quail Hollow Golf Course c/o Dave Hendrickson
Sherl Chapman, Consultant for Applicant
Ken Arment, Attorney for Applicant
Terteling Trust No. 7, c/o William Collins, Attorney for Protestant
Flora Company c/o William Snyder, Attorney
Mike & Garnette Monnie, Edwards Greenhouses
Mike Creamer, Attorney for Vancroft
William Harenberg, Watermaster #63-S
IDWR - Ken Neely, S.O. and Lori Graves, Western Region

AUG 05 1999

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

RECEIVED
AUG 23 1996
WATER RESOURCES
WESTERN REGION

August 23, 1996

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Road
Boise, Idaho 83705

Dear Steve:

As we discussed sometime back, Quail Hollow Golf Course is interested in conducting a long term pump test on the well we recently drilled that is subject to the existing transfer application. The purpose of the pump test will be to determine, on a more long term basis, the quantity of water and the performance of the aquifer in this area. It is our wish to pump the well for a minimum of four (4) days during which time we will measure flow, drawdown, temperature and effects in the existing observation well 66 feet to the east. At the completion of the test it would be our intent to determine the aquifer characteristics in this area and any potential effects from pumping. We would appreciate your prompt consideration of approval of this pump test since we would like to get the data as soon as possible.

If you have any questions, please feel free to call me directly or call Mr. Dave Hendricksen of Quail Hollow Golf Course.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
cc:Mr. Dave Hendricksen

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AUG 0 6 1997

CONVERSATION MEMORANDUM

DATE 8/23/96

FILE T4804

NAME OF PARTY _____

EMPLOYEE Steve Loth

RE: Pump Test Proposal By S.C. 8/23

Norm - conditions & injury etc; reversible etc.
- input from Territory & test
- can use from Western

Bill Collins for Territory
- monitor Flora wells since nearest Lot H20.
- notify Territory when start/stop - they might want to run own wells.

Steve C. for Applicant
- will consult w/ Applicant & Territory 8/21 letter (from B. Collins) to see if agreeable & protect withdrawal conditions - seems doubtful.
- requests reply by Mon. 8/26 & test proposal.

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WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

August 21, 1996

Mr. Steve Lester
Deputy Regional Manager
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: In the Matter of Application for Transfer No. 4804
Involving Water Right Nos. 63-09758 and 63-04037

Dear Mr. Lester:

Terteling Company, Inc., and Terteling Trust #7 (collectively Terteling) are willing to consider the withdrawal of its protest to the above application on the following conditions:

1. The applicant's water right under claim no. 63-04037 and its transfer must be:

   (A) limited to its historic capacity which was not in excess of 300 gallons per minute or 0.67 cfs and further

   (B) limited by the quantity of water which had historically been put to beneficial use;

2. By withdrawing the protest Terteling does not waive any right to challenge the water rights subject to the application in the Snake River Basin Adjudication;

3. The applicant must agree to use the water from the cold water source before diverting water from the low temperature geothermal source;

4. The conditions set forth in this letter would have to be added to the Department's approval of the application;

5. Terteling will also require the opportunity to review any other party's withdrawal of a protest before settling on the final conditions of its withdrawal;

AUG 26 1999

6. The Affidavits of J. L. Terteling and LeRoy R. Taylor which accompany this letter must be submitted into evidence in this proceeding with the applicant agreeing that they may also be submitted into evidence in the Snake River Basin Adjudication;

7. Apparently the applicant is not the holder of the water rights subject to the application and that they may be owned by Vancroft Corporation. The owner of the water rights would also have to agree to the conditions set out in this letter.

If the Department has any concern about the propriety of the proposed conditions for withdrawing the protest, please give me a call.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

WDC:mrs
Enclosures
cc: Terteling Trust #7
The Terteling Company
Ken Armento (for Quail Hollow)
Steve Chapman " " "
Mike Creamer " Vancroft (will fax to)
Bill

per telecon with Bill Collins 8/23/96 -SL

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AUG 26 1993

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AUG 23 1996
WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FACSIMILE: (208) 336-2121
TELEPHONE: (208) 336-5200

ATTORNEYS FOR:
Terteling

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE TO ADD A POINT OF DIVERSION TO WATER RIGHT NOS. 63-09758 AND 63-04037	AFFIDAVIT OF J.L. TERTELING ON BEHALF OF PROTESTANT, TERTELING

STATE OF IDAHO,)
:ss.
County of Ada.)

J.L. TERTELING, being first duly sworn upon oath, deposes and says as follows:

1. In April of 1968 Tertelings contracted with Ken Witt to drill a 600 foot deep well in the NW¼SW¼ of Sec. 22, T. 4N., R. 2E., B.M., Ada County, Idaho (Wind Sock Well). The

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AUG 0 6 1999

well was constructed at that time and water from the well was pumped.

2. In approximately June 1971 my neighbor to the south, Vic Nibler, who had a well in the NW¼NE¼ of Section 28 of that same Township and Range complained that he felt pumping from the Wind Sock well was drawing down the static water level in his well.

3. The Tertelings contracted with CH2M, an engineering firm in Boise, for the purpose of determining whether pumping from the Wind Sock well affected the Nibler well and, if so, to recommend a new pump setting in the Nibler well and the pump size. As a neighborly gesture we purchased and installed a new ten horse power submersible pump in the Nibler well at a depth of 100 feet designed to produce 300 gallons per minute. The new pump was purchased from Mayne Pump Co. on June 29, 1971. A copy of the purchase order for that pump is attached as Exhibit "A."

4. Following the installation of the new pump for Mr. Nibler he told me he was very happy with the pump and that it produced more water than his old pump. He paid for the electricity for pumping the water at a greater depth and we

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AUG 06 1999

never talked about the pump or any draw down in the Nibler well again.

J.L. TERTELING

SUBSCRIBED AND SWORN TO BEFORE ME This 9 day of August, 1996.

Notary Public for Idaho
Residing at: Boise
My Commission Expires: 2-27-97

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AUG 06 1999

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AUG 2 3 1996
WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FACSIMILE: (208) 336-2121
TELEPHONE: (208) 336-5200

ATTORNEYS FOR:

Terteling

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE TO ADD A POINT OF DIVERSION TO WATER RIGHT NOS. 63-09758 AND 63-04037	AFFIDAVIT OF LeROY R. TAYLOR ON BEHALF OF PROTESTANT, TERTELING

STATE OF IDAHO,)
:ss.
County of Ada.)

LeROY R. TAYLOR, being first duly sworn upon oath, deposes and says as follows:

1. He is a resident of Boise, Idaho, and is a graduate civil engineer.

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AUG 0 6 1999

2. In 1971 he was employed by CH2M, a professional engineering firm having an office in Boise, Idaho. CH2M was retained by the Terteling Co. to determine whether pumping from a well owned by Terteling and located in the NW¼SW¼ of Sec. 22, T. 4N, R. 2E., B.M., Ada County, Idaho, interfered with a well owned by Vic Nibler and located in the NW¼NE¼ of Sec. 28 of that same Township and Range.

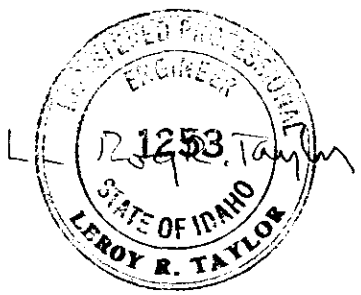
3. During the months of June and July, 1971, I was at the Nibler well to determine whether pumping of the Terteling well affected the level of water in the Nibler well. The Nibler well was constructed with a well casing having an 8.6 inch outside diameter, with a pipe discharge from the pump having a six inch inside diameter. The Nibler pump was a ten horse power, 3 phase, 60 cycle, Pomona turbine pump rated at 1755 rpms. The serial number of the pump was W1047 H4E 100A.

4. While I did not measure the flow from the Nibler well, I estimated that the flow was in the neighborhood of 300 gallons per minute.

5. We agreed that if the Tertelings were going to voluntarily replace the pump in the Nibler well, that a pump capable of simulating the present flow (estimated at 300

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AUG 0 8 1995

gallons per minute) be installed at a depth of approximately 100 feet.



L. Roy R. Taylor

LeROY R. TAYLOR

SUBSCRIBED AND SWORN TO BEFORE ME This 20 day of August, 1996.

Margaret Ross Storm

Notary Public for Idaho
Residing at: Boise
My Commission Expires: 05/14/98

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AUG 26 1996

RECEIVED
AUG 26 1996
WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

August 23, 1996

Mr. Steve Lester
Deputy Regional Manager
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: In the Matter of Application for Transfer No. 4804
Involving Water Right Nos. 63-09758 and 63-04037

Dear Mr. Lester:

Enclosed please find Exhibit A (purchase order for pump) which was inadvertently left off of the Affidavit of J. L. Terteling forwarded to you by letter dated August 21, 1996.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

WDC:mrs
Enclosure
cc: Terteling Trust #7
The Terteling Company
Sherl L. Chapman
Kenneth R. Arment, Esq.

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AUG 0 6 1999

FORM NO TE-40 10-48

J. A. TERTELING & SONS, INC.

GENERAL CONTRACTORS

MAIL YOUR INVOICES TO: P. O. Box 1428, Boise, Idaho 83705

Enter our order in accordance with your standard terms and/or contract dated _____ 19____ and in conformity with conditions and instructions hereon. Shipments must start by _____ 19____ and be completed not later than _____ 19____. Send invoices in TRIPLICATE, with original shipping papers to ABOVE ADDRESS. Mail STATEMENT to us at P. O. BOX 1428, BOISE, IDAHO.

TO: Mayne Pumpt Co. Inc.
501 North Orchard
Boise, Idaho 83704

SHIP TO: _____

ADDRESS: _____

PURCHASE ORDER

No. 55169

CONTRACT NO.: _____

DATE: June 29, 1971

VIA: _____

F. O. B.: _____

TERMS: _____

SPECIAL MARKINGS: _____

MARK PACKAGES, CASES, ETC., WITH OUR PURCHASE ORDER NUMBER, ITEM NUMBER, WEIGHT, VENDOR'S NAME, AND SPECIAL MARKINGS.

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT	DISTRIBUTION
			Furnish and install pump on well of Vic Nibler			
			in Sec. 28, T. 4 N. R. 2 E. as per following			
			specifications:			
			10 H. P. 1760 RPM 220 Volt 3 phase			
			4 Stages 8" Bowls Jacuzzi 8MCA-4			
			100 ft. 6" Column			
			5 ft. Suction with Strainer			
			Efficiency 77 to 78%			
			Pump to deliver 300 G. P. M. at a lift of			
			100 ft.			
			Pump motor to carry standard warranty.			
			To be installed on or before July 9th, 1971			
			Old pump to be removed.			
			Total Price		$1930.00	

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J. A. TERTELING & SONS, INC.

By: [signature] AUTHORIZED AGENT

6-29-1971 VIC NIBLER'S

BOISE OFFICE

NO OBLIGATION FOR PAYMENT IS ASSUMED BY PURCHASER UNLESS ABOVE INSTRUCTIONS ARE FOLLOWED.

EXHIBIT A

63-9758 + 63603

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

4a. Article Number
P 241 820 390

4b. Service Type

- ☐ Registered
- ☑ Certified
- ☐ Express Mail
- ☐ Insured
- ☑ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery
AUG 0 6 1993

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5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form 3811, December 1994 — Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

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AUG 9 1993

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURNED TO SENDER
REASON CHECKED
Deceased
Attempted-Not known
Insufficient Address
No such street ... number
No such office in state
Box rented
Do not remain in this envelope

RECEIVED
AUG 19 1996
WATER RESOURCES
WESTERN REGION

CERTIFIED

P 241 820 390

MAIL

BOISE ID
AUG 16 1996

ALWAYS

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

Name
1st Notice
2nd Notice 8/3
Returned 8/13

Notified
7-29-96
SN 338

83703-4614 32

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 26, 1996

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

Re: Application for Transfer of Water Rights Nos. 63-9758 and 63-4037 in the Name of David Henderson, dba Quail Hollow Golf Course

Dear Ms. Jones:

Enclosed is a Default Order regarding the above-referenced application for transfer. The order is issued and sent to the interested parties.

Please contact this office if you have any questions.

I hereby certify that on the 26th day of July, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below and to the above-addressed protestant by certified mail.

Sincerely,

Sue Taylor

Sue Taylor
Senior Secretary

no E

Non-Certified Mail

DAVID HENDERICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

SHERL CHAPMAN CONSULTING INC
410 S ORCHARD STE 144
BOISE ID 83705

JEFFREY C FEREDAY ESQ
MICHAEL C CREAMER ESQ
GIVENS PURSLEY & HUNTLEY LLP
PO BOX 2720
BOISE ID 83701

WM HARENBERG WATERMASTER
3927 GARNET ST
BOISE ID 83703

MICROFILMED
AUG 0 6 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF DEFAULT OF PROTEST)
FILED BY VICKI JONES IN TRANSFER)
APPLICATION NO. 4804 IN THE NAME OF)
QUAIL HOLLOW GOLF COURSE FOR WATER)
RIGHT NOS. 63-04037 AND 63-09758)
)

DEFAULT ORDER

WHEREAS, the Department of Water Resources (department) has issued a Notice of Proposed Default After Failure to Appear to protestant Vicki Jones and such notice allows seven (7) days for a written response in the above-referenced matter; and

WHEREAS, the department has documented that the notice was dated July 11, 1996, was sent via certified mail on July 12, 1996, and was received by Vicki Jones on July 13, 1996; and

WHEREAS, protestant Vicki Jones has not responded to the department within the seven (7) day period; and

WHEREAS, the department should issue a Default Order setting aside the protest of Vicki Jones for failure to respond pursuant to I.C. § 67-5206(5) and department Rules of Procedure Nos. 700-702;

IT IS THEREFORE, HEREBY ORDERED that the protest of Vicki Jones in Transfer Application No. 4804 is set aside and that Vicki Jones shall no longer be a party to any department proceedings for the transfer application.

Dated this 25th day of July ,1996.

Steve Lester

Steve Lester
Deputy Regional Manager
Western Regional Office

MICROFILMED
AUG 0 6 1999

CONVERSATION MEMORANDUM

DATE 8/15/96

FILE T4804

NAME OF PARTY Bill Collins for Teetelbj

EMPLOYEE Steve Lastra

RE: Withdrawal of Protest

Almost finished with details for above protest to be withdrawn. Should have by early next week. Told him it's ok to submit almost executed withdrawal if confidant signature on same shortly forthcoming - to expedite this matter.

MICROFILMED

AUG 0 6 1999

08-01-96 ; 04:10PM ; WESTBERG McCABE CHTD

Quail Hollow Transfer file
DVG Henderickson)
-Ida protest dismissed

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

August 1, 1996

VIA FAX (208) 334-2348

Mr. Steve Lester
Deputy Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: In the Matter of Application for Transfer No. [illegible]
Involving Water Right No. 63-09758 and 63-04037

Dear Mr. Lester:

I have been asked by Terteling Company, Inc., and Terteling Trust #7 to set forth the conditions under which both of those entities would withdraw its protest to the above application. We are presently working on a draft of a letter to you, and I would expect that the letter would be sent to you the first of next week. In talking with you yesterday, I understood that the August 1 date set out in your letter of July 11 was not an absolute deadline for responding or one that legally existed. If this is not correct, please give me a call back. - OK

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins

WDC:mrs

cc: Terteling Trust #7
The Terteling Company

MICROFILMED
AUG 0 6 1999

RECEIVED
AUG 14 1996
WATER RESOURCES
WESTERN REGION

D. V. Steenson
RINGERT CLARK CHARTERED
455 South Third Street
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Fax No.: (208) 342-4657

Attorneys for Protestant Crane Creek Country Club, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR TRANSFER OF WATER RIGHTS NUMBERS 63-09758 AND 63-04037. TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON) DBA QUAIL HOLLOW GOLF COURSE	**WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS**

The undersigned applicant agrees to abide by the following conditions which will be made a part of the water rights issued based on the above-referenced application for transfer. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. The applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to the protestant's water rights, and specifically subordinate to water right number 63-03108 and permit number 63-12152.

MICROFILMED
AUG 1 5 1996

2. The applicant agrees that by withdrawing its protest, the protestant is not waiving any rights to object to Quail Hollow's water rights in the Snake River Basin Adjudication on the basis of forfeiture.

3. The protestant reserves the right to receive notice of and to participate in any administrative or judicial proceeding relating to the forfeiture or beneficial use of the applicant's Water Right No. 63-04037.

4. The applicant agrees that the combined diversion rate from its two older wells (Nibler well and Tee Limited well) plus the new well drilled in connection with this application will not exceed the combined diversion rate from the two older wells for any single irrigation season during the period between 1991 through 1995 (inclusive).

Dated this 12 day of AUGUST, 1996.

DAVID HENDRICKSON DBA
QUAIL HOLLOW GOLF COURSE

By David L. Hendrickson

APPLICANT

MICROFILMED
AUG 06 1999

Dated this 2nd day of August, 1996.

CRANE CREEK COUNTRY CLUB

By _____
President

ATTEST:

_____
Secretary

PROTESTANT

AUG 06 1999

RECEIVED
AUG 14 1996
WATER RESOURCES
WESTERN REGION

D. V. Steenson
RINGERT CLARK CHARTERED
455 South Third Street
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Fax No.: (208) 342-4657

Attorneys for Protestant Crane Creek Country Club, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR TRANSFER OF WATER RIGHTS NUMBERS 63-09758 AND 63-04037. TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON) DBA QUAIL HOLLOW GOLF COURSE	**WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS**

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MICROFILMED
AUG 06 1999

2. The applicant agrees that by withdrawing its protest, the protestant is not waiving any rights to object to Quail Hollow's water rights in the Snake River Basin Adjudication on the basis of forfeiture.

3. The protestant reserves the right to receive notice of and to participate in any administrative or judicial proceeding relating to the forfeiture or beneficial use of the applicant's Water Right No. 63-04037.

4. The applicant agrees that the combined diversion rate from its two older wells (Nibler well and Tee Limited well) plus the new well drilled in connection with this application will not exceed the combined diversion rate from the two older wells for any single irrigation season during the period between 1991 through 1995 (inclusive).

Dated this 12 day of AUGUST, 1996.

DAVID HENDRICKSON DBA
QUAIL HOLLOW GOLF COURSE

By David P. Hendrickson

APPLICANT

MICROFILMED
AUG 6 1999

Dated this 2nd day of August, 1996.

CRANE CREEK COUNTRY CLUB

By _____
President

ATTEST:

_____
Secretary

PROTESTANT

AUG 06 1999

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of August, 1996, I caused to be served a true and correct copy of the foregoing by first class mail, postage prepaid, and addressed to the following:

David Hendrickson
dba Quail Hollow Golf Course
4520 N. 36th Street
Boise, ID 83703

Joe Terteling
The Terteling Co., Inc &
Terteling Trust #7
P.O. Box 2720
Boise, ID 83701

Vic Conrad
Simplot Land & Development
P.O. Box 27
Boise, ID 83703-0027

Sherl Chapman Consulting, Inc.
410 S. Orchard, Suite 144
Boise, ID 83705

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley
P.O. Box 2720
Boise, ID 83701

Wm. Harenberg
Watermaster
3927 Garnet Street
Boise, ID 83703

D.V. Steenson

MICROFILMED
AUG 0 8 1999

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of August, 1996, I caused to be served a true and correct copy of the foregoing by first class mail, postage prepaid, and addressed to the following:

David Hendrickson
dba Quail Hollow Golf Course
4520 N. 36th Street
Boise, ID 83703

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Terteling Trust #7
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Boise, ID 83703-0027

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410 S. Orchard, Suite 144
Boise, ID 83705

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley
P.O. Box 2720
Boise, ID 83701

Wm. Harenberg
Watermaster
3927 Garnet Street
Boise, ID 83703

D.V. Steenson

RECEIVED
AUG 0 6 1996

RINGERT CLARK
CHARTERED LAWYERS

Laura F. Burt
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
Patrick D. Furey
David Hammerquist
Joseph B. Jones
James P. Kaufman
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Swaney
Samuel Kaufman (1921-1986)

August 1, 1996

BY FACSIMILE (334-2348)

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Transfer of Water Right Nos. 63-09758 and 63-04037 Filed by Quail Hollow Golf Course to Add a New Well Diversion Point: Withdrawal of Protest and Agreement of Conditions

Dear Steve:

In response to your letter of July 11, 1996, Crane Creek Country Club intends to withdraw its protest according to the conditions of the enclosed Withdrawal of Protest and Agreement of Conditions. I anticipate that this document will be executed by Crane Creek and Quail Hollow within the next week. Please contact me if you have any questions regarding this matter.

Yours very truly,

Daniel V. Steenson

Enclosure
cc: Crane Creek Country Club
Distribution List

MICROFILMED
AUG 0 6 1999

RINGERT CLARK
CHARTERED LAWYERS

Laura E. Burri
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
Patrick D. Furey
David Hammerquist
Joseph B. Jones
James P. Kaufman
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney

Samuel Kaufman (1921-1986)

FACSIMILE TRANSMISSION

DATE: August 1, 1996

The transmission that follows totals 1 pages, including this coversheet. Please immediately deliver the following pages to:

NAME: STEVE LESTER
FIRM: IDAHO DEPARTMENT OF WATER RESOURCES
CITY: BOISE
FAX NO: 334-2348

This transmission is being sent by:

NAME: DAN STEENSON
FIRM: Ringert Clark Chartered
455 South Third Street, P.O. Box 2773
Boise, Idaho 83701-2773

FAX NO: (208) 342-4657

MESSAGE: Please accept my apologies for the error in the salutation of the letter I faxed to you previously. Please replace that letter with the one following. Thank you.

HARD COPY WILL ___ WILL NOT _X_ FOLLOW

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY ANITA LIDDIARD BY TELEPHONE (208) 342-4591. THANK YOU.

MICROFILMED
AUG 0 6 1999

D. V. Steenson
RINGERT CLARK CHARTERED
455 South Third Street
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Fax No.: (208) 342-4657

Attorneys for Protestant Crane Creek Country Club, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR TRANSFER OF WATER RIGHTS NUMBERS 63-09758 AND 63-04037. TRANSFER NO. 4804) IN THE NAME OF DAVID HENDRICKSON) DBA QUAIL HOLLOW GOLF COURSE	**WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS**

The undersigned applicant agrees to abide by the following conditions which will be made a part of the water rights issued based on the above-referenced application for transfer. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. The applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to the protestant's water rights, and specifically subordinate to water right number 63-03108 and permit number 63-12152.

MICROFILMED
AUG 0 6 1999

2. The applicant agrees that by withdrawing its protest, the protestant is not waiving any rights to object to Quail Hollow's water rights in the Snake River Basin Adjudication on the basis of forfeiture.

3. The protestant reserves the right to receive notice of and to participate in any administrative or judicial proceeding relating to the forfeiture or beneficial use of the applicant's Water Right No. 63-04037.

4. The applicant agrees that the combined diversion rate from its two older wells (Nibler well and Tee Limited well) plus the new well drilled in connection with this application will not exceed the combined diversion rate from the two older wells for any single irrigation season during the period between 1991 through 1995 (inclusive).

Dated this _____ day of _____, 1996.

DAVID HENDRICKSON DBA
QUAIL HOLLOW GOLF COURSE

By_____

APPLICANT

MICROFILMED
AUG 0 6 1999

Dated this _____ day of _____, 1996.

CRANE CREEK COUNTRY CLUB

By_____
President

ATTEST:

_____
Secretary

PROTESTANT

MICROFILMED
AUG 06 1999

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED
AUG 0 1 1996
WATER RESOURCES
WESTERN REGION

August 1, 1996

HAND DELIVERY
Steve Lester
Deputy Regional Manager
Western Regional Office
State of Idaho
Department of Water Resources

Re: Application for Transfer of Water Right No's 63-09758 and 63-04037 - Transfer No. 4804 - Quail Hollow Golf Course.

Dear Mr. Lester:

Enclosed are three identical fully executed original Withdrawal of Protest and Agreement of Conditions in connection with the above referenced transfer application. Please accept one of the enclosed originals for your file and return two to the person making this delivery with your date stamp indicating receipt.

Should you have any questions about the enclosed Withdrawal please contact me. My phone number is 389-7359.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosures

MICROFILMED
AUG 0 6 1999

RECEIVED
AUG 0 1 1996
WATER
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHT NUMBERS 63-09758 AND 63-04037 TRANSFER NO. 4804 IN THE NAME OF DAVID HENDRICKSON DBA QUAIL HOLLOW GOLF COURSE	)	**WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS**

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1. The applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to the protestant's water right numbers 63-09335 and 63-10314.

2. The applicant agrees that by withdrawing its protest, the protestant is not waiving any rights to object to Quail Hollow's water rights in the Snake River Basin Adjudication on the basis of forfeiture.

3. The protestant reserves the right to receive notice of and to participate in any administrative or judicial proceeding relating to the forfeiture or beneficial use of the applicant's Water Right No. 63-04037.

4. The applicant agrees that the combined diversion rate from its two older wells (Nibbler well and Tee Limited well) plus the new well drilled in connection with this application will not exceed the combined diversion rate from the two older wells for any single irrigation season during the period between 1991 through 1995 (inclusive).

Dated this 31st day of July, 1996

David Hendrickson dba Quail Hollow Golf Course

Applicant: David P Hendrickson

Dated this 1st day of August, 1996

J. R. Simplot Company

Protestant: By: Summer Green
Its: Secretary

RECEIVED
1999

CONVERSATION MEMORANDUM

DATE 8/1/96

FILE T. 4804

NAME OF PARTY KEN ARMENT (for Quail Hollow)

EMPLOYEE STEVE LESTER

RE: CONCERNS re TRANSFER PROCESSING

I called KEN (Kurt Steel C. since Leland Le's out of town until e 8/12) to pass on thoughts about possible problem in obtaining approval to pump from cold water well for golf course:

AREN'T the hot H2O & cold H2O systems separate sources? transfer sounds like new appropriation in all but name.

Wanted to voice this concern in case S.O. analysis concludes that this is a problem.

He might want to think about how Applicant would respond if so.

8/15/96

update re this issue

Steel Chapman's call-

. said issued had been dismissed prior to transfer appl. -

with Ney & maybe ORT -

word was OK per not equal to source change.

MICROFILMED
AUG 0 6 1999

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

RECEIVED
JUL 3 1 1996
WATER RESOURCES
WESTERN REGION

July 30, 1996

Mr. Steve Lester, Deputy Regional Manager
Idaho Department of Water Resources
2735 Airport Road
Boise, Idaho 83705-5082

Dear Mr. Lester:

Pursuant to your letter of July 11, I am submitting a copy of the pumping test results for the cold water well drilled in behalf of Quail Hollow Golf Course under transfer application #4804, water right #63-04037 and #63-09758. The test pumping results enclosed refer to well #1 and well #2 with well #1 being the newly drilled well and well #2 being an existing well drilled to approximately 80 feet in depth, 66 linear feet from the pumping well. The procedure used for the test was to equip well #1 with a submersible turbine pump operated by a portable, gas powered generator. Pumping began at 1:20 p.m. on February 7, 1996 and was completed at 7:50 p.m. The water temperature throughout the test was 59°F. Recovery was measured in the pumping well the following morning at 8:38 a.m. and the static water level was within two-tenths of one foot of the original depth to water before pumping. I believe this information satisfies your request of July 11 but if you need any additional information, please don't hesitate to contact me.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
enclosure
cc:Mr. Dave Hendricksen
Mr. Ken Arment

MICROFILMED
AUG 0 6 1999

RECEIVED
JUL 3 1 1996
WATER RESOURCES
WESTERN REGION

FIELD NOTES WELL NO. 1

Owner of the well Quail Hollow G. C.

Location 36th Street

Measuring point for water levels (M.P.) Pumping Well - top of Casing South Side M.P. is 1.8 above land surface datum.

Date and/or time	Depth to water below M.P.	Discharge measurement	Hours well was on since last notation	Person making this observation	Special Notes. Record information like: shut downs in pumping; repairs (with cost) made to well; method discharge was measured; changes in discharge in amount or color; special use of well; and other items of interest
2/7/96 1320	27.5			LS	This is static level in well
1320		2006PM			pump Started
1325	31.0	2006PM			
1330	31.0	2006PM			
1345	31.2	2006PM			
1350	31.3	2506PM			
1400	31.7	3006PM			
1405	32.9	3506PM			
1415	34.2	4006PM			
1430	34.2	4006PM			
1445	34.2	4106PM	valve	open	Max pumping
1500	34.2	4106PM			
1515	34.4	4106PM			
1530	34.5	4106PM			
1545	34.6	4106PM			
1600	34.8	4106PM			
1630	34.9	4106PM			

Space for general remarks.

MICROFILMED
AUG 0 6 1999

✓

FIELD NOTES WELL NO. 1

Owner of the well _____

Location _____

Measuring point for water levels (M.P.) Pumping Well

Date and/or time	Depth to water below M.P.	Discharge measurement	Hours well was on since last notation	Person making this observation	Special Notes. Record information like: shut downs in pumping; repairs (with cost) made to well; method discharge was measured; changes in discharge in amount or color; special use of well; and other items of interest
1700	35.1	4106PM			
1730	35.2	4106PM			
1745	35.4	4106PM			
1800	36.1	4406PM 4306PM			Generator RPM was kicked up to Max and we picked up an extra 20 to 30 GPM
1815	36.7	4306PM			
1830	37.0	4306PM			
1845	36.5	4006PM			Generator RPM kicked back, dropped to 400 GPM
1900	36.5	4006PM			
1920	36.1	4006PM			
1940	36.2	4006PM			59.7 gpm / ft
1950	36.4	4006PM			
1950	pump	Shut	off		
2/8/96 at		0830	Pumping well		held 32.0 cut 2.03
	29.7 - recovery depth				
					Net decline (dd) 2.5'

Space for general remarks.

MICROFILMED
AUG 26 1999

RECEIVED
JUL 3 1 1996
WATER RESOURCES
WESTERN REGION

FIELD NOTES WELL NO. 2

Owner of the well Quail Hollow G.C.

Location Obs. Well in back yard -66' East of pumping well

Measuring point for water levels (M.P.) MP Top of Casing - N West edge of casing. MP is 2 above land surface datum - used chalked tape method.

Date and/or time	Depth to water below M.P.	Discharge measurement	Hours well was on since last notation	Person making this observation	Special Notes. Record information like: shut downs in pumping; repairs (with cost) made to well; metho discharge was measured; changes in discharge in amount or color; special use of well; and other items of interest
2/7/96 1320	28.1			LS	Held 30.0 cut 1.9
1330	29.05				32.0 cut 2.95
1345	29.05				32.0 cut 2.95
1350	29.05				32.0 cut 2.95
1400	29.20				32.0 cut 2.8
1410	29.40				32.0 cut 2.6
1420	29.60				32.0 cut 2.4
1430	29.80				32.0 cut 2.2
1445	29.90				32.0 cut 2.1
1500	30.10				32.0 cut 1.9
1515	30.10				32.0 cut 1.9
1530	30.10				32.0 cut 1.9
1545	30.20				32.0 cut 1.8
1600	30.20				32.0 cut 1.8
1630	30.30				32.0 cut 1.7
1700	30.40				32.0 cut 1.6
1730	30.45				32.0 cut 1.55

Space for general remarks.

MICROFILMED
AUG 0 6 1999

FIELD NOTES WELL NO. 2

Owner of the well _____

Location _____

Measuring point for water levels (M.P.) Obs Well

Date and/or time	Depth to water below M.P.	Discharge measurement	Hours well was on since last notation	Person making this observation	Special Notes. Record information like: shut downs in pumping; repairs (with cost) made to well; metho discharge was measured; changes in discharge in amount or color; special use of well; and other items of interest
1745	30.45				Held 32 cut 1.55
1800	30.45				32 cut 1.55
1815	30.80				32 cut 1.20
1830	30.80				32 cut 1.20
1845	30.70				32 cut 1.30
1900	30.70				32 cut 1.30
1920	30.60				32 cut 1.4
1940	30.60				32 cut 1.4
1950	30.60				32 cut 1.4
1950	Pump off				
2/8/96	at 0830		Obs Well		Held 30.0 cut 1.85
	28.15				Net decline 2.5'

Space for general remarks.

MICRO-MEL
AUG 9 R 1996

From: DWR80::SLESTER 30-JUL-1996 14:25:05.86
To: DWR03::NYOUNG DWR03::GSAXTON
CC: SLESTER
Subj: QUAIL HOLLOW GOLF COURSE TRANSFER APPL.

I am looking for your advice on a transfer question as file is almost ready to forward to S.O. for final processing.

Quail Hollow has filed T.4804 to add cold water well @ 1/2 way down 36th St. to pump water up to golf course when 2 hot wells shut down by 63-S watermaster regulation (typically @ Labor Day). Idea would be to continue irrigating with 1996 self-imposed priority condition for lic. 63-09758 (newer right at golf course). The transfer would also provide added P/D for older right, the "Nibler well", stat. claim 63-04037 as the situation allows.

Status: protests being withdrawn. Test well drilled & tested at 400 gpm & all pumps & pipelines in place as needed due to reconstruction of 36th St - if didn't install all then, would have had to wait 5 years before could tear up street again. So system all set to go. Am anticipating that golf course may request authority to use well prior to transfer approval if crunch time hits 63-S before can issue transfer decision. Told applicant that dept. would entertain request if this problem develops. Anticipate will forward file to S.O. in next week or two once parties submit withdrawals, data etc.

Problem: this is essentially a 1996 cold water appropriation for about 1/3-1/2 irrigation season in all but name. Requesting 1996 priority under 1931 & 1981 low temp. geothermal rights to continue irrigating. It is my impression that newer right 63-09758 for hot water was approved as waiver to I.C. 42-233 since "cold water alternative was not available". Now staging is available & apparently economically viable for a good part of irrigation season.

We now know that approval of this newer right brought the 63-S matter to a head. Probably wouldn't have need for regulation without this newer right, as it appears from newer data obtained in 63-S proceedings last few years.

Doesn't this indicate that 42-233 waiver should be re-visited? Should irrigator be required to make cold water the main source & keep hot water only to supplement? Can dept. restrict use of hot water per "new facts"? Perhaps we could require cold water use to start by x date to alleviate 63-S crunch: maybe start using by 7/1 will reduce/eliminate hot water shortages? Or, maybe we could treat same as Terteling T.3990 for 63-03603 in which transfer conditions of approval restricted ability to use hot water unless 1st used heat value (retroactively implemented 42-233 if I'm reading file correctly?).

This resulted in Terteling's not being able to use windsock well (hot) for irrigation under that right since only heated couple of homes with it - although could continue to irrigate under junior right sharing windsock well (63-07595, not part of T.3990).

Applicant's proposal is good for golf course & maybe good in long run for 63-S if restricts hot water use @ golf course somewhat in timely manner - perhaps will diminish or eliminate calls for water in 63-S. But is it good for cold water users, especially in light of the de facto moratorium from that separate aquifer?

Maybe legally we cannot deny this transfer to add cold water well to hot water wells - it's all ground water, after all - but we all know these are different sources from aquifers with different behaviors, as it were.

My thoughts come down to this: what do think (realizing that this is just thinking out loud - not obligating dept. to any course of action) would be response if receive request to start using new cold well in water shortage situation involving call for water in 63-S before transfer decision issued? I can keep your comments confidential via mail message technique so we don't get into a lot of written implications, if you prefer.

Thanks for taking a look at this ... I realize it is rather long-winded.

Steve

✓

LAW OFFICES

GIVENS PURSLEY & HUNTLEY, LLP

A LIMITED LIABILITY PARTNERSHIP

277 NO. 6TH STREET • SUITE 200

P.O. BOX 2720 • BOISE, IDAHO 83701

(208) 388-1200

FACSIMILE (208) 388-1201

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L. W. GRANT III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY DAWN MALONEY
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER

L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
ROBERT L. PHILLIPS
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

JAMES A. MCCLURE
JUDITH K. HOLCOMBE
OF COUNSEL

MICHAEL C. CREAMER
DIRECT DIAL
(208) 388-1247

June 25, 1996

RECEIVED
JUN 27 1996
WATER RESOURCES
WESTERN REGION

Steve Lester
Assistant Regional Manager
Idaho Department of
Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

Re: Vancroft Corp. Water Right
Our file: 2260

Dear Mr. Lester:

Yesterday I became aware that the Department is processing an Application for Transfer of a Water Right (Transfer No. 4804), concerning right nos. 63-09758 and 63-04037, which was submitted by David Hendrickson dba Quail Hollow Golf Course. This letter is to inform you that our client, Vancroft Corporation ("Vancroft"), is the owner of right no. 63-04037. This right is appurtenant to lands comprising the Quail Hollow Golf Course, which Vancroft owns in fee, and which is under lease to Mr. Hendrickson. Vancroft was not aware of the transfer application, nor has it consented to a change in any element of the right.

Inasmuch as the parties to the transfer proceeding apparently are moving towards a possible settlement of the issues raised by the Protests to the Application, I wanted to make your office, and the applicant, aware as soon as possible of Vancroft's interest. I have not as yet been able to contact Mr. Chapman, whom I understand is acting on behalf of Mr. Hendrickson in this matter, but have left a message at his office and am providing him a copy of this

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See response 7/11/96

letter. After speaking with Mr. Chapman, Vancroft should be better able to advise the Department and the parties of its intentions.

Sincerely,

Michael C. Creamer

Michael C. Creamer

cc: Mari Montgomery
Sherl Chapman
Gray Young
Daniel Steenson
Joe Terteling
Flinda Terteling

MCC:mc
2260\CORR\LESTER01.MCC

MICROFILMED
AUG 0 6 1999

P 241 820 390

US Postal Service
Receipt for Certified Mail

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date	

PS Form **3800**, April 1995

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DEC 06 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 26, 1996

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

Re: Application for Transfer of Water Rights Nos. 63-9758 and 63-4037 in the Name of David Henderson, dba Quail Hollow Golf Course

Dear Ms. Jones:

Enclosed is a Default Order regarding the above-referenced application for transfer. The order is issued and sent to the interested parties.

Please contact this office if you have any questions.

I hereby certify that on the 26th day of July, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below and to the above-addressed protestant by certified mail.

Sincerely,

Sue Taylor

Sue Taylor
Senior Secretary

Non-Certified Mail

DAVID HENDERICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

SHERL CHAPMAN CONSULTING INC
410 S ORCHARD STE 144
BOISE ID 83705

JEFFREY C FEREDAY ESQ
MICHAEL C CREAMER ESQ
GIVENS PURSLEY & HUNTLEY LLP
PO BOX 2720
BOISE ID 83701

WM HARENBERG WATERMASTER
3927 GARNET ST
BOISE ID 83703

MICROFILMED
AUG 06 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF DEFAULT OF PROTEST) FILED BY VICKI JONES IN TRANSFER) APPLICATION NO. 4804 IN THE NAME OF) QUAIL HOLLOW GOLF COURSE FOR WATER) RIGHT NOS. 63-04037 AND 63-09758)

DEFAULT ORDER

WHEREAS, the Department of Water Resources (department) has issued a Notice of Proposed Default After Failure to Appear to protestant Vicki Jones and such notice allows seven (7) days for a written response in the above-referenced matter; and

WHEREAS, the department has documented that the notice was dated July 11, 1996, was sent via certified mail on July 12, 1996, and was received by Vicki Jones on July 13, 1996; and

WHEREAS, protestant Vicki Jones has not responded to the department within the seven (7) day period; and

WHEREAS, the department should issue a Default Order setting aside the protest of Vicki Jones for failure to respond pursuant to I.C. § 67-5206(5) and department Rules of Procedure Nos. 700-702;

IT IS THEREFORE, HEREBY ORDERED that the protest of Vicki Jones in Transfer Application No. 4804 is set aside and that Vicki Jones shall no longer be a party to any department proceedings for the transfer application.

Dated this 25th day of July ,1996.

Steve Lester

Steve Lester
Deputy Regional Manager
Western Regional Office

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AUG 06 1999

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
JUL 18 1996
WATER RESOURCES
WESTERN REGION

CERTIFIED

P 241 820 384

06-26-96 1918

MAIL

AUG 06 1996

Name
1st Notice
2nd Notice 7-8
Return 7-8

VICKI JONES
3518 N 36TH S
BOISE ID 83703

Notified 6-27-96 JE

83703-4

Fold at line over top of envelope to the right of the return address

63-9758

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

4a. Article Number
P 241 820 384

4b. Service Type

- ☐ Registered
- ☑ Certified
- ☐ Express Mail
- ☐ Insured
- ☑ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

AUG 06 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER OF WATER RIGHTS NOS. 63-9758 AND 63-4037 IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW.	NOTICE OF CONFERENCE

On March 19, 1996, David Hendrickson DBA Quail Hollow Golf Course filed with the Department of Water Resources (Department) an application for transfer of water rights. The application was protested by Crane Creek Country Club, The Terteling Trust #7, Simplot Land & Development, Vicki Jones and Glen Wersch &/or Ellen Jones. Glen Wersch &/or Ellen Jones have withdrawn their protest.

The Department has set the matter of protest for a conference to be held on Thursday, July 11, 1996, at 10:00 a.m., at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of [APractice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

MICROFILMED
AUG 0 8 1999

certified
Notice of conf.
to Vicki Jones
returned 7/18/96

Dated this 26th day of June, 1996.

Steve Lester

STEVE LESTER
Deputy Manager, Western Regional Office

I hereby certify that on the 26th day of June, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor

Sue Taylor
Secretary-Office Coordinator

Certified Mail

DAVID HENDERICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

JEFFREY C FEREDAY ESQ
GIVENS PURSLEY & HUNTLEY LLP
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

VICKI JONES
3518 3518 N 36TH ST
BOISE ID 83703

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AUG 06 1999

CONFERENCE AND HEARING PROCEDURE
APPLICATION FOR TRANSFER

ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer

1) Will the proposed transfer injure other water rights?

2) Will the proposed transfer constitute an enlargement in use of the original right?

3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1,2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers,schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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HEARING

The department will tape record the hearing. Copies of the hearing are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself.If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties by written stipulation, may waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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SEP 06 1999

CONVERSATION MEMORANDUM

DATE 7/15/96

FILE T. 4804

NAME OF PARTY Ed Squier

EMPLOYEE Steve Lester

RE: COLD H2O / Hot Water

63-09758

Golf courses never Rpt - obtained irrig use of Hot H2O per Water in that original filing - cold H2O was not available?

Now, cold H2O available per transfer proposal, testing etc.

Does this prompt Dept. to re-visit newer Rpt w/ respect to use of Hot H2O for irrig.?

Can/should dept. look at this license issue in issuing decision re cold vs. Hot water use?

S.O. advice re this question

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AUG 0 6 1999

P 241 820 389

US Postal Service
Receipt for Certified Mail

VICKI JONES
3518 3518 N 36TH ST
BOISE ID 83703

Postage	$ MICRO MED
Certified Fee	
Special Delivery Fee	AUG 0 6 1999
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form **3800**, April 1995

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SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

63-9758

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

MICROFILMED
AUG 0 6 1999

4a. Article Number
P 241 820 383

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☑ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
JUL 1 1999

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
JUL 02 1996
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Quail

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

MICROFILMED
AUG 0 6 1999

4a. Article Number
P 241 820 369

4b. Service Type

- ☐ Registered
- ☑ Certified
- ☐ Express Mail
- ☐ Insured
- ☑ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery
7-13-96

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form **3811**, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

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Postage & Fees Paid
USPS
Permit No. G-10

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RECEIVED

JUL 16 1996

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

63-9258

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DAVID HENDRICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

4a. Article Number
P 241 820 382

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☑ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
7-28-94

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

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Is your RETURN ADDRESS completed on the reverse side?

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UNITED STATES POSTAL SERVICE



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Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
JUL 0 1 1996
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

63-8758

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JEFFREY C FEREDAY ESQ
GIVENS PURSLEY & HUNTLEY LLP
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

4a. Article Number
P 478 660 809

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
JUN 27 1996

5. Received By: *(Print Name)*

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
JUN 28 1996
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



63-9758

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

AUG 06 1996

4a. Article Number
P 244 820 416

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
JUN 27 1996

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X

PS Form 3811, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

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UNITED STATES POSTAL SERVICE



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Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
JUN 28 1996
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



MICROFILMED
AUG 0 6 1998

Include receipt of
cert. mailing dated
7/13/96 for 7/12/96
Notice Proposal Default
for Vicki Jones'
protest

July 11, 1996

TO: ATTACHED DISTRIBUTION LIST

RE: TRANSFER APPLICATION NO. 4804 FOR RIGHTS NOS. 63-04037 AND 63-09758 (QUAIL HOLLOW GOLF COURSE)

Dear Interested Parties:

This letter serves several purposes following the pre-hearing conference held this morning. It appears that most of the protests are well on the way to being resolved and subsequently withdrawn.

However, one protestant did not attend today's conference. Vicki Jones was notified by certified letter of June 26, 1996 of the conference that was held this morning at the Western Region office. Pursuant to IDWR Rules of Procedure Nos. 700 and 701, this letter serves as a **Notice of Default After Failure to Appear for protestant Vicki Jones.** Ms. Jones has seven (7) days following the service of this proposed default order to submit a written response to show why the department should not void her protest of Transfer Application No. 4804.

The applicant expressed a willingness to work with Vicki Jones to supply yard irrigation water for her home from the applicant's proposed production well. However, the applicant also stated that Ms. Jones has not responded to written and telephonic requests by the applicant to work out these details. The protestant might be well served, so to speak, by contacting Mr. Sherl Chapman, the applicant's consultant, to discuss a solution to her concerns.

One item that was discussed at today's meeting was a pump test for the proposed production well on 36th Street. The department hereby asks the **applicant to submit a copy of the pump test procedure and results.** That information will be useful in shaping the department decision regarding the transfer application. Please submit the report **by August 1, 1996.**

For the remaining protestants, please submit your written statements regarding your protests by August 1, 1996. You are welcome to suggest any conditions of approval that might help resolve your concerns. One such concern focuses on the priority date of a new cold-water well when joined to "hot-water water rights". The parties apparently agree that the new well should have a new priority to address injury issues related to the cold-water aquifer.

It is also understood that **VanCroft Corporation** is the owner of water right no. 63-04037 but does not have substantial problems with this transfer filing. **The corporation is asked to submit a written statement by August 1, 1996 summarizing the water right owner's view of the application.**

One item not discussed at today's meeting concerns the watermaster for Stewart Gulch Water District. Although the new well is a cold-water source and the water district centers on hot-water wells, the watermaster's comments about the

follow up to 7/11 protest conf.

MICROFILMED

AUG 06 1996

situation remain appropriate for any water right activity within the district boundaries. **The watermaster is asked to review the enclosed application and submit comments to this office by August 1, 1996.**

Completion of the above-referenced items will allow this office to complete its processing of the transfer application and forward the file to the central office for final disposition. If a critical water need occurs at the golf course before a final department decision can be implemented, the applicant is welcome to address its emergency needs to me for immediate consideration. The department can certainly review such a request as promptly as possible.

Please contact me if you have any questions about the transfer application and your role in the process.

Sincerely,

Steve Lester

Steve Lester
Deputy Regional Manager

Enclosure: Distribution List (for all parties)
Copy of Application (for Watermaster #63-S)

MICROFILMED
AUG 0 6 1999

I hereby certify that on the 12TH day of July, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Secretary-Office Coordinator

Certified Mail

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

Non-Certified Mail

DAVID HENDERICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

JOE TERTELING
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

SHERL CHAPMAN CONSULTING INC
410 S ORCHARD STE 144
BOISE ID 83705

JEFFREY C FEREDAY ESQ
MICHAEL C CREAMER ESQ
GIVENS PURSLEY & HUNTLEY LLP
PO BOX 2720
BOISE ID 83701

WM HARENBERG WATERMASTER
3927 GARNET ST
BOISE ID 83703

MICROFILMED
AUG 06 1999

ROSTER OF ATTENDANCE

IDAHO DEPARMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Re: Application for Transfer of Permits Nos. 63-09758 and 63-04037 in the Name of David Hendrickson, DBA Quail Hollow Golf Course

Place: IDWR, Western Region, 2731 Airport Way, Boise, Idaho

Date: Thursday, July 11, 1996

Conducted by: Steve Lester

NAME	ADDRESS
JOE TENTELING	TENTELING 877 W. MAIN BOISE 02
Ken Armgart	Quail Hollow 1770 W. State St. Ste 339 Boise 02
* Clint Chapman	Quail Hollow 410 S Orchard Suite 144 Boise 05
Michael C Creamer	GPTH, P.O. Box 2720, Boise, ID 83701 for Vancroft Corp
GRAY YOUNG	999 MAIN ST, STE 1300 BOISE, ID 83702 JR SIMPLOT COMPANY
VIC CONRAD	" "
Dan Steenson	455 S. 3rd St. Boise ID 83701, FOR CRANE CREEK
DAVID E HENDRICKSON	QUAIL HOLLOW 4520 N 36TH 03

* APPLICANT'S CONTACT PERSON PER ORIG. INTS ON PG 1 of APPL.

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T. 4804 Quail Hollow Golf Course 7/11/96

-SR

G. WERSch + E. JONES - protests w. Holman per 6/5/96 agreement

follow up → NEED - wm comment letter

Applicat - Thank C. for tech info under REVIEW now (Eds Squires).
only 1 protestant w/ERE no RESponse - Vicki JONES - sent her letter plus several calls.
well drilled
20 Hp pump in
pipeline installed to golf course
" " " GLEN + Elkin protestants across Sts on 36th.

} did all since had to act when 36th St. Rebuilding - or would be 5 yr. wait

Suggest to Holman if don't get back yet → pump test @ 400 gpm:
obs. 6.9' drawdown prod. well
obs. 1.9' " observation well NEARby -
R.P. JONES 30+ yr. old well, no log found.

Suggest protestant contact appl. to work this out → willing to provide info to Vicki if problems so she can have good #'s.

Tentelin (JOC)
intends drop protest but RESERVES right to challenge extent of b.h. e golf course (SRBA etc).
Will have Atty. send letter e this.

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AUG 06 1999

✓

Crane Creek Golf Course - Dan S.

also plans withdraw protest pending fed. review (Ed S.),
" Reserves right challenge S.W. & Quail Hollow
will suggest cond. of approval & new well with new
d.o.p. via Djing

↖ SGE Appl. Remarks & new well / new d.o.p.

Check →

Sunset (Vic + Gary)

Same idea as Crane Ck.

↖ Fed. said Art's idea & new d.o.p.

M. Creamer for VanCraft

J. Fenelon (same firm as Mike) - their firm withdraws for Tentolig - who will use another atty. firm (Bill Collins?).

VanCraft - can provide written OK this Appl.

Vickie Jones - not present
- Send "Notice of Default"

Send →

Should Receive letters withdrawing other protests per above, pursuit suggest cond. of approval.

Wait for

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AUG 06 1999

✓

P 241 820 383

US Postal Service
Receipt for Certified Mail

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form 3800, April 1995

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AUG 06 1999

P 241 820 382

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

DAVID HENDRICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

Post Office, State, &	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2 52
Postmark or Date	

PS Form 3800, April 1995

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AUG 16 1999

P 478 660 809

US Postal Service

Receipt for Certified Mail

JEFFREY C FEREDAY ESQ
GIVENS PURSLEY & HUNTLEY LLP
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form 3800, April 1995

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AUG 06 1999

P 241 820 416

US Postal Service

Receipt for Certified Mail

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form 3800, April 1995

P 241 820 384

US Postal Service

Receipt for Certified Mail

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.52
Postmark or Date	

PS Form 3800, April 1995

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AUG 06 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER OF WATER RIGHTS NOS. 63-9758 AND 63-4037 IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW.	NOTICE OF CONFERENCE

On March 19, 1996, David Hendrickson DBA Quail Hollow Golf Course filed with the Department of Water Resources (Department) an application for transfer of water rights. The application was protested by Crane Creek Country Club, The Terteling Trust #7, Simplot Land & Development, Vicki Jones and Glen Wersch &/or Ellen Jones. Glen Wersch &/or Ellen Jones have withdrawn their protest.

The Department has set the matter of protest for a conference to be held on Thursday, July 11, 1996, at 10:00 a.m., at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of [APractice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

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CONFERENCE AND HEARING PROCEDURE
APPLICATION FOR TRANSFER

ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer

1) Will the proposed transfer injure other water rights?

2) Will the proposed transfer constitute an enlargement in use of the original right?

3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1,2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers,schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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HEARING

The department will tape record the hearing. Copies of the hearing are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself.If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties by written stipulation, may waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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AUG 0 6 1999

Dated this 26th day of June, 1996.

Steve Lester
STEVE LESTER
Deputy Manager, Western Regional Office

I hereby certify that on the 26TH day of June, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary-Office Coordinator

Certified Mail

DAVID HENDERICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

JEFFREY C FEREDAY ESQ
GIVENS PURSLEY & HUNTLEY LLP
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

VICKI JONES
3518 3518 N 36TH ST
BOISE ID 83703

NOTICE OF CONFERENCE

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AUG 06 1999

State Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 26, 1996

GLEN WERSCH & ELLEN JONES
PO BOX 3113
BOISE ID 83703

Re: Application for Transfer of Water Rights Nos. 63-09758 and 63-04037 in the Name of David Hendrickson DBA Quail Hollow Golf Course

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for transfer of water rights.

A protest conference will be scheduled in an attempt to resolve the remaining protests.

If you have any questions please call this office.

Sincerely,

Steve Lester

STEVE LESTER
Deputy Manager, Western Regional Office

SL:st

CC: Applicant
Remaining Protestants

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AUG 0 6 1999

CONVERSATION MEMORANDUM

DATE 6/21/96

FILE T. 4804

NAME OF PARTY Sheri Chapman

EMPLOYEE Steve Leslie

RE: Protest Conference Scheduling

Requesting protest conference soon to expedite this matter.

Some of protests withdrawn (See his 6/11/96 letter) but some not yet resolved.

Will send scheduling letter suggest for OK date:

July 11, 1996 10:00 @ Region office

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AUG 0 6 1999

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

RECEIVED
JUN 12 1996
WATER RESOURCES
WESTERN REGION

June 11, 1996

Mr. Dave Tuthill
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

REFERENCE: APPLICATION FOR TRANSFER OF WATER RIGHT #4804

Dear Dave:

Enclosed you will find a copy of an agreement between Mr. Glen Wersch, Ms. Ellen Jones and Quail Hollow Golf Course relating to their protest against the transfer. Pursuant to our conversation, I believe this resolves at least this particular issue and I am continuing to try to resolve the balance of the issues with the other protestants.

I will keep you informed of my progress.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
enclosure
cc:Mr. Dave Hendricksen
Mr. Ken Arment

MICROFILMED
AUG 06 1999

Withdrawal of some protests attached

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

RECEIVED

JUN 12 1996

WATER RESOURCES
WESTERN REGION

TO: Mr. Glen Wersch
Ms. Ellen Jones

FROM: Sherl L. Chapman, President

DATE: June 5, 1996

SUBJECT: AGREEMENT - QUAIL HOLLOW GOLF COURSE TRANSFER #4804

The following is a resolution of the protest to Application for Transfer #4804 made by Quail Hollow Golf Course and protested by Glen Wersch and Ellen Jones. Quail Hollow Golf Course agrees to the following:

1. Dave Hendrickson, d.b.a. Quail Hollow Golf Course, will modify the domestic well owned by Glen Wersch and Ellen Jones at 3519 North 36th Street to allow measurement of the water level in the well. The water level will be monitored at the expense of Quail Hollow Golf Course during the 1996 irrigation season. Such monitoring will take place daily during the operation of the well owned and operated by Quail Hollow Golf Course at 3512 North 36th. Water level data will be provided upon request to Glen Wersch and Ellen Jones and the Idaho Department of Water Resources. The purpose of such monitoring shall be to determine the water level in the domestic well during operation of the Quail Hollow Golf Course well to protect the existing pump in the domestic well from damage due to cavitation because of insufficient water in the domestic well. The monitoring program shall be reviewed on or before April 1, 1997 by Quail Hollow Golf Course, Glen Wersch and Ellen Jones and the Idaho Department of Water Resources to determine whether or not such monitoring needs to continue or is useful.

2. Quail Hollow Golf Course agrees to construct a pipeline sufficient to carry 250 gallons per minute from the existing six (6) inch PVC mainline to the pumphouse for the irrigation well located at 3519 North 36th. The purpose for the pipeline will be to provide irrigation water to the property at 3519 North 36th if operation of the Quail Hollow Golf Course well causes the water level in the irrigation well at 3519 North 36th to drop below a level which can be pumped by the existing system. Water from the Quail Hollow Golf Course pipeline shall be used for these

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AUG 0 6 1999

purposes only if the decline in the water table in the Glen Wersch/Ellen Jones irrigation well is attributable to operation of the Quail Hollow Golf Course well.

In return for the consideration promised above, Glen Wersch and Ellen Jones agree to withdraw their protest of the Application for Transfer #4804 for water right #63-09758 and #63-04307. Such withdrawal shall occur within five (5) days of signing of this agreement.

Dave Hendrickson

Glen Wersch

Ellen Jones

6.5.96
Date

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AUG 06 1999

Protested Quail Hollow File

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JUN 10 1996
WATER RESOURCES
WESTERN REGION

Glen Wersch and Ellen Jones
P.O. Box 3113
Boise, Idaho 83703

June 6, 1996

Dave Tuthill
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Mr. Tuthill:

We have met with Sherl Chapman, the Hydrologist working with the Quail Hollow Golf Course. With his assistance we have worked out an agreement to resolve the protest we filed with regard to the application for transfer #63-9758 and #63-4037.

Quail Hollow is going to stub in a pipe from their well to our irrigation box. If necessary, this pipe could provide water to our irrigation system on a temporary basis should that need develop as a result of their pumping from the new well they have drilled across the street.

Additionally, Quail Hollow will install a monitoring system on our domestic well and provide daily monitoring, during pumping, of the draw down and it's effects on our availability. They will provide us with reports of the data upon request.

This agreement in no ways waives any of our previously established water rights nor is it implicit, in any way, that water pumped from the Quail Hollow would be an acceptable substitute for our own functioning wells, expect as a provisional, emergency supply.

Sherl Chapman, representing Quail Hollow, was very amenable and easy to work with. We would like to express our appreciation to Lorry Graves at Water Resources for the time she took to explain the process to us. It is simply our fervent hope that we will not be affected by the new well installed by Quail Hollow and that this matter will be a closed issue. If, however, there is an effect to our supply we will follow up to protect our valuable water rights.

For your information, there is another family living in our house. We are currently living and working in Mexico. We can be contacted there at:

Glen Wersch and Ellen Jones Message Phone and FAX: 011 52 967 30711
Rancho Esmeralda
Apartado 68
Ocosingo, Chiapas 29950
Mexico

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AUG 0 6 1999

Additionally, you can contact our Business Manager here in Boise and she can relay any information to us:

Cher Bock
1105 Federal Way
Boise, Idaho 83705 Phone: 343 4332 FAX: 343 4652

Thanks to all for making this a pleasant process.

Sincerely,

Glen Wersch Ellen Jones

cc: Dave Hendrickson
Sherl Chapman

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AUG 0 6 1999

RECEIVED
MAY 20 1996
WATER RESOURCES
WESTERN REGION

D. V. Steenson
RINGERT CLARK CHARTERED
455 South Third Street
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Fax No.: (208) 342-4657

Attorneys for Protestant Crane Creek Country Club, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF DAVID HENDRICKSON DBA QUAIL HOLLOW GOLF COURSE TO ADD A POINT OF DIVERSION TO WATER RIGHTS NOS. 63-09758 AND 63-04037	**PROTEST OF CRANE CREEK COUNTRY CLUB, INC.**

Crane Creek Country Club, Inc. (Crane Creek), whose address is 500 West Curling Drive, Boise, Idaho 83702, through its attorneys Ringert Clark Chartered, hereby submits its protest to the Application for Transfer of Water Rights Nos. 63-09758 and 63-04037 filed by David Hendrickson DBA Quail Hollow Golf Course ("Quail Hollow"), on the following grounds:

1. Crane Creek holds water right no. 63-3108 to groundwater, priority date July 8, 1957, with its point of diversion located as generally depicted at page 8 of Quail Hollow's Application. The water level in the groundwater source has declined, forcing Crane Creek to lower the depth of its well twice within the last three

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AUG 26 1996

8/12/96

years.

2. The proposed change will injure Crane Creek's water right, in that the proposed change will reduce the quantity of water available and the water supply itself is not sufficient to support the additional point of diversion.

3. The proposed change constitutes an enlargement of the use of the original water right.

4. The proposed change is not in the local public interest as defined in § 42-203A(5), Idaho Code.

5. The proposed change is contrary to the conservation of water resources within the state of Idaho.

Dated May 20, 1996.

RINGERT CLARK CHARTERED

By _____
D. V. Steenson

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AUG 0 [illegible]

#25 — W020896
20-96
By VR

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 1996, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

David Hendrickson dba Quail Hollow Golf Course 4520 N. 36th Street Boise, ID 83703	_____ __X__ _____ _____	Hand Delivery U.S. Mail Overnight Mail Telecopy (FAX)

D.V. Steenson

MICROFILMED
MAY 2 8 1996

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

May 20, 1996

Hand Delivery

David R. Tuthill, Jr., P.E.
Manager, State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer of Water Right Numbers 63-09758 and 63-04037 (Transfer No. 4804).

Dear Mr. Tuthill:

Enclosed is an original Protest of the above referenced Transfer and a $25.00 check to cover your filing fee. Please file the Protest and provide a photo-copy with your stamp indicating receipt to the person making this delivery.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosures

c: David Hendrikson with a copy of the enclosed Protest

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AUG 0 8 1999

RECEIVED
MAY 20 1996
WATER RESOURCES
WESTERN REGION

Withdrawn 8/1/96

J. R. Simplot Company
999 Main Street
Boise, Idaho 83702
or
Post Office Box 27
Boise, Idaho 83707

RECEIVED
MAY 20 1996
WATER RESOURCES
WESTERN REGION

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

Application of David Hendrickson DBA Quail Hollow Golf Course for Transfer of Water Right Numbers 63-09758 and 63-04037; Transfer No. 4804	))))	**PROTEST**

Pursuant to Rule 250 of the Department's Rules of Procedure the J. R. Simplot Company ("Protestant") protests the Application of David Hendrickson, DBA Quail Hollow Golf Course ("Applicant") for Transfer of Water Right Numbers 63-09758 and 63-04037 to add a point of diversion.

Interests of Protestant
Protestant owns groundwater rights licensed by the State of Idaho, Department of Water Resources, numbered 63-09335 and 63-10314. These water rights are used to supply water through three wells for an irrigation system generally located northwesterly of the corner of Bogus Basin Road and Cartwright Road in Boise, Idaho.

Enlargement under Applicant's existing water rights
Protestant is concerned that an additional point of diversion from this aquifer may increase the total amount of water withdrawn under the Applicant's existing water rights.

Reduction in the Quantity of Water Under Existing Rights
Such an increase in the amount of water withdrawn may affect the Protestant's ability to divert enough water under its existing water rights.

Conclusion
For the reasons stated above, the Applicant's Application for Transfer of Water Rights should be denied, or, in the alternative, granted with conditions sufficient to prevent an expansion in the amount of water diverted under the Applicant's existing water rights.

Respectfully submitted this 20th day of May, 1996.

J. R. Simplot Company

By: _____
Gray Young
Assistant General Counsel II

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AUG 06 1999

Pd $25 —
5-20-96
WO20895
By: VR

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

SEP 29 1988

Permit No. 63-9758
Name(s) of Permit Holder(s): L.T.S. Inc.
Post Office Address: 4520 N IH 36th
Tel. No. 344-3444

X I hereby certify that construction of diversion works for the above referenced permit began on Sept 1981 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

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AUG 06 1999

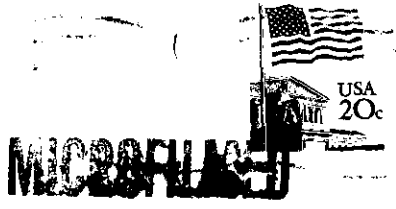
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

10/21/88
Date

Signature of Permit Holder

LTS II
4520 N Ith 36th
Boise, Idaho 83703



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AUG 0 6 1999

SEP 29 1988



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RECEIVED

OCT 24 1988

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in " RETURN TO" Space on the reverse side. Failure to this will prevent this card from being retur o you. The return receipt fee will provide you the nan the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Bill Ringert Attorney-at-Law
599 West Bannock
Boise, ID 8370

FEB 24 1994
MICROFILMED

4. Article Number
33461

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X

6. Signature — Agent
X

7. Date of Delivery
4-29-89

AUG 06 1999

8. Addressee's Address *(ONLY if requested and fee paid)*
BOX 2773
Boise, ID
83701-2773

63 9758

PS Form **3811**, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

UNITED STATES POS SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FEB 2 4 1994

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. ORCHARD
BOISE, IDAHO 83706

AUG 0 6 1999

MICROFILMED

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure t this will prevent this card from being retu to you. The return receipt fee will provide you the na the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Quail Hollow Golf Club
4520 N. 36th
Boise, ID 83703

4. Article Number
33460

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

FEB 24 1994

5. Signature — Address
X John M. Weeks MED

6. Signature — Agent
X

7. Date of Delivery
8/29

AUG 0 6 1993

8. Addressee's Address *(ONLY if requested and fee paid)*
Weeks John
4520 W. 36th
Boise ID 83703-9758

PS Form **3811**, Mar. 1988 ★ U.S.G.P.O. 1988-212-865 **DOMESTIC RETURN RECEIPT**

UNITED STATES POS SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FEB 24 1994

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

AUG 0 6 1999

MICROFILMED

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. ORCHARD
BOISE, IDAHO 83706

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Edwards Greenhouse
4106 Sand Creek
Boise, Id 83703

MICROFILMED
AUG 06 1999

4. Article Number
33458

Type of Service:
- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X Barnette Monroe

RECEIVED
FEB 24 1999

6. Signature — Agent
X

7. Date of Delivery
8-29-89

8. Addressee's Address *(ONLY if requested and fee paid)*
Edwards Greenhouse
4106 Sand Creek
Boise, Id. 83703
33458

PS Form **3811**, Mar. 1988 * U.S.G.P.O. 1988-212-865 **DOMESTIC RETURN RECEIPT**

UNITED STATES POS SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FEB 24 1994

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

AUG 0 6 1999

MICROFILMED

STATE OF IDAHO

DEPT. OF WATER RESOURCES

1301 N. ORCHARD

BOISE, IDAHO 83706

✓✓.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in t RETURN TO" Space on the reverse side. Failure to his will prevent this card from being return. you. The return receipt fee will provide you the nam the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

N. E. Ryan
4504 Foothill Dr.
Boise, Id 83703

4. Article Number
334560

Type of Service:
- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X Kim E Ryan

6. Signature — Agent
X

7. Date of Delivery
AUG 0 6 1993

8. Addressee's Address *(ONLY if requested and fee paid)*

FEB 2 4 1994

63-9738

MICROFILMED

PS Form **3811**, Mar. 1988 * U.S.G.P.O. 1988-212-865 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

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SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FEB 24 1994

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

AUG 06 1999

MICROFILMED

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. ORCHARD
BOISE, IDAHO 83706

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
R.E. Ryan
4504 Foothill Dr.
Boise, Id. 83703

4. Article Number
33457

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X Mary E. Ryan

6. Signature — Agent
X

7. Date of Delivery
AUG 30 1989

8. Addressee's Address *(ONLY if requested and fee paid)*
4504 Foothill

63-9758

PS Form **3811**, Mar. 1988 ★ U.S.G.P.O. 1988-212-865 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FEB 24 1994

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

AUG 0 9 1994

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. ORCHARD
BOISE, IDAHO 83706

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to this will prevent this card from being return to you. The return receipt fee will provide you the nam the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Hunt Bros. Floral, Inc.
3823 N. 36th
Boise, Id 83703

4. Article Number
33459

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X M Wardell

6. Signature — Agent
X

7. Date of Delivery
8/29

8. Addressee's Address *(ONLY if requested and fee paid)*
M Wardell
3823 N. 36th
Boise 83703

8/29

MICROFILMED FEB 24 1994

MICROFILMED AUG 06 1999

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

UNITED STATES POS SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FEB 2 4 1994

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

AUG 0 6 1999

MICRO GRAPHICS

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. ORCHARD
BOISE, IDAHO 83706

RECEIVED

MAY 23 1996

WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
$103.00

Account Number	Identification		
047628	NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-09758 & 63-04037		
Ordered By	**P.O. Number**	**Rate**	**Run Dates**
Sue Taylor		TT	May 2,9, 1996

Sue Taylor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Estimated Inches	Real Inches
# Affidavits	Legal Number
1	4909

LEGAL NOTICE
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, Idaho, has applied to the Department of Water Resources to add a point of diversion to [illegible] water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED

No.	63-09758
Basis	License
Date of Priority	12/30/1981
Source	Ground Water
Amount	.31 cfs
Use	Irrigation/Aesthetics
Point of Div.	[illegible], T04N, R02E, Sec 21 NWNE, T04N, R02E, Sec 28
Place of Use	[illegible] Sec 21, NWNE; [illegible] SENW, [illegible] Sec 28, T04N R02E

No.	63-04037
Basis	Statutory Claim
Date of Priority	6/01/1901
Source	Ground Water
Amount	.24 cfs
Use	Irrigation
Point of Div.	NWNE, T04N, R02E, Sec 28
Place of Use	SENW, SWSE, Sec 21, NWNE, N1/2NW, Sec 28, T04N, R02E

THE [illegible] DIVERSION OF THE ABOVE WATER RIGHTS TO BE CHANGED AS FOLLOWS: [illegible] NO. 4909

No.	[illegible]
Point of Div.	[illegible] Sec 28, 2 Existing Pts
Place of Use	[illegible] Sec 28, Proposed

Any protest against the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, on or before May 20, 1996. The protestant must also submit a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. May 2 & 9, 1996

4909

LINDA PORTER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of May 2, 19 96

and ending with the issue of May 9, 19 96

Linda Porter

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 9th day of May in the year of 1996, before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

MICROFILMED

AUG 06 1997

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 5/97

May 21, 1996

To: Protestants on the Attached List

Re: Application for Transfer No. 63-9758 and 63-4037 in the Name of Quail Hollow Golf Course

Dear Protestant:

This office acknowledges receipt of your protests to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed change conflict with the local public interest?

4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

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AUG 0 8 1999

PROTESTANTS OF APPLICATION [illegible]
TRANSFER #63-9758 & 63-4037
DAVID HENDRICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

D V STEENSON ESQ
RINGERT CLARK CHARTERED
CRANE CREEK COUNTRY CLUB INC
PO BOX 2773
BOISE ID 83701-2773

JEFFREY C FEREDAY ESQ
GIVENS PURSLEY & HUNTLEY LLP
THE TERTELING CO INC &
TERTELING TRUST #7
PO BOX 2720
BOISE ID 83701

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83703-0027

VICKI JONES
3518 N 36TH ST
BOISE ID 83703

GLEN WERSCH & ELLEN JONES
PO BOX 3113
BOISE ID 83703

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AUG 0 6 1999

State Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 21, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID HENDRICKSON
QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

Re: Application for Transfer of Water Right No. 63-09758 and 63-4037

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed change conflict with the local public interest?

4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(s) directly in an effort resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure

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AUG 0 6 1999

RECEIVED
MAY 17 1996
Department of Water Resources

LAW OFFICES
GIVENS PURSLEY & HUNTLEY, LLP
A LIMITED LIABILITY PARTNERSHIP
277 NO. 6TH STREET • SUITE 200
P.O. BOX 2720 • BOISE, IDAHO 83701
(208) 388-1200
FACSIMILE (208) 388-1201

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L. W. GRANT III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY DAWN MALONEY
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER

L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
ROBERT L. PHILLIPS
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

JAMES A. MCCLURE
JUDITH K. HOLCOMBE
OF COUNSEL

May 16, 1996

Via Hand Delivery
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83729

RE: In the Matter of Application for Transfer No. 4804, Involving Water Right Nos. 63-09758 and 63-04037

Dear Sir or Madam:

I am enclosing the original and one copy of The Terteling Company's and Terteling Trust #7's Protest to the Application for Transfer No. 4804, Involving Water Right Nos. 63-09758 and 63-04037, along with the $25 filing fee. Please return the copy with your proof of receipt thereon.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF/jbg
Enclosures
cc: Joe Terteling

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MAY 20 1996
WATER RESOURCES
WESTERN REGION

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AUG 06 1993

✓ Ltr. 5/17/96 #0035555 $25.00

RECEIVED
MAY 17 1996
Department of Water Resources

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

RECEIVED
MAY 20 1996
WATER RESOURCES
WESTERN REGION

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**

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

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AUG 06 1999

properly assigned to the amounts of production to be approved as to each of the water rights.

3. If the transfer is approved, or approved without appropriate conditions, it may cause material injury to Terteling's water rights, including their priorities; may reduce the amount of water available to fill Terteling's rights; may constitute an enlargement in the use of Quail Hollow's original water rights; or otherwise may violate the law.

5. The proposed transfer does not contain sufficient information to determine how they will be implemented if approved. Therefore, Terteling reserves the right to amend this Protest to state different or additional grounds as further facts become available.

DATED this 17th day of May, 1996.

GIVENS PURSLEY & HUNTLEY, LLP

By: Jeffrey C. Fereday
Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17 day of May, 1996, I caused to be served a true and correct copy of the foregoing by the U.S. mail, postage prepaid, addressed to the following:

David Hendrickson
d/b/a Quail Hollow Golf Course
4520 North 36th Street
Boise, ID 83703

Jeffrey C. Fereday

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AUG 06 1996

RECEIVED
MAY 17 1996
WATER RESOURCES
WESTERN REGION

Vicki Jones
3518 N. 36th St
Boise ID 83703
336-7069

May 17, 1996

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise Idaho

I am writing this letter to file a protest to the Application for Transfer #4804. Related to this application for transfer, Quail Hollow Golf Course has obtained a drilling permit for exploratory purposes next to my residence and infact has drilled a well not more than 50 feet and more likely 20 feet from my domestic well. The new well is located at 3512 N 36th with a 24 HP pump which will feed a 6" pipe.

My property encompasses 3/4 acre and although my house is hooked up to city water, the well is essential in irrigating this much property. I am concerned with this well being so close to my well, that I may not have accessto water or that my well will be severly depleted and that the water table may be effected.

Therefore, I file this protest to this well (application #4804) and ask that any approval contain a condition that protects my water supply at all times in the future.

Thank you for your attention to this request.

sincerely,
Vicki Jones

I am concerned that :

The well is to close to my well.

The well may change the amount of water or the quality of water available to me.

The water table may be lowered.

I would like to see the amount of water being drawn from that well limited.

Vicki Jones

rec't # W020883
$ 25.00 5-17-96
At

MICROFILMED
JUN 0 6 1999

Default order issued 7/25/96

7-

RECEIVED
MAY 16 1996
WATER RESOURCES
WESTERN REGION

GLEN WERSCH AND ELLEN JONES
P.O. BOX 3113
BOISE, IDAHO 83703

May 16, 1996

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho

With this letter we wish to file a protest to the Application for Transfer #4804. Related to this application for transfer Quail Hollow Golf Course has obtained a drilling permit for exploratory purposes across the street from our residence. Q.H.G.C. has already drilled a new well at 3512 N. 36th Street and installed a 24 HP pump which will feed a 6" pipe.

We own the residence across the street at 3519 N. 36th Street. Our property has two wells, one for domestic use and one for irrigation. We have no argument with either our neighbor across the street or with the golf course or it's owners. However, the size and capacity of this new well have made us concerned that the amount of water that could be potentially pumped from the shared aquifer could deplete the water table and impair our water supply. Our two wells are our sole water supply. We are not connected to city water and have no desire to be.

Therefore, we hereby file a protest to this application (#4804) and ask that any approval contain a condition that protects our water supply at all times in the future.

Thank you for your attention to this request.

Sincerely,

Glen Wersch Ellen Jones

withdrawn per
6/5/96 agreement
-SL 7/11/96

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W020874

Date: 5/16/1996
Time: 15:58:26

Received From: ELLEN JONES

Type of Payment		Program Acct	Amount
:OTEST	62103	229 21 1155	25.00
			$ 25.00
CHECK 0803		**Total**	

Region: WESTERN Signature: J Nuto

MICROFILMED
AUG 0 6 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W020895

Date: 5/20/1996
Time: 16:24:42

Received From: R SIMPLOT CO

Type of Payment		Program Acct		Amount
PROTEST FEE	63-09758/63-04037	62103	229 21 1155	25.00

CHECK 56218

Total $ 25.00

Region: WESTERN

Signature: V. Robinson

MICROFILMED
AUG 0 6 1999

✓

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W020896

Date: 5/20/1996
Time: 16:45:56

Received
From: RINGERT CLARK CHRTED

Type of Payment	Program Acct		Amount
PROTEST FEE 63-09758/63-04037	62103	229 21 1155	25.00

Total $ 25.00

CHECK 4189

Region: WESTERN Signature: V. Robinson

MICROFILMED
AUG 0 6 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 6, 1996

WILLIAM HARENBERG
WATERMASTER DIST 63S
3927 GARNET ST
BOISE ID 83703

Re: Application for Transfer of Water Right Nos. 63-09758 and 63-04037 in the Name of David Hendrickson DBA Quail Hollow Golf Course

Bill —

Dear Mr. Harenberg:

Enclosed is an application(s) for transfer of a water right(s) which may be of interest to you.

Please review the application and let us know of any recommendations you may have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

Dave

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

MICROFILMED

AUG 0 6 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 5/6/96

TO: Tom Dunovan

Fax 343-4539

FROM: Steve Lester

DOCUMENT DESCRIPTION: Quail Hollow Transfer Appl # 4804 as Requested

TOTAL PAGES SENT: 8 **+ COVER SHEET**

CONTACT:

MICROFILM

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.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 22, 1994

DAVID E HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH
BOISE ID 83703

RE: Water Right No. 63-09758

Dear Mr. Hendrickson:

Enclosed is a copy of an Amended Water Right License issued on the above referenced water right. It has been amended to reflect the correct ownership of the right. No other changes were made.

If you have any questions, please do not hesitate to call.

Sincerely,

Brenda L. Chapman

BRENDA L. CHAPMAN
Water Resource Agent

Enclosure

RECEIVED
FEB 24 1994

KENNETH R. ARMENT, P.A.

A Professional Corporation

IDAHO BUILDING

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.

FEB 24 1994

I am sending a copy of this letter to the Vancroft Corporation. Please advise if you need additional information or have other comments or questions.

Very truly yours,

GERY W. EDSON, P.A.

Kenneth R. Arment

KRA:cgj

cc: Dave Hendrickson
Mari E. Montgomery

FEB 24 1994

VANCROFT CORPORATION
600 West 76th Avenue, #101
Anchorage, Alaska 99518-2565
(907) 349-4452

RECEIVED
NOV 0 8 1993
Department of Water Resources

November 2, 1993

Jim Johnson
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Re: Water Right No. 63-09758

Dear Mr. Johnson:

Thank you for sending us the copy of the Water Right License issued on the above referenced permit.

Having examined the license, I believe there are two things which need to be corrected. First, the "DBA QUAIL HOLLOW GOLF COURSE" should be deleted in its entirety. We do not do business as Quail Hollow Golf Course. David Hendrickson leases the golf course property from us and he does business as Quail Hollow Golf Course. Second, the address should be 600 W 76th Ave **#101**. I have attached a copy of the license highlighting the items which need changing.

If you would please make these changes and send us a copy of the license as corrected, it would be appreciated. If you have any questions, I can be reached during the day at (907) 272-5380.

Respectfully,

VANCROFT CORPORATION

Mari E. Montgomery

Mari E. Montgomery

Attachment

wtr.2

AMENDED
FEB 24 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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 VANCROFT INC
DBA QUAIL HOLLOW GOLF COURSE
C/O MARI E MONTGOMERY
600 W 76TH AVE #10
ANCHORAGE AK 99518 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:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02E	21	SWSE	4	SESE	31			35
		28	NWNE	16	NENW	31	NWNW	17	
			SENW	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 use 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

WATER RIGHT LICENSE

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 26TH day of OCTOBER, 1993.

Acting for R. Keith Higginson, Director

AMENDED
FEB 24 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 28, 1993

VANCROFT INC
DBA QUAIL HOLLOW GOLF COURSE
C/O MARI E MONTGOMERY
600 W 76TH AVE #10
ANCHORAGE AK 99518

RE: WATER RIGHT NO. 63-09758

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions, please feel free to contact this office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

MICROFILMED

FEB 24 1994

WR0749NP
No. L63-09758

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 10/21/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	VANCROFT INC DBA QUAIL HOLLOW GOLF COURSE C/O MARI E MONTGOMERY 600 W 76TH AVE #10 ANCHORAGE AK 99518 (907) 349-4452	06/30/1981	IRRIGATION	03-15	10-15	1.31 CFS	495.0 AFA
			AESTHETIC	01-01	12-31		2.0 AFA
					TOTAL DIVERSION:	1.31 CFS	497.0 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 1.31 CFS

Point(s) of Diversion: T04N R02E S21 SW SE
S28 NW NE

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

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 in no way grants 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.O.: 05/30/1989
Licensed Date:

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

Audit: 10/21/93 ZIMMERMA

QUAIL HOLLOW

1336

STATE OF IDAHO

DATE	CHECK NO.
09/13/93	1336

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT
63-09758	20.00	.00	20.00
TOTAL =	20.00	.00	20.00

RECEIVED
SEP 14 1993
Department of Water Resources

MICROFILMED
FEB 24 1994

9030574

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
SECURITY TITLE
TIME 10:45 A M.
DATE 6-11-90
JOHN A. SENDA
RECORDER
By Deputy

"Grantor"

Victor L Nibler
Victor L. Nibler

Ruth E Nibler
Ruth E. Nibler

STATE OF IDAHO)
) ss.
County of Ada)

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 STATE OF IDAHO

RECEIVED
FEB 24 1994

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

This document being re-recorded for purpose of correcting legal description.

EXHIBIT A

DESCRIPTION OF PROPERTY

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

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

And further excepting therefrom the following:

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

And further excepting therefrom the following:

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

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

And further excepting any portion thereof lying in Hill R[illegible]

FEB 24 1994

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 Seciton 21; thence
North 68°49'12" West 1498. 94 feet to a point, also said point being the REAL POINT OF BEGINNING; thence
North 77°41' East 162.90 feet to a point; thence
South 24°14' East 163.90 feet to a point; thence
South 09°44' East 116.70 feet to a point; thence
South 25°51' East 66.40 feet to a point; thence
South 32°30' West 45.10 feet to a point; thence
South 82°13' West 64.70 feet to a point; thence
South 76°23' West 83.60 feet to a point; thence
South 84°38' West 74.61 feet to a point; thence
South 72°11' West 161.01 feet to a point; thence
North 02°37'32" West 280.03 feet to a point; thence
North 45°31' east 189.06 feet to the POINT OF BEGINNING. A parcel of land containing 2.4039 acres, more or less. (SEE WARRANTY DEED, Instrument No. 8742940.)

And further excepting therefrom the following:

NIBLER'S 4 ACRE HOMESITE

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

FEB 24 1994

EXHIBIT B

PERMITTED EXCEPTIONS

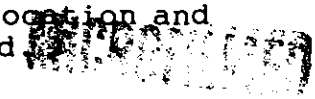
1. Taxes and assessments for the year 1990 and subsequent years.

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.



FEB 24 1994

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,

FEB 24 1994

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.

9066445

Re Record

SECURITY TITLE

FEB 24 1994

18.00

RECEIVED
OCT 0 4 1993
Department of Water Resources

VANCROFT CORPORATION
600 West 76th Avenue, #101
Anchorage, Alaska 99518
(907) 349-4452

September 24, 1993

Certified Mail
Return Receipt

Donna Corless
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83705

Re: License #63-9758

Dear Ms. Corless:

It has come to our attention that as of today permit #63-9758 became a license. Vancroft Corporation is the owner of the property to which the license pertains, therefore, we request the license be issued in the name of Vancroft Corporation. Attached is a copy of the warranty deed whereby title was transferred to the corporation.

If you would please send us a copy of the license, it would be appreciated. If you should have any questions, please call me.

Thank you for your prompt response.

Respectfully,

VANCROFT CORPORATION

Mari E. Montgomery

Mari E. Montgomery
President

Attachment

iwr.1

PROFILED
FEB 24 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 30, 1993

DAVID E HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

RE: WATER RIGHT NO. 63-09758

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 14 days.

If you do not concur with these findings or if you have any questions, please contact me within the 14-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

MICROFILMED

FEB 24 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 16, 1993

TEE LTD
4520 N 36TH ST
BOISE ID 83703

8-26-93
assigned to
David Hendrickson
Resend amendment

RE: WATER RIGHT NO. 63-09758

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 14 days.

If you do not concur with these findings or if you have any questions, please contact me within the 14-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

MICROFILMED

FEB 24 1994

WR0749NP
No. L63-09758

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 10/08/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON DBA QUAIL HOLLOW GOLF COURSE 4520 N 36TH ST BOISE ID 83703 (208) 344-7807	06/30/1981	IRRIGATION AESTHETIC	03-15 01-01	10-15 12-31	1.31 CFS	495.0 AFA 2.0 AFA
				TOTAL DIVERSION:		1.31 CFS	497.0 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 1.31 CFS

Point(s) of Diversion: T04N R02E S21 SW SE
S28 NW NE

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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 63-09758

Other Water Rights Listing Overlapping Place(s) of use:
63-00307 63-02103 63-02355 63-04037 63-07595 63-09758 T63-07595

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 in no way grants 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.O.: 05/30/1989
Licensed Date:

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

WR5810N1>
(OD-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 08/13/93
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

		NE						NW						SW						SE						
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
WR-NUMBER	SOURCE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
L6309758	T04N R02E S21	GROUNDWATER																								
																							04	31		35
6300307	STEWART CR							I										I						I		
A6300308	STEWART CR																	03								3
* 6302103	SPRINGS																						05			5
6302355	STEWART CR																							20		20
6304037	GROUNDWATE															10							10			20
~~A6304037~~	~~GROUNDWATE~~															~~10~~							~~10~~			~~20~~
6304988	SPRING											15														15
6307595	GROUNDWATE							01										08						10		19
A6307595	GROUNDWATE																	10								10
T6307595	GROUNDWATE							01										08						10		19
~~6309758~~	~~GROUNDWATE~~																						~~40~~			~~40~~
~~A6321875~~	~~STEWART GU~~															~~05~~				~~10~~			~~10~~			~~25~~
A6327649	SPRINGS																	01								1
L6309758	T04N R02E S28	GROUNDWATE																								
				16						31		17				11										75
A6300012	GROUNDWATE													01												1
A6300013	GROUNDWATE													01												1
6300015	GROUNDWATE													I												
A6300015	GROUNDWATE													01												1
6300307	STEWART CR		I					I																		
~~A6302103~~	~~SPRINGS~~									~~01~~		~~04~~														~~5~~
6302820	GROUNDWATE													I		I										
6302834	GROUNDWATE													04												4
A6302834	GROUNDWATE													04												4
6304037	GROUNDWATE			15						05		20														40
~~A6304037~~	~~GROUNDWATE~~			15						05		20														~~40~~
A6304994	GROUNDWATE																						01			1
6305119	GROUNDWATE													10												10
~~6309758~~	~~GROUNDWATE~~			15						30		15				10										~~70~~
A6320040	BOISE RIVE												51				04		05							60
A6320041	BOISE RIVE												51				04		05							60
~~A6321875~~	~~STEWART GU~~			10	05					10						05										~~30~~

DOES NOT APPEAR TO HAVE ANY SURFACE WATER AVAILABLE

LICENSE REVIEW CHECKLIST

Permit # 63-9758 Date 8-12-93 Brenda Chapman

	Yes	No	
NAME	___	✓	Or Address Change?
PRIORITY DATE	___	✓	Advance? ___ Memo to Advance ___
	___	✓	Order to Reinstate Needed?
SOURCE	___	✓	Changes? Clarification of **Originally Intended** source ___
	___	✓	Notice of Intent to Void - Source change.
P/D	✓	___	Amendment Needed? CHANGE SEC 28 P/D to NWNE
	___	___	Is Overlap Analysis a Consideration?
P/U	✓	___	Amendment Needed? Add SESE of SEC 21
	___	___	Is Overlap Analysis a Consideration?
TOTAL CFS	-NA-		Incorrect Fee for rate recommended? Certified Examiner
	___	✓	Disagree/Measurement BADGER METER
335+255 gpm	-NA-		Pumping Theoretical 8.8 x .70 x
x .00223 = 1.31 CFS			+ 2.31 x
	___	✓	**System Capacity** 1.31
(10 x .02 = 0.2)			Allowable Amount: CAPACITY @ 1.31 CFS
TOTAL VOLUME			Rate/ac 4.5 AFA Irr. Season D
			3-15 to 11-15 Standard Irr. Season
			Season Recommended
	___	✓	Disagree with Examiner's Calculations?
			110 acres @ 4.5 = 495
	___	✓	Flow limit: 1.31 x 246 x 1.9835 = 639
USES	___	✓	Change(s) in Nature of Use? ___
	___	✓	Amendment Needed? ___
REMARKS	___	✓	Multiple P/Ds in 1/4 1/4? ___
	✓	___	Non-Irr. Uses Aesthetics
	___	✓	Special Overlap Condition Surface WATER AVAILABLE? (NO)
	___	✓	Other ___

CONDITIONS				Misc/Dates	
	___	✓	Measuring/Locking Devices		
Per Norm's Request →	R04	✓	W/Master Control	635	Water Dist
	R32	___	Irrigation Overlap	___	App Rec'd
	___	✓	Water Quality	___	Exam Made

COMMENTS: CHANGE ONE P/D ; ADD ONE P/U (SPRINKLERS ARE actually from ponds on grounds) & diverted

RECOMMENDED	CFS	VOL		
Irrigation	1.31	495.0	LICENSE	___
Domestic	___	___		
Stockwater	___	___	AMEND	✓
Aesthetics	___	2.0		

✓

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE BOISE FRONT LOW TEMPERATURE GEOTHERMAL RESOURCE GROUND WATER MANAGEMENT AREA	**FINAL ORDER EXTENDING MORATORIUM**

WHEREAS, on June 15, 1987, the Director of the Idaho Department of Water Resources (IDWR) designated the Boise Front Low Temperature Geothermal Resource Ground Water Management Area in Ada County, Idaho, due to reported declines in aquifer water levels and water pressure; and

WHEREAS, on June 11, 1988, IDWR issued an order establishing a five (5) year moratorium to prevent further development or additional use of the low temperature geothermal water resource (resource); and

WHEREAS, on July 7, 1998, IDWR advised the users of the resource that IDWR was reviewing the need for the moratorium and whether it should be modified or extended. IDWR requested written comments on the nature of the action IDWR should take in connection with the expiring moratorium; and

WHEREAS, six (6) parties submitted written comment to IDWR. All major users supported extending the moratorium for an additional five (5) years.

NOW THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and IDAPA Rule 37.03.08055 (Water Appropriation Rule 55), IT IS HEREBY ORDERED that:

(1) The order dated June 10, 1988 which established a moratorium on further development and additional use of the low temperature geothermal water resource in the Boise Front Ground Water Management area is extended.

(2) The provisions of this order are effective for five (5) years from the date issued unless rescinded or modified by order of a court of competent jurisdiction or unless rescinded or modified by order of the Director.

Dated this 1st day of September, 1998.

KARL J. DREHER
Director

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JUL 29 1999

Department of Water Resources

WR0749NP — IDAHO DEPARTMENT OF WATER RESOURCES — DATE: 05/07/98

No. T63-09758 — WATER RIGHT PROFILE REPORT — PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID HENDRICKSON	06/30/1981	IRRIGATION	03/15	11/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH ST						
	BOISE ID 83703			TOTAL DIVERSION:		1.310 CFS	497.00 AFA
	(208) 344-7807						

Water Source: GROUNDWATER — Tributary to: — Stage: LICENSE

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

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

Conditions of Approval:

(13) R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

(14) 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.

(10) T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

(11) T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks: GEN(1) If water levels were not monitored during 1997, the water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during 1998 to determine the impact of pumping from the water right holder's cold water well located in the NWSW, S28, T04N, R02E, B.M. A report of either the 1997 or 1998 monitoring results and conclusions shall be submitted to IDWR and Wersch & Jones.

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

(3) The water right holder shall construct a water supply line from the cold water well to the Wersch & Jones property to supply irrigation water if the water right holder's well causes

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0 6 1999

Amended (2nd) Preliminary Order T 4804 Database updated To reflect 5-14-98 Amended Preliminary Order 4-22-99

Remarks: groundwater level declines that prevent Wersch & Jones from irrigating their property.

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

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

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

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

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

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

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

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

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

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.O.:	05/30/1989
	Licensed Date:	10/26/1993		

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

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AUG 0 6 1999

Comments: Date: 06/23/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4804
Transfer No. 4804 adds & changes the points of diversion under
Right No. 63-09758.

Audit: 04/10/96 LGRAVES 05/21/96 STAYLOR 06/23/97 PSKAGGS 06/24/97 PSKAGGS
05/07/98 PSKAGGS

MICROFILMED
AUG 06 1999

Received 4/22/98
Gary S

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

RECEIVED
APR 2 2 1998
WATER RESOURCES
WESTERN REGION

April 22, 1998

VIA HAND-DELIVERY

Gary Spackman, P.E.
Western Region Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Gary:

I have enclosed a fully executed original and two copies of the Settlement Agreement between Terteling Trust #7 and David Hendrickson, dba Quail Hollow Golf Course. Based upon a telephone conversation this afternoon with Bill Collins, Mr. Joe Terteling has decided that he would prefer to have a settlement agreement similar to the ones executed by J.R. Simplot Company and Crane Creek Country Club. Consequently, we are submitting the fully executed Settlement Agreement to accommodate his desires.

Additionally, it is my understanding that Bill Collins will separately inform you that the last phrase in the final paragraph on page four of the draft preliminary order is unnecessary and should be removed. This is the phrase which deals with the potential for Terteling to file exceptions to the pumping of water from the cold water well.

Based upon these understandings and the enclosed Settlement Agreement, I believe this matter is fully resolved. Therefore, I anticipate that the Idaho Department of Water Resources will issue the preliminary order, with the identified modifications, as soon as possible.

FILMED
1999

Lastly, please return a date-stamped copy of the Settlement Agreement, for my files, in the enclosed self-addressed, stamped envelope. Thank you for your cooperation and assistance in this matter.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00022.ltr

cc: Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)
All counsel and parties involved in this matter

MICROFILMED
AUG 06 1999

Received 4/22/98

ORIGINAL

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Dave Hendrickson, d/b/a Quail Hollow ("Applicant") and The Terteling Co. Inc. ("Protestant") and Terteling Trust 7 ("Protestant") (collectively "Parties") as of the date of execution of this Agreement by all signatories hereto and in accordance with the recitals, terms, and conditions set forth below:

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APR 22 1998
WATER RESOURCES
WESTERN REGION

RECITALS

WHEREAS. Applicant filed with the Department of Water Resources an application for transfer of water right no. 63-09758 and 63-04037 on March 19, 1996;

WHEREAS, Protestant filed a protest on May 20, 1996 to the application made by Applicant;

WHEREAS, Protestant and Applicant signed a Withdrawal of Protest and Agreement of Conditions on July 31, 1996;

WHEREAS. Applicant subsequently amended its application for transfer withdrawing water right no. 63-04037 owned by Vancroft Corporation from the application;

~~WHEREAS. Protestant did not receive notice of Applicant's amendment of its application for transfer withdrawing water right no. 63-04037 until it received the Preliminary Order issued by the Idaho Department of Water Resources dated June 27, 1997;~~

WHEREAS, Protestant filed a Petition for Reconsideration of Preliminary Motion on July 11, 1997; and

WHEREAS, Protestant and Applicant seek to resolve the issues related to the Amended Application for Transfer of water right no. 63-09758.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter contained Applicant and Protestant agree as follows:

AGREEMENT

1. Applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to Protestant's water right numbers 63-00308, 63-27649, 63-27671, 63-28364, 63-30006, 63-30007, 63-03603, 63-03604 and 63-07585 (Windsock well with its several additional points of diversion including without limitation, Motorcycle hot water well, Motorcycle cold water well and Champagne well) all having a priority earlier than March 19, 1996.

2. Applicant agrees that by withdrawing its protest, Protestant is not waiving any rights to object to Applicant's water right no. 63-09758 or Vancroft Corporation's water right no. 63-04037 including, but not limited to, the Snake River Basin Adjudication on the basis of forfeiture, abandonment, or other grounds.

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NOV 06 1999

3. Applicant agrees that the combined diversion rate from its older wells (Nibbler Well and Tee Limited Well), plus the new well drilled in the cold water aquifer in connection with this application, will not exceed the combined diversion rate of 1.31 cubic feet per second (cfs) from the two older wells.

4. Applicant agrees to begin regular monitoring of its two older wells and the new well drilled in connection with this application upon final uncontested approval of the application. The monitoring will be conducted in the following fashion:

   (a) Applicant shall install a continuous totalizing flow meter on the discharge pipe from the new well at the point it discharges into the irrigation pond for redistribution. This meter, combined with the meters on the other two wells, shall be read on a daily basis when the wells are operating.

   (b) No measurement from the three meters shall be taken or required when any well is not operating.

   (c) Discharge measurements shall be kept by the applicant on a tabulation sheet, showing the well number, date and time measurements are taken, and the flow value.

   (d) The daily measurement sheet shall be kept in a log book and submitted to the Department of Water Resources and Protestant as requested, at the conclusion of the irrigation season.

   (e) The total volume pumped from the wells may be determined by taking the readings of the totalizer on each meter at the beginning of the irrigation season and at the end of the season.

   (f) This monitoring process shall continue for two irrigation seasons following the final uncontested approval of the application.

   (g) Applicant shall provide Protestant with an opportunity, upon reasonable written request, to observe the irrigation system and operation during normal business hours of the irrigation season.

5. Nothing in the Agreement shall be deemed to alter, amend, supersede, or abrogate the Withdrawal of Protest and Agreement of Conditions dated July 31, 1996 between Applicant and Protestant.

6. This Agreement and each of the terms and conditions contained herein are binding upon and for the benefit of the Parties and their representatives, officers, directors, shareholders, servants, employees, attorneys, principals, agents, and their past, present, and future parent, and subsidiary corporations, successors in interest, affiliated companies, transferees, heirs, executors, administrators, and assigns.

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AUG 06 1999

7. This Agreement may be executed in counterparts, and all such counterparts shall constitute one instrument binding on the Parties in accordance therewith.

8. This Agreement was drafted by counsel for the Parties hereto and there shall not be a presumption or construction against any Party hereto, each such Party expressly waiving the doctrine of contra proferentum.

9. Neither this Agreement nor any term, provision, covenant or condition contained herein may be amended, changed, altered, modified, or waived, except by an express written instrument signed by the Parties hereto.

10. If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable or contrary to any public policy, law, statute, or ordinance, then the remainder of this Agreement shall not be affected thereby, and shall remain valid and fully enforceable.

11. The Parties hereto acknowledge and agree that each of them will bear their own attorney's fees, costs, and expenses arising out of or connected with the negotiation, drafting, and execution of this Agreement, except that, in the event any action is brought by either Party to enforce the terms of this Agreement, the prevailing Party shall be entitled to reasonable attorneys fees and costs, in addition to all other relief to which that Party may be entitled.

12. This Agreement shall be construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates shown below:

Date: 4-3-98 DH, 1998

DAVE HENDRICKSON,
d/b/a QUAIL HOLLOW GOLF COURSE

Dave Hendrickson

THE TERTELING CO. INC.

Date: April 1, 1998

By: J R Terteling
Title: President

TERTELING TRUST NO. 7

Date: April 1, 1998

By: J R Terteling
Title: Trustee

Quail Hollow Settlement.doc

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AUG 06 1999

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APR 22 1998
WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

FACSIMILE TRANSMISSION COVER PAGE

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TO: Gary Spackman

RE: Quail Hollow Transfer 4808

FAX # : 334-2348

FROM: Bill Collins

DATE: 4-22-98

NUMBER OF PAGES: 3 (not including cover page)

SENT BY: Bill Collins

CONTENTS: (1) Suggested changes to pp 2 & 4 of preliminary order
(2) cover sheet of fax to Scott Campbell

NOTE: If you do not receive the total number of pages indicated, please call the sending individual listed above.

MICROFILMED
APR 28 1998

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
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PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FACSIMILE TRANSMISSION COVER PAGE

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TO: Scott Campbell

RE: Quail Hollow transfer 4808

FAX # : 384-5844

FROM: Bill Collins

DATE: 4-22-98

NUMBER OF PAGES: 3 (not including cover page)

SENT BY: Bill Collins

CONTENTS: (1) cover sheet to fax to Spackman
(2) pp 2+4 showing suggested changes to preliminary order

NOTE: If you do not receive the total number of pages indicated, please call the sending individual listed above.

AUG 0 R 1999

The agreement also required monitoring of the domestic well owned by Wersch & Jones during 1996 and an evaluation of the monitoring in the spring of 1997. Finally, the agreement stated that the protest would be withdrawn within five days of the date of the agreement. There was no follow-up withdrawal as contemplated by the agreement. Nonetheless, the parties have acted as if the protest is resolved. The conditions of the agreement will be incorporated into this decision with the exception that, because water was not diverted from Quail Hollow's cold water well to the golf course during 1996, IDWR will require monitoring of the Wersch & Jones domestic well water levels during times when Quail Hollow's cold water well is pumped during ~~1997~~ [redacted] IDWR may require additional monitoring, if necessary, to determine the effect of pumping on other rights.

The J. R. Simplot Co, ~~and~~ Crane Creek County Club ~~agreed~~ and The Terteling Co, Inc, and Terteling Trust #0.7 [redacted] to withdraw their protests ~~based on the understanding that certain conditions would be incorporated into any approval by IDWR. The suggested conditions will be incorporated into~~ [redacted]

The Terteling Co. And Terteling Trust #7 agreed to withdraw their protests if IDWR requires use of the cold water well first as a source of supply when water from the cold water well is available. ~~The condition as read into the record will be incorporated into this preliminary order.~~

Finally, the parties agreed that, upon issuance of a preliminary order, Quail Hollow would immediately begin diverting water from the cold water well subject to any objection to the preliminary order by Terteling.

ORDER

IT IS ORDERED that Application for Transfer No. 4808 is APPROVED, subject to the following conditions:

1. The water right holder shall monitor water levels in a domestic well owned by Glen Wersch and Ellen Jones during ~~1997~~ [redacted] to determine the impact of pumping from the water right holder's cold water well located in the NW¼SW¼, Section 28, Township 01N, Range 02E, B.M. A report of the monitoring results shall be submitted to IDWR and Wersch & Jones.

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

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

1999

~~14~~. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the place of use.

[redacted]

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

IT IS FURTHER ORDERED that the water user may immediately begin diverting water from the cold water well located in the NW¼sw¼ of Section 28, Township 04N, Range 02E, B.M. and may continue to divert water pursuant to this approval unless directed otherwise by IDWR [redacted]

DATED this _____ day of April, 1998.

Delete WDC

GARY SPACKMAN
Hearing Officer

Mic

1999

file

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
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BOISE, IDAHO 83701

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SCOTT L. CAMPBELL

April 20, 1998

RECEIVED
APR 20 1998
WATER RESOURCES
WESTERN REGION

VIA HAND-DELIVERY

Gary Spackman, P.E.
Western Region Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Gary:

I am pleased to provide you with one original and two copies of the Settlement Agreement between Crane Creek Country Club and David Hendrickson, dba Quail Hollow Golf Course. By virtue of this Settlement Agreement, Crane Creek Country Club has withdrawn its protest.

Please return a date-stamped copy of this document, for my files, in the enclosed self-addressed, stamped envelope. Thank you for your cooperation. Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh G:\TMH\WPDATA\7188\00019.LTR

cc: Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)
All counsel and parties involved in this matter

MICROFILMED
APR 20 1998

RECEIVED
APR 20 1998
WATER RESOURCES
WESTERN REGION

ORIGINAL

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Dave Hendrickson, d/b/a Quail Hollow ("Applicant") and Crane Creek Country Club ("Protestant") (collectively "Parties") as of the date of execution of this Agreement by all signatories hereto and in accordance with the recitals, terms, and conditions set forth below:

RECITALS

WHEREAS, Applicant filed with the Idaho Department of Water Resources (IDWR) an application for transfer of water right no. 63-09758 and 63-04037 on March 19, 1996;

WHEREAS, Protestant filed a protest on May 20, 1996 to the application made by Applicant;

WHEREAS, Protestant and Applicant signed a Withdrawal of Protest and Agreement of Conditions which was filed with IDWR on August 14, 1996;

WHEREAS, Applicant subsequently amended its application for transfer withdrawing water right no. 63-04037 owned by Vancroft Corporation from the application;

WHEREAS, Protestant did not receive notice of Applicant's amendment of its application for transfer withdrawing water right no. 63-04037 until it received the Preliminary Order issued by the Idaho Department of Water Resources dated June 27, 1997;

WHEREAS, Protestant filed a Petition for Reconsideration of Preliminary Order on July 11, 1997; and

WHEREAS, Protestant and Applicant seek to resolve the issues related to the Amended Application for Transfer of water right no. 63-09758.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter contained Applicant and Protestant agree as follows:

AGREEMENT

1. Applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to Protestant's water right number 63-03108 and permit number 63-12152.

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AUG 0 6 1999

2. Applicant agrees that by withdrawing its protest, Protestant is not waiving any rights to object to Applicant's water right no. 63-09758 or Vancroft Corporation's water right no. 63-04037 in the Snake River Basin Adjudication including, but not limited to, on the basis of forfeiture, abandonment, or other grounds.

3. Applicant agrees that the combined diversion rate from its older wells (Nibbler Well and Tee Limited Well), plus the new well drilled in the cold water aquifer in connection with this application, will not exceed the combined diversion rate of 1.31 cubic feet per second (cfs) from the two older wells.

4. Applicant agrees to begin regular monitoring of its two older wells and the new well drilled in connection with this application upon final uncontested approval of the application. The monitoring will be conducted in the following fashion:

   (a) Applicant shall install a continuous totalizing flow meter on the discharge pipe from the new well at the point it discharges into the irrigation pond for redistribution. This meter, combined with the meters on the other two wells, shall be read on a daily basis when the wells are operating.

   (b) No measurement from the three meters shall be taken or required when any well is not operating.

   (c) Discharge measurements shall be kept by the applicant on a tabulation sheet, showing the well number, date and time measurements are taken, and the flow value.

   (d) The daily measurement sheet shall be kept in a log book and submitted to the Department of Water Resources and Protestant as requested, at the conclusion of the irrigation season.

   (e) The total volume pumped from the wells may be determined by taking the readings of the totalizer on each meter at the beginning of the irrigation season and at the end of the season.

   (f) This monitoring process shall continue for two irrigation seasons following the final uncontested approval of the application.

   (g) Applicant shall provide Protestant with an opportunity, upon reasonable written request, to observe the irrigation system and operation during normal business hours of the irrigation season.

5. Nothing in the Agreement shall be deemed to alter, amend, supersede, abrogate or otherwise affect the Withdrawal of Protest and Agreement of Conditions between Applicant and Protestant.

MICROFILMED
AUG 0 6 1999

6. This Agreement and each of the terms and conditions contained herein are binding upon and for the benefit of the Parties and their representatives, officers, directors, shareholders, servants, employees, attorneys, principals, agents, and their past, present, and future parent, and subsidiary corporations, successors in interest, affiliated companies, transferees, heirs, executors, administrators, and assigns.

7. This Agreement may be executed in counterparts, and all such counterparts shall constitute one instrument binding on the Parties in accordance therewith.

8. This Agreement was drafted by counsel for the Parties hereto and there shall not be a presumption or construction against any Party hereto, each such Party expressly waiving the doctrine of contra proferentum.

9. Neither this Agreement nor any term, provision, covenant or condition contained herein may be amended, changed, altered, modified, or waived, except by an express written instrument signed by the Parties hereto.

10. If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable or contrary to any public policy, law, statute, or ordinance, then the remainder of this Agreement shall not be affected thereby, and shall remain valid and fully enforceable.

11. The Parties hereto acknowledge and agree that each of them will bear their own attorney's fees, costs, and expenses arising out of or connected with the negotiation, drafting, and execution of this Agreement, except that, in the event any action is brought by either Party to enforce the terms of this Agreement, the prevailing Party shall be entitled to reasonable attorneys fees and costs, in addition to all other relief to which that Party may be entitled.

12. This Agreement shall be construed in accordance with the laws of the State of Idaho.

AUG 0 6 1999

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates shown below:

Date: 4/15 ,1998

DAVE HENDRICKSON,
d/b/a QUAIL HOLLOW GOLF COURSE

Dave Hendrickson

Date: 4-17 ,1998

CRANE CREEK COUNTRY CLUB

By: [signature]

Title: PRESIDENT

AUG 0 6 1999

COPY

RECEIVED
APR 20 1998
WATER RESOURCES
WESTERN REGION

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Dave Hendrickson, d/b/a Quail Hollow ("Applicant") and Crane Creek Country Club ("Protestant") (collectively "Parties") as of the date of execution of this Agreement by all signatories hereto and in accordance with the recitals, terms, and conditions set forth below:

RECITALS

WHEREAS, Applicant filed with the Idaho Department of Water Resources (IDWR) an application for transfer of water right no. 63-09758 and 63-04037 on March 19, 1996;

WHEREAS, Protestant filed a protest on May 20, 1996 to the application made by Applicant;

WHEREAS, Protestant and Applicant signed a Withdrawal of Protest and Agreement of Conditions which was filed with IDWR on August 14, 1996;

WHEREAS, Applicant subsequently amended its application for transfer withdrawing water right no. 63-04037 owned by Vancroft Corporation from the application;

WHEREAS, Protestant did not receive notice of Applicant's amendment of its application for transfer withdrawing water right no. 63-04037 until it received the Preliminary Order issued by the Idaho Department of Water Resources dated June 27, 1997;

WHEREAS, Protestant filed a Petition for Reconsideration of Preliminary Order on July 11, 1997; and

WHEREAS, Protestant and Applicant seek to resolve the issues related to the Amended Application for Transfer of water right no. 63-09758.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter contained Applicant and Protestant agree as follows:

AGREEMENT

1. Applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to Protestant's water right number 63-03108 and permit number 63-12152.

2. Applicant agrees that by withdrawing its protest, Protestant is not waiving any rights to object to Applicant's water right no. 63-09758 or Vancroft Corporation's water right no. 63-04037 in the Snake River Basin Adjudication including, but not limited to, on the basis of forfeiture, abandonment, or other grounds.

3. Applicant agrees that the combined diversion rate from its older wells (Nibbler Well and Tee Limited Well), plus the new well drilled in the cold water aquifer in connection with this application, will not exceed the combined diversion rate of 1.31 cubic feet per second (cfs) from the two older wells.

4. Applicant agrees to begin regular monitoring of its two older wells and the new well drilled in connection with this application upon final uncontested approval of the application. The monitoring will be conducted in the following fashion:

   (a) Applicant shall install a continuous totalizing flow meter on the discharge pipe from the new well at the point it discharges into the irrigation pond for redistribution. This meter, combined with the meters on the other two wells, shall be read on a daily basis when the wells are operating.

   (b) No measurement from the three meters shall be taken or required when any well is not operating.

   (c) Discharge measurements shall be kept by the applicant on a tabulation sheet, showing the well number, date and time measurements are taken, and the flow value.

   (d) The daily measurement sheet shall be kept in a log book and submitted to the Department of Water Resources and Protestant as requested, at the conclusion of the irrigation season.

   (e) The total volume pumped from the wells may be determined by taking the readings of the totalizer on each meter at the beginning of the irrigation season and at the end of the season.

   (f) This monitoring process shall continue for two irrigation seasons following the final uncontested approval of the application.

   (g) Applicant shall provide Protestant with an opportunity, upon reasonable written request, to observe the irrigation system and operation during normal business hours of the irrigation season.

5. Nothing in the Agreement shall be deemed to alter, amend, supersede, abrogate or otherwise affect the Withdrawal of Protest and Agreement of Conditions between Applicant and Protestant.

6. This Agreement and each of the terms and conditions contained herein are binding upon and for the benefit of the Parties and their representatives, officers, directors, shareholders, servants, employees, attorneys, principals, agents, and their past, present, and future parent, and subsidiary corporations, successors in interest, affiliated companies, transferees, heirs, executors, administrators, and assigns.

7. This Agreement may be executed in counterparts, and all such counterparts shall constitute one instrument binding on the Parties in accordance therewith.

8. This Agreement was drafted by counsel for the Parties hereto and there shall not be a presumption or construction against any Party hereto, each such Party expressly waiving the doctrine of contra proferentum.

9. Neither this Agreement nor any term, provision, covenant or condition contained herein may be amended, changed, altered, modified, or waived, except by an express written instrument signed by the Parties hereto.

10. If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable or contrary to any public policy, law, statute, or ordinance, then the remainder of this Agreement shall not be affected thereby, and shall remain valid and fully enforceable.

11. The Parties hereto acknowledge and agree that each of them will bear their own attorney's fees, costs, and expenses arising out of or connected with the negotiation, drafting, and execution of this Agreement, except that, in the event any action is brought by either Party to enforce the terms of this Agreement, the prevailing Party shall be entitled to reasonable attorneys fees and costs, in addition to all other relief to which that Party may be entitled.

12. This Agreement shall be construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates shown below:

Date: 4/15 ,1998

DAVE HENDRICKSON,
d/b/a QUAIL HOLLOW GOLF COURSE

Dave Hendrickson

Date: 4-17 ,1998

CRANE CREEK COUNTRY CLUB

By: [signature]

Title: PRESIDENT

COPY

RECEIVED
APR 20 1998
WATER RESOURCES
WESTERN REGION

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Dave Hendrickson, d/b/a Quail Hollow ("Applicant") and Crane Creek Country Club ("Protestant") (collectively "Parties") as of the date of execution of this Agreement by all signatories hereto and in accordance with the recitals, terms, and conditions set forth below:

RECITALS

WHEREAS, Applicant filed with the Idaho Department of Water Resources (IDWR) an application for transfer of water right no. 63-09758 and 63-04037 on March 19, 1996;

WHEREAS, Protestant filed a protest on May 20, 1996 to the application made by Applicant;

WHEREAS, Protestant and Applicant signed a Withdrawal of Protest and Agreement of Conditions which was filed with IDWR on August 14, 1996;

WHEREAS, Applicant subsequently amended its application for transfer withdrawing water right no. 63-04037 owned by Vancroft Corporation from the application;

WHEREAS, Protestant did not receive notice of Applicant's amendment of its application for transfer withdrawing water right no. 63-04037 until it received the Preliminary Order issued by the Idaho Department of Water Resources dated June 27, 1997;

WHEREAS, Protestant filed a Petition for Reconsideration of Preliminary Order on July 11, 1997; and

WHEREAS, Protestant and Applicant seek to resolve the issues related to the Amended Application for Transfer of water right no. 63-09758.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter contained Applicant and Protestant agree as follows:

AGREEMENT

1. Applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to Protestant's water right number 63-03108 and permit number 63-12152.

2. Applicant agrees that by withdrawing its protest, Protestant is not waiving any rights to object to Applicant's water right no. 63-09758 or Vancroft Corporation's water right no. 63-04037 in the Snake River Basin Adjudication including, but not limited to, on the basis of forfeiture, abandonment, or other grounds.

3. Applicant agrees that the combined diversion rate from its older wells (Nibbler Well and Tee Limited Well), plus the new well drilled in the cold water aquifer in connection with this application, will not exceed the combined diversion rate of 1.31 cubic feet per second (cfs) from the two older wells.

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   (a) Applicant shall install a continuous totalizing flow meter on the discharge pipe from the new well at the point it discharges into the irrigation pond for redistribution. This meter, combined with the meters on the other two wells, shall be read on a daily basis when the wells are operating.

   (b) No measurement from the three meters shall be taken or required when any well is not operating.

   (c) Discharge measurements shall be kept by the applicant on a tabulation sheet, showing the well number, date and time measurements are taken, and the flow value.

   (d) The daily measurement sheet shall be kept in a log book and submitted to the Department of Water Resources and Protestant as requested, at the conclusion of the irrigation season.

   (e) The total volume pumped from the wells may be determined by taking the readings of the totalizer on each meter at the beginning of the irrigation season and at the end of the season.

   (f) This monitoring process shall continue for two irrigation seasons following the final uncontested approval of the application.

   (g) Applicant shall provide Protestant with an opportunity, upon reasonable written request, to observe the irrigation system and operation during normal business hours of the irrigation season.

5. Nothing in the Agreement shall be deemed to alter, amend, supersede, abrogate or otherwise affect the Withdrawal of Protest and Agreement of Conditions between Applicant and Protestant.

6. This Agreement and each of the terms and conditions contained herein are binding upon and for the benefit of the Parties and their representatives, officers, directors, shareholders, servants, employees, attorneys, principals, agents, and their past, present, and future parent, and subsidiary corporations, successors in interest, affiliated companies, transferees, heirs, executors, administrators, and assigns.

7. This Agreement may be executed in counterparts, and all such counterparts shall constitute one instrument binding on the Parties in accordance therewith.

8. This Agreement was drafted by counsel for the Parties hereto and there shall not be a presumption or construction against any Party hereto, each such Party expressly waiving the doctrine of contra proferentum.

9. Neither this Agreement nor any term, provision, covenant or condition contained herein may be amended, changed, altered, modified, or waived, except by an express written instrument signed by the Parties hereto.

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11. The Parties hereto acknowledge and agree that each of them will bear their own attorney's fees, costs, and expenses arising out of or connected with the negotiation, drafting, and execution of this Agreement, except that, in the event any action is brought by either Party to enforce the terms of this Agreement, the prevailing Party shall be entitled to reasonable attorneys fees and costs, in addition to all other relief to which that Party may be entitled.

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IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates shown below:

Date: 4/15, 1998

DAVE HENDRICKSON,
d/b/a QUAIL HOLLOW GOLF COURSE

Dave Hendrickson

Date: 4-17, 1998

CRANE CREEK COUNTRY CLUB

By: [signature]

Title: PRESIDENT

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

April 3, 1998

RECEIVED
APR 0 6 1998
WATER RESOURCES
WESTERN REGION

Gary Spackman, P.E.
Western Region Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Gary:

I am pleased to provide you with one original and two copies of the Settlement Agreement between J.R. Simplot Company and David Hendrickson, dba Quail Hollow Golf Course. By virtue of this Settlement Agreement, J.R. Simplot Company has withdrawn its protest. I anticipate being able to file a similar settlement agreement involving Crane Creek Country Club in the next few days.

Please return a date-stamped copy of this document, for my files, in the enclosed self-addressed, stamped envelope. Thank you for your cooperation. Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00019.ltr

cc: Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)
All counsel and parties involved in this matter

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APR 1998

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APR 0 6 1998
WATER RESOURCES
WESTERN REGION

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Dave Hendrickson, d/b/a Quail Hollow ("Applicant") and J. R. Simplot Company ("Protestant") (collectively "Parties") as of the date of execution of this Agreement by all signatories hereto and in accordance with the recitals, terms, and conditions set forth below:

RECITALS

WHEREAS, Applicant filed with the Department of Water Resources an application for transfer of water right no. 63-09758 and 63-04037 on March 19, 1996;

WHEREAS, Protestant filed a protest on May 20, 1996 to the application made by Applicant;

WHEREAS, Protestant and Applicant signed a Withdrawal of Protest and Agreement of Conditions on July 31, 1996;

WHEREAS, Applicant subsequently amended its application for transfer withdrawing water right no. 63-04037 owned by Vancroft Corporation from the application;

WHEREAS, Protestant did not receive notice of Applicant's amendment of its application for transfer withdrawing water right no. 63-04037 until it received the Preliminary Order issued by the Idaho Department of Water Resources dated June 27, 1997;

WHEREAS, Protestant filed a Petition for Reconsideration of Preliminary Motion on July 11, 1997; and

WHEREAS, Protestant and Applicant seek to resolve the issues related to the Amended Application for Transfer of water right no. 63-09758.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter contained Applicant and Protestant agree as follows:

AGREEMENT

1. Applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to Protestant's water right numbers 63-09335 and 63-10314.

2. Applicant agrees that by withdrawing its protest, Protestant is not waiving any rights to object to Applicant's water right no. 63-09758 or Vancroft Corporation's water right no. 63-04037 including, but not limited to, the Snake River Basin Adjudication on the basis of forfeiture, abandonment, or other grounds.

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AUG 0 6 1999

3. Applicant agrees that the combined diversion rate from its older wells (Nibbler Well and Tee Limited Well), plus the new well drilled in the cold water aquifer in connection with this application, will not exceed the combined diversion rate of 1.31 cubic feet per second (cfs) from the two older wells.

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   (a) Applicant shall install a continuous totalizing flow meter on the discharge pipe from the new well at the point it discharges into the irrigation pond for redistribution. This meter, combined with the meters on the other two wells, shall be read on a daily basis when the wells are operating.

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   (e) The total volume pumped from the wells may be determined by taking the readings of the totalizer on each meter at the beginning of the irrigation season and at the end of the season.

   (f) This monitoring process shall continue for two irrigation seasons following the final uncontested approval of the application.

   (g) Applicant shall provide Protestant with an opportunity, upon reasonable written request, to observe the irrigation system and operation during normal business hours of the irrigation season.

5. Nothing in the Agreement shall be deemed to alter, amend, supersede, or abrogate the Withdrawal of Protest and Agreement of Conditions dated July 31, 1996 between Applicant and Protestant.

6. This Agreement and each of the terms and conditions contained herein are binding upon and for the benefit of the Parties and their representatives, officers, directors, shareholders, servants, employees, attorneys, principals, agents, and their past, present, and future parent, and subsidiary corporations, successors in interest, affiliated companies, transferees, heirs, executors, administrators, and assigns.

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AUG 0 6 1999

7. This Agreement may be executed in counterparts, and all such counterparts shall constitute one instrument binding on the Parties in accordance therewith.

8. This Agreement was drafted by counsel for the Parties hereto and there shall not be a presumption or construction against any Party hereto, each such Party expressly waiving the doctrine of contra proferentum.

9. Neither this Agreement nor any term, provision, covenant or condition contained herein may be amended, changed, altered, modified, or waived, except by an express written instrument signed by the Parties hereto.

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12. This Agreement shall be construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates shown below:

Date: 4-3, 1998

DAVE HENDRICKSON,
d/b/a QUAIL HOLLOW GOLF COURSE

Dave Hendrickson

Date: April 1, 1998

J.R. SIMPLOT COMPANY

By: Lawrence W. Greene

Title: Vice President

Quail Hollow Settlement.doc

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MAR 2 4 1998
Department of Water Resources

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

March 24, 1998

HAND-DELIVERED

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APR 0 1 1998
WATER RESOURCES
WESTERN REGION

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Mr. Dreher:

I have enclosed an original and one copy of our client's Discovery Requests to Terteling Trust #7, J.R. Simplot Company, and Crane Creek Country Club, in the above-referenced matter. I have also enclosed an additional copy of the Discovery Requests so that each can be date 3/24 stamped and returned to me in the enclosed pre-addressed, stamped envelope. I appreciate your assistance in this regard.

Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00014.ltr

cc: Gary Spackman, Hearing Officer, IDWR (w/ encl.)
Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)

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MAR 3 0 1998

ORIGINAL

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: J.R. SIMPLOT COMPANY

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant J.R. SIMPLOT COMPANY to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

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J.R. SIMPLOT COMPANY shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the

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AUG 06 1999

reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

AUG 0 6 1999

4. The term "you" or "your" refers to J.R. SIMPLOT COMPANY, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

AUG 0 6 1999

(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

AUG 0 5 1994

Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

AUG 0 6 1999

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 6 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

RECEIVED
MAR 26 1998

COPY

RECEIVED
MAR 2 4 1998
Department of Water Resources

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: J.R. SIMPLOT COMPANY

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant J.R. SIMPLOT COMPANY to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

J.R. SIMPLOT COMPANY shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the

reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to J.R. SIMPLOT COMPANY, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

ORIGINAL

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: TERTELING TRUST #7

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant TERTELING TRUST #7 to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

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TERTELING TRUST #7 shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

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reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

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4. The term "you" or "your" refers to TERTELING TRUST #7, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

AUG 0 6 1999

(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

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Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

AUG 0 6 1999

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 26 1993

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
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Givens, Pursley & Huntley
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PO Box 27
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Sherl Chapman
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Glen Wersch
Ellen Jones
PO Box 3113
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and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

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AUG 0 6 1998

COPY

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MAR 2 4 1998
Department of Water Resources

Scott D. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

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INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

ORIGINAL

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	)))))))	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: CRANE CREEK COUNTRY CLUB

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant CRANE CREEK COUNTRY CLUB to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

AUG 06 1998

CRANE CREEK COUNTRY CLUB shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

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reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

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B. Instructions re: Supplementation:

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2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

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4. The term "you" or "your" refers to CRANE CREEK COUNTRY CLUB, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

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9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

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(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

AUG 0 6 1999

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INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

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INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

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AUG 06 1998

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REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 14th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 6 1909

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
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Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

COPY

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Department of Water Resources

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
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Post Office Box 1539
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Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	)	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

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CRANE CREEK COUNTRY CLUB shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

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AUG 0 6 1999

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AUG 2 1999

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DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

MAR 28 1988

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
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J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
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and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

March 6, 1998

HAND-DELIVERED

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Mr. Dreher:

I have enclosed an original and one copy of *Applicant's Petition for Declaratory Ruling* in the above-referenced matter. I have also enclosed an additional copy of the Petition so that it can be date stamped and returned to me in the enclosed pre-addressed, stamped envelope. I appreciate your assistance in this regard.

Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00004.ltr

cc: Gary Spackman, Hearing Officer, IDWR (w/ encl.)
Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)

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MAR 0 9 1998
WATER RESOURCES
WESTERN REGION

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
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702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	))))))	APPLICANT'S PETITION FOR DECLARATORY RULING

I.

INTRODUCTION

In accordance with Idaho Code section 67-5232 (1995), David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") hereby files this petition for declaratory ruling from the Idaho Department of Water Resources ("IDWR"). Quail Hollow seeks a ruling that any attempt on the part of Quail Hollow to transfer all or a part of water right no. 63-04037 has been withdrawn, and that IDWR no longer has jurisdiction over transfer of that water right. Quail Hollow requests a further declaratory ruling that IDWR cannot impose the conditions sought by Crane Creek Country Club, Inc. ("Crane Creek") and J.R. Simplot Co. ("Simplot") (along with

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Terteling Trust #7 ("Terteling") collectively "Protestants") upon water right no. 63-04037. Quail Hollow is filing this petition for a declaratory ruling in response to the contention of Crane Creek and Simplot that certain conditions should be applied to water right no. 63-04037.

II.

FACTUAL BACKGROUND

On March 19, 1996, Quail Hollow filed an Application for Transfer of a Water Right ("transfer no. 4804") with IDWR. The transfer application sought to add a point of diversion for water rights no. 63-09758 ("Tee Limited Well") and 63-04037 ("Nibler Well"). It was subsequently brought to Quail Hollow's attention that it was not the legal owner of water right no. 63-04037 and that the water right is owned by Vancroft Corporation ("Vancroft").

Protests to Quail Hollow's application were filed by Crane Creek, Simplot, and Terteling, among others. However, Crane Creek and Simplot subsequently withdrew their protests, subject to the requirement that certain conditions would be applied to the water rights which were the subject of the transfer. Simplot's withdrawal of protest was received by IDWR on August 1, 1996, and Crane Creek's was received by IDWR on August 14, 1996. On December 19, 1996, Quail Hollow amended its application by deleting any reference to water right no. 63-04037. This amendment is reflected by a letter from Steve Lester, Deputy Regional Manager of IDWR (Exhibit A), dated December 19, 1996. A copy of that letter was delivered to Terteling Trust and counsel for Terteling Trust. Both Crane Creek and Simplot have stated that subsequent to the withdrawal of their protests, neither received any further notice regarding transfer no. 4804, until the proposed order was received. *Petition for Reconsideration of Preliminary Order* by J.R.

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Simplot Co. and Crane Creek Country Club, dated July 11, 1997. The change to the transfer application is also reflected by an Amended Application for Transfer of a Water Right (Exhibit B).

On June 27, 1997, after a hearing, IDWR issued a preliminary order regarding transfer no. 4804. The preliminary order listed certain conditions that would be attached to water right no. 63-09758. Because Quail Hollow had withdrawn its application as to water right no. 63-04037, the conditions for the transfer as set forth in the preliminary order made no mention of water right no. 63-04037. Terteling filed a petition for reconsideration regarding an issue which is not pertinent to this declaratory ruling motion. Crane Creek and Simplot also filed a joint petition for reconsideration. That motion seeks, in part, to have certain conditions attached not only to water right no. 63-09758, but also to 63-04037. IDWR granted the petitions for reconsideration on July 30, 1997.

The purpose of this motion is to seek a declaratory ruling from IDWR that it has no jurisdiction to attach conditions to water right no. 63-04037, because that right was withdrawn or dropped from the application for transfer no. 4804.

III.

ARGUMENT

Idaho Code section 42-222 states, in pertinent part, that upon receipt of a transfer application and after conducting an examination, "[t]he director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, . . . " I.C. § 42-222(1) (Supp. 1997). However, in this case, there is no transfer application for water right no. 63-04037 upon which the Director may rule. The application for transfer as to that right has been withdrawn.

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A. The Idaho Supreme Court has Endorsed the Withdrawal of an Application in Analogous Proceedings.

Quail Hollow should not be forced to pursue (even assuming it was the legal owner) its transfer application for water right no. 63-04037. In addition, Vancroft should not be forced to accept conditions on its water right which might be imposed via a transfer for which it did not apply. In fact, the Idaho Supreme Court has permitted the withdrawal of an application to amend a permit, a situation analogous to the one currently before IDWR. In that case, Hardy sought an additional point of diversion for his permits, pursuant to Idaho Code section 42-204. IDWR approved the application, although it imposed certain conditions on the approval. Hardy was not pleased with the conditions, and ultimately appealed to the Idaho Supreme Court. *Hardy v. Higginson*, 123 Idaho 485, 849 P.2d 946 (1993). The Idaho Supreme Court allowed the withdrawal of the permit amendment application at an even later stage in the proceedings than the stage at which Quail Hollow withdrew or dropped water right no. 63-04037 from its transfer application.

After ruling, *inter alia*, that the Director of IDWR could impose conditions on Hardy's permit, the Court stated the following:

> However, this is not to say that a permittee requesting an amendment to a water permit must accept the risk of losing any previously approved points of diversion. If a permittee finds the conditions to be unsatisfactory, the permittee should be allowed to withdraw the application for amendment and be left with what the permittee had before submitting the application to the IDWR. Similarly, a permittee should be allowed to appeal any conditions imposed by a Director, to ensure that such conditions were not imposed unreasonably or arbitrarily, without fear of losing the State's consent to put the water to a beneficial use under the terms of the original permit.

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Id. at 491, 849 P.2d at 952. Thus, the Idaho Supreme Court held that an applicant may withdraw his or her application for amendment even after the entire formal hearing process, and after the application had been approved.

Quail Hollow is in an even better procedural posture than Hardy. Even assuming that Quail Hollow had actual authority to transfer water right no. 63-04037, and even if the entire transfer process had been completed before Quail Hollow dropped water right no. 63-04037 from its transfer application, there is a strong argument that under *Hardy*, Quail Hollow would still be allowed to withdraw its application as to water right no. 63-04037. However, Quail Hollow withdrew water right no. 63-04037 from consideration even before the formal hearing began, and in fact, before hearing on the matter had even been scheduled. Quail Hollow did not wait until after the entire formal hearing had taken place and a decision rendered. Thus, the withdrawal by Quail Hollow will have even less of an economic impact on the parties and the taxpayers than the withdrawal which would have been allowed by the Idaho Supreme Court in *Hardy*.

Quail Hollow is in a stronger position than Hardy for another reason. In *Hardy*, the Court drew a distinction between water users who have applied for a permit, and those who have a licensed or statutory beneficial use water right. The Court noted that:

> In *Big Wood Canal Co. v. Chapman*, 45 Idaho 380, 263 P. 45 (1927), the Court held that there was not retroactive application of a statute which extended the time for making proof of application of water to a beneficial use because the affected permittee in that case had only an inchoate or contingent right which was vulnerable to being abridged or modified by law. In describing the type of right a water permittee has, the Court stated:
>
> > By application for permit . . . the permittee secures an inchoate right which will ripen into a legal and complete appropriation by compliance with the statutory steps. Such right is merely a contingent right, which may ripen into a complete appropriation, or may be

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> defeated by a failure of the holder to meet the statutory requirements. The permit, therefore, is not an appropriation of the public waters of the state. It is not real property. It is merely a consent given by the state to construct and acquire real property.

45 Idaho at 402, 263 P. at 52. Likewise, in *Hidden Springs Trout Ranch v. Allred*, 102 Idaho 623, 636 P.2d 745 (1981), the Court held that an applicant for a water permit did not possess the type of vested rights which were immune to subsequent legislation. Although the Court specifically noted that it was not addressing the situation where a water permit is involved, the Court defined an applicant's rights as inchoate rights "which may ripen into a vested interest following proper statutory adherence." 102 Idaho at 625, 636 P. 2d 745.

Hardy, 123 Idaho at 490-91, 849 P.2d at 951-52. In *Hidden Springs Trout Ranch*, the Court also took special pains to note that it was not discussing "the status of one who has acquired an adjudicated right, a licensed right or an unadjudicated 'constitutional' right to water as defined in Idaho statutes or the Idaho Constitution." *Hidden Springs Trout Ranch*, 102 Idaho at 624-25, 636 P.2d at 746-47 (emphasis added). Therefore, one who holds an unadjudicated beneficial use water right, and who has adhered to any applicable statutory and constitutional provisions, has a stronger property right than a permittee.

A claim has been filed in the SRBA for water right no. 63-04037. *See* Exhibit B. Furthermore, that right has a claimed priority date of 1931, forty years before the mandatory permit system became effective. Therefore, water right no. 63-04037 is a property right, not an inchoate right like that protected in *Hardy*. This arguably renders water right no. 63-04037 even less vulnerable than a permit to involuntary conditions.

The Idaho Supreme Court has ruled that an application to amend a permit can be withdrawn, and that a permittee is not required to accept conditions attached to a proposed change to his or her permit. Instead, the permittee may choose to leave his or her permit in its

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original form. Those principles should apply even more strongly to a constitutional beneficial use water right which has a claimed priority date of 1931, which only needs to be confirmed in the SRBA, and to which no change has been sought by the owner.

B. A Protestant to an Application for Transfer Should not be Permitted to Force an Applicant or Property Owner to Proceed with the Application, when the Application has Clearly Been Withdrawn.

Quail Hollow, as the Applicant, has the burden of proof in a transfer application proceeding. *Idaho Department of Water Resources Conference and Hearing Procedure*, Attachment to Notice of Hearing, March 10, 1997. After the correct ownership of water right no. 63-04037 was brought to Quail Hollow's attention, it decided that the only correct option was to drop that water right from its transfer application. Now, however, the Protestants wish to force Vancroft to accept conditions on water right 63-04037 even though the transfer application for that right has been withdrawn, and even though the party which originally filed the transfer application did not have the proper legal authority to do so.

In other words, the Protestants are attempting to force Quail Hollow (and Vancroft) to carry a burden of proof which they do not wish to carry, and which they should not be legally required to carry. There is no authority for the proposition that Quail Hollow and Vancroft should be required to defend Vancroft's water right via a forced transfer proceeding. In fact, common sense tells one that a party with the burden of proof, who bears the risk of losing if the burden is not carried, should not be compelled by an opposing party to take that risk and assume that burden.

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C. The IDAPA Rules Which Apply to the Idaho Department of Water Resources Demonstrate a Clear Intent to Resolve Contested Applications Quickly and Economically.

Rule 52 of the Rules of Procedure for IDWR provides that the Rules "will be liberally construed to secure just, speedy and economical determination of all issues presented to the agency. Unless prohibited by statute, the agency may permit deviation from these rules when it finds that compliance with them is impracticable, unnecessary or not in the public interest. . . ." IDAPA 37.01.01.052. Thus, the overarching concern of the Rules is that they be applied in a manner which allows matters addressed by IDWR to be resolved not only fairly and justly, but with speed and economy firmly in mind.

Several other Rules illustrate those principles. First, Rule 554 governs conferences at hearing, and permits the presiding officer to conduct conferences immediately before the hearing and during recesses in the hearing in order to resolve "matters that may expedite orderly conduct of the hearing." IDAPA 37.01.01.554. This is another example of how the Rules contemplate speedy resolution of contested matters before IDWR. Certainly, withdrawal of a portion of a water right from consideration expedites orderly "conduct of the hearing," since it obviates the need for a formal hearing. *See also* IDAPA 37.01.01.510 (setting forth similar rationales for prehearing conferences).

Second, as noted in the Rules, "[t]he Idaho Legislature encourages informal means of alternative dispute resolution (ADR). . . These alternatives can frequently lead to more creative, efficient and sensible outcomes than may be obtained under formal contested case procedures. . . ." IDAPA 37.01.01.500. While withdrawal of the Application is not one of the

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specific types of ADR contemplated by Rule 500, it certainly leads to an "efficient and sensible"outcome. The transfer of water right no. 63-04037 is no longer being sought, which means that there will be no injury to other water rights, nor an adverse effect on the local public interest. In fact, it would be inefficient and nonsensical to force Quail Hollow and/or Vancroft to continue to pursue an application when they clearly do not wish to do so.

IV.

CONCLUSION

Quail Hollow withdrew water right no. 63-04037 from its transfer application. At that point, the water right was no longer at issue, and there was no longer a transfer application to consider as to that water right. Thus, there was no transfer to which IDWR might attach the conditions sought by Simplot and Crane Creek. In other words, and at the simplest level, IDWR no longer had jurisdiction over the non-existent transfer application for water right no. 63-04037. IDWR cannot impose the conditions sought by Simplot and Crane Creek to water right no. 63-04037, and Quail Hollow respectfully seeks a declaratory ruling to that effect.

DATED this 6th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 6 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 1998, I caused a true and correct copy of the foregoing **APPLICANT'S PETITION FOR DECLARATORY RULING**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

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EXHIBIT - A -

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 19, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Remaining protest 12/96

WILLIAM D COLLINS
WESTBERG MCCABE & COLLINS
PO BOX 2836
BOISE ID 83701

See 5/16/96 protest document e Terteling

KENNETH R ARMENT
1770 W STATE ST STE 339
BOISE ID 83702

RE: APPLICATION FOR TRANSFER NO. 4804 (AMENDED) IN THE NAME OF QUAIL HOLLOW GOLF COURSE

Dear Gentlemen:

The above-referenced transfer application was amended today by the applicant. The older right, no. 63-04037, has been deleted from the application. That right is also known as the "Nibler right".

The proposed use of the cold water well to be added to the golf course system will therefore only reference the junior right, no. 63-09758. Re-advertising of the application is not necessary based on a reduction in the filing.

It is my understanding that the applicant and the remaining protestant (Terteling) have been working to resolve the last protest in order for application processing to be completed by the department. If the protest cannot be withdrawn through that method, the matter must be set for hearing as soon as possible in anticipation of the 1997 irrigation season.

This letter requests an update by January 3, 1997 regarding the remaining protest. Any withdrawal of protest must be completed in writing.

Thank you for your prompt attention to this matter. Please contact me if I can assist you in any way.

Sincerely,

Steve Lester
Deputy Regional Manager

c: Dave Hendrickson
Sherl Chapman
Terteling Trust No. 7
IDWR State Office - John Homan and Protest File (Vault)

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EXHIBIT - B -

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Form 42-222
12-92

Page 1 of 8

Transfer No. 4804

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

AMENDED TO DELETE 63-04037 ON 12/19/96

Name of applicant David Hendrickson DBA Quail Hollow Golf Course Phone 208-344-7807

Post Office address 4520 N 36th St, Boise ID 83703

A. PURPOSE OF TRANSFER

CORRECTED locations, not wells

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Existing water supply is highly regulated and subject to curtailment during the irrigation season. A new well has been drilled in a non-regulated area to allow more efficient irrigation management.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

DELETE 12-19-96 VH

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
63-09758	6-30-81	1.31/495	Irrigation	3/15 to	11/15
		2 ac/ft	Aesthetics	1/1 to	12/31
~~63-04037~~	~~10-1-31~~	~~2.40~~	~~Irrigation~~	~~1/1~~ to	~~10/31~~
				to	

2. Total amount of water being transferred ~~3.71~~ 1.31 cubic feet per second and/or 2.00 (STORAGE) acre-feet per annum.
3. Source of water Ground water tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	28	4N	2E	Ada	2 Existing Pts (CORRECTED LOCATIONS)
		NW	SW	28	4N	2E	Ada	Proposed (COLD WATER WELL)

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

— This is REVISED APPL. REPLACES ORIGINAL —

Transfer No. 4804

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 _____, 19____.

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Also corrects location of 2 Lot wells - DI.

Pg. 3

WR074NP
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	USE PERIOD 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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
T04N	R02E	21												10			10		20.0
T04N	R02E	28		15			05	20											40.0
																	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

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

PS 4

AJ0749NP
No. A63-04037

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

DATE: 03/2
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD 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

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLA

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

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SU
04N	02E	21												10			10		20.
04N	02E	28		15			05	20											40.
																	TOTAL ACRES		60.

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:

SRBA CLAIM
A63-04037 N/A
AGR 12/19/96 AMEND.
-SL

Pg 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	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON	06/30/1981	IRRIGATION	03/15	10/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH						
	BOISE ID 83703			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 SWSE ADA County
S28 NWNE ADA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

Basin 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.O.: 05/30/1989
Licensed Date: 10/26/1993

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

Right
63-09758

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

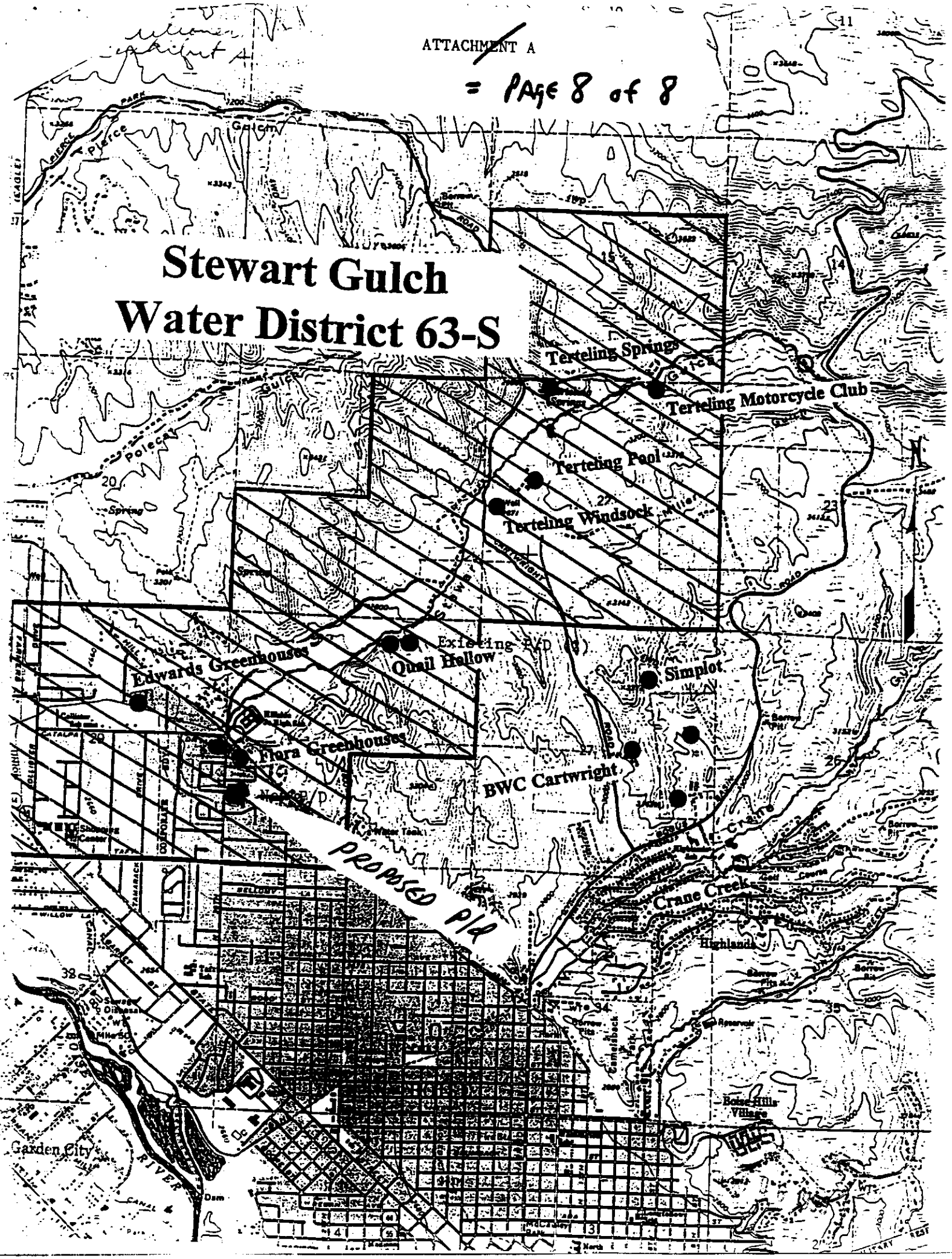
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attachment "A" = PS. 8

SCALE: 2 inches equal 1 mile. Draw plan in ink.

ATTACHMENT A

= Page 8 of 8



ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

March 24, 1998

HAND-DELIVERED

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Mr. Dreher:

I have enclosed an original and one copy of our client's Discovery Requests to Terteling Trust #7, J.R. Simplot Company, and Crane Creek Country Club, in the above-referenced matter. I have also enclosed an additional copy of the Discovery Requests so that each can be date stamped and returned to me in the enclosed pre-addressed, stamped envelope. I appreciate your assistance in this regard.

Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00014.ltr

cc: Gary Spackman, Hearing Officer, IDWR (w/ encl.)
Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)

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RECEIVED
MAR 25 1998
WATER RESOURCES
WESTERN REGION

RECEIVED
MAR 25 1998
WATER RESOURCES
WESTERN REGION

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: TERTELING TRUST #7

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant TERTELING TRUST #7 to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

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1998

TERTELING TRUST #7 shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the

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reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

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4. The term "you" or "your" refers to TERTELING TRUST #7, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

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(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

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Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

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REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

MICROFILMED
AUG 06 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

G:\TMH\WPDATA\7188\00006.PLD

MICROFILMED
MAR 26 1998

RECEIVED
MAR 2 5 1998
WATER RESOURCES
WESTERN REGION

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: CRANE CREEK COUNTRY CLUB

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant CRANE CREEK COUNTRY CLUB to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

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AUG 0 6 1999

CRANE CREEK COUNTRY CLUB shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the

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reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

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AUG 0 6 1999

4. The term "you" or "your" refers to CRANE CREEK COUNTRY CLUB, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

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(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

MICROFILMED
AUG 0 6 1999

Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

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AUG 06 1999

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

MICROFILMED
AUG 05 1988

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

MAR 0 6 1998

RECEIVED
MAR 25 1998
WATER RESOURCES
WESTERN REGION

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: J.R. SIMPLOT COMPANY

YOU WILL PLEASE TAKE NOTICE pursuant to the *Order Compelling Discovery* entered on March 23, 1998, David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant J.R. SIMPLOT COMPANY to answer the following interrogatories and requests for production of documents within fifteen (15) days from the date of the *Order Compelling Discovery*, pursuant to IDAPA 37.01.01.520 through 37.01.01.528 and the Idaho Rules of Civil Procedure. Additionally, pursuant to the *Order Compelling Discovery*,

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AUG 0 6 1998

J.R. SIMPLOT COMPANY shall serve their responses upon Quail Hollow and the Idaho Department of Water Resources.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the

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AUG 06 1999

reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

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AUG 0 6 1999

4. The term "you" or "your" refers to J.R. SIMPLOT COMPANY, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification

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AUG 06 1999

(as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory,

AUG 0 6 1999

Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

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AUG 06 1999

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this 24th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

MICROFILMED
AUG 0 6 1989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

MICROFILMED
AUG 0 6 1999

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

March 13, 1998

RECEIVED
MAR 16 1998
WATER RESOURCES
WESTERN REGION

HAND-DELIVERED

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Mr. Dreher:

I have enclosed an original and one copy of our client's Motion to Compel Discovery and Attachments, and a proposed Order in the above-referenced matter. I have also enclosed an additional copy of the Motion so that it can be date stamped and returned to me in the enclosed pre-addressed, stamped envelope. I appreciate your assistance in this regard.

Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00010.ltr

cc: Gary Spackman, Hearing Officer, IDWR (w/ encl.)
Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)

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AUG 06 1999

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO CRANE CREEK COUNTRY CLUB

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Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	MOTION TO COMPEL DISCOVERY

David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") hereby moves the Idaho Department of Water Resources ("IDWR") for an order compelling discovery on behalf of Quail Hollow from Crane Creek Country Club ("Crane Creek"), J. R. Simplot Company ("Simplot") and Terteling Trust # 7 ("Terteling") (collectively "Protestants"). This Motion is brought pursuant to Rules 37.01.01.520 through 37.01.01.528 of the Department's Rules of Practice and Procedure. Specifically, Quail Hollow moves IDWR for an order directing that the attached interrogatories and requests for production be answered within fifteen days of the date of IDWR's order compelling discovery. Quail Hollow also requests that the Order direct that

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pursuant to IDAPA 37.01.01.520.02, the Idaho Rules of Civil Procedure will govern the scope of discovery in this matter.

Quail Hollow further requests that IDWR's order compelling discovery include provision for the timely depositions of any fact and expert witnesses identified in Interrogatories Number 5, 6 and 7.

A copy of Quail Hollow's proposed interrogatories and requests for production is attached hereto for IDWR's approval.

A proposed Order Compelling Discovery is also attached hereto.

DATED this 31st day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

MICROFILMED
AUG 06 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 1998, I caused a true and correct copy of the foregoing **MOTION TO COMPEL DISCOVERY**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

MICROFILMED
AUG 0 6 1999

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO TERTELING TRUST #7

MICROFILMED
AUG 0 6 1999

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: TERTELING TRUST #7

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant TERTELING TRUST #7 to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

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AUG 0 6 1999

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

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AUG 0 6 1998

If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to TERTELING TRUST #7, its agents, employees, representatives, investigators, consultants, and attorneys.

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5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

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10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

AUG 3 6 1999

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7,

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including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

_____
Scott L. Campbell

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MAR 13 1998
Department of Water Resources

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	MOTION TO COMPEL DISCOVERY

David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") hereby moves the Idaho Department of Water Resources ("IDWR") for an order compelling discovery on behalf of Quail Hollow from Crane Creek Country Club ("Crane Creek"), J. R. Simplot Company ("Simplot") and Terteling Trust # 7 ("Terteling") (collectively "Protestants"). This Motion is brought pursuant to Rules 37.01.01.520 through 37.01.01.528 of the Department's Rules of Practice and Procedure. Specifically, Quail Hollow moves IDWR for an order directing that the attached interrogatories and requests for production be answered within fifteen days of the date of IDWR's order compelling discovery. Quail Hollow also requests that the Order direct that

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pursuant to IDAPA 37.01.01.520.02, the Idaho Rules of Civil Procedure will govern the scope of discovery in this matter.

Quail Hollow further requests that IDWR's order compelling discovery include provision for the timely depositions of any fact and expert witnesses identified in Interrogatories Number 5, 6 and 7.

A copy of Quail Hollow's proposed interrogatories and requests for production is attached hereto for IDWR's approval.

A proposed Order Compelling Discovery is also attached hereto.

DATED this 31st day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 1998, I caused a true and correct copy of the foregoing **MOTION TO COMPEL DISCOVERY**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

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AUG 06 1999

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO TERTELING TRUST #7

MICROFILMED
AUG 06 1999

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	)))))	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: TERTELING TRUST #7

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant TERTELING TRUST #7 to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

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INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

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If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to TERTELING TRUST #7, its agents, employees, representatives, investigators, consultants, and attorneys.

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5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

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10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

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INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7,

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including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

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MAR 26 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

_____
Scott L. Campbell

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO J.R. SIMPLOT COMPANY

RECEIVED
AUG 06 1999

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: J.R. SIMPLOT COMPANY

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant J.R. SIMPLOT COMPANY to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

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Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to J.R. SIMPLOT COMPANY, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic,

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handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

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mentioning, or referring to.

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12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR

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application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

AUG 0 6 1999

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
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Boise, ID 83701

William Collins
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Michael Creamer
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Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

_____
Scott L. Campbell

AUG 2 6 1999

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO J.R. SIMPLOT COMPANY

AUG 3 6 1999

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: J.R. SIMPLOT COMPANY

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant J.R. SIMPLOT COMPANY to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please

produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to J.R. SIMPLOT COMPANY, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic,

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handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing,

mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR

application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

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DEC 22 1993

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OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	))))))	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

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INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR

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INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

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DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	)	ORDER COMPELLING DISCOVERY

Applicant David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") has moved this Department for an order compelling discovery on behalf of Quail Hollow from Crane Creek Country Club ("Crane Creek"), J.R. Simplot Company ("Simplot"), and Terteling Trust #7 ("Terteling") (collectively "Protestants"). Quail Hollow attached a copy of its proposed discovery requests, addressed to each Protestant individually, to its motion.

IT IS ORDERED that Quail Hollow's motion is **GRANTED**.

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IT IS FURTHER ORDERED that the discovery requests, attached hereto, be answered by Crane Creek, Simplot, and Terteling. The responses by each of the Protestants shall be served upon Quail Hollow and the Department within fifteen days of the date of this order.

IT IS FURTHER ORDERED that pursuant to IDAPA 37.01.01.520.02, the Idaho Rules of Civil Procedure shall govern the scope of discovery in this matter.

IT IS FURTHER ORDERED that depositions of the fact and expert witnesses disclosed in the Protestants' respective responses may be conducted. Said depositions must be conducted during the time period beginning on the date the discovery responses are served and ending five days before the scheduled hearing date in this matter.

DATED this ___ day of March, 1988.

_____

_____, Hearing Officer

MAILED
MAR 08 1988

RECEIVED
MAR 16 1998
WATER RESOURCES
WESTERN REGION

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

March 13, 1998

RECEIVED
MAR 13 1998
Department of Water Resources

HAND-DELIVERED

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Mr. Dreher:

I have enclosed an original and one copy of our client's Motion to Compel Discovery and Attachments, and a proposed Order in the above-referenced matter. I have also enclosed an additional copy of the Motion so that it can be date stamped and returned to me in the enclosed pre-addressed, stamped envelope. I appreciate your assistance in this regard. dtd 3/13/98 KS

Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00010.ltr

cc: Gary Spackman, Hearing Officer, IDWR (w/ encl.)
Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)

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AUG 26 1999

ORIGINAL

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	MOTION TO COMPEL DISCOVERY

David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") hereby moves the Idaho Department of Water Resources ("IDWR") for an order compelling discovery on behalf of Quail Hollow from Crane Creek Country Club ("Crane Creek"), J. R. Simplot Company ("Simplot") and Terteling Trust # 7 ("Terteling") (collectively "Protestants"). This Motion is brought pursuant to Rules 37.01.01.520 through 37.01.01.528 of the Department's Rules of Practice and Procedure. Specifically, Quail Hollow moves IDWR for an order directing that the attached interrogatories and requests for production be answered within fifteen days of the date of IDWR's order compelling discovery. Quail Hollow also requests that the Order direct that

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pursuant to IDAPA 37.01.01.520.02, the Idaho Rules of Civil Procedure will govern the scope of discovery in this matter.

Quail Hollow further requests that IDWR's order compelling discovery include provision for the timely depositions of any fact and expert witnesses identified in Interrogatories Number 5, 6 and 7.

A copy of Quail Hollow's proposed interrogatories and requests for production is attached hereto for IDWR's approval.

A proposed Order Compelling Discovery is also attached hereto.

DATED this 31st day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

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AUG 0 6 1993

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 1998, I caused a true and correct copy of the foregoing **MOTION TO COMPEL DISCOVERY**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

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AUG 06 1998

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO TERTELING TRUST #7

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	)))))	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: TERTELING TRUST #7

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant TERTELING TRUST #7 to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

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INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

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If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to TERTELING TRUST #7, its agents, employees, representatives, investigators, consultants, and attorneys.

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5. The term "document" shall mean any kind of written, printed, typed, graphic, handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

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10. "Evidencing" or "relating to" means consisting of, summarizing, describing, mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

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INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7,

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including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO TERTELING TRUST #7 REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

_____
Scott L. Campbell

AUG 0 6 1998

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO J.R. SIMPLOT COMPANY

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: J.R. SIMPLOT COMPANY

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant J.R. SIMPLOT COMPANY to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

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INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please

produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to J.R. SIMPLOT COMPANY, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic,

handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing,

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mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR

application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 6 1993

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO J.R. SIMPLOT COMPANY REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

ATTACHMENT

INTERROGATORIES AND REQUESTS FOR

PRODUCTION TO CRANE CREEK COUNTRY CLUB

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	)))))))	INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804

TO: CRANE CREEK COUNTRY CLUB

YOU WILL PLEASE TAKE NOTICE that David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow"), requires Protestant CRANE CREEK COUNTRY CLUB to answer the following interrogatories and requests for production of documents within fifteen (15) days from the service herein, pursuant to IDAPA 37.01.01.520 through 37.01.01.528.

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INSTRUCTIONS AND DEFINITIONS

A. General Instructions:

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or investigators for your attorneys, and not merely information known of your personal knowledge.

If you cannot answer the interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

If you are unable to produce the requested documents after exercising due diligence to secure the documents, so state, and identify the reason for your inability to produce the documents, the whereabouts of the documents if not in your control or possession, and the means whereby you lost control or possession of the documents. Identify any documents which once did exist if not now existing and state whatever information or knowledge you have concerning the information contained in those documents.

Any interrogatory which may be answered in whole or in part by reference to documents is deemed to request those responsive documents. If any of those documents cannot be produced in full, you are required to produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

If you assert a privilege as to a portion of any category of the materials described, please

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produce the remainder of that category as to which you do not assert a privilege.

B. Instructions re: Supplementation:

1. These interrogatories are continuing in nature, so as to require you to file supplementary answers in a seasonable manner if you obtain further or different information before the hearing.

2. Where knowledge and information in the possession of a party is requested, such request includes information and knowledge either in your possession, under your control, within your dominion, or available to you or which becomes subject to your possession, control, or dominion regardless of whether this information is in your personal possession or is possessed by your agents, attorneys, servants, employees, independent contractors, representatives, insurers, or others with whom you have a relationship, and from whom you are capable of deriving information, documents, or materials.

Prior to answering these interrogatories, requests for admission, and requests for production of documents, note the following definitions:

1. "All" means "any and all."

2. "And" includes "or" and "and/or."

3. "Facts" means all circumstances, events, and evidence pertaining to or touching upon the item in question.

4. The term "you" or "your" refers to CRANE CREEK COUNTRY CLUB, its agents, employees, representatives, investigators, consultants, and attorneys.

5. The term "document" shall mean any kind of written, printed, typed, graphic,

AUG 9 6 19

handwritten, or photographic matter and recordings of any type, including written transcripts, however produced or reproduced, whether in your control or not, and including, without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not. The term includes any tangible matter containing information in any form whatsoever.

6. "Communicate" or "communications" refers to every manner or means of disclosure or transfer or exchange of information, whether orally or by document and whether face to face, by telephone, mail, personal delivery, electronic mail, or otherwise.

7. The term "identify," when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

8. The term "identify," when used with respect to a person, shall be deemed to request the person's full name, job title, last known business and residence addresses, and respective telephone numbers.

9. The term "identify," when used with respect to oral communications, shall be deemed to request whether said communication was in person or by telephone, an identification (as prescribed above) of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

10. "Evidencing" or "relating to" means consisting of, summarizing, describing,

AUG 0 6 1993

mentioning, or referring to.

11. Whenever the plural appears, the word shall include the singular, and vice versa.

12. "IDWR" means Idaho Department of Water Resources.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts regarding IDWR application for transfer number 4804 and water right number 63-09758. By this interrogatory, Quail Hollow seeks the names, job titles and addresses of all individuals who have knowledge or who purport to have knowledge concerning IDWR application for transfer number 4804 and water right number 63-09758.

INTERROGATORY NO. 2: Please identify all persons who participated in any aspect of the preparation of your protest to IDWR application for transfer no. 4804. In answering this interrogatory, describe the role each person had, the tasks each person performed, and the amount of time each person spent in such preparation.

INTERROGATORY NO. 3: Identify each and every person you or your attorneys have retained to analyze or review IDWR application for transfer number 4804, water right number 63-09758, or your protest to IDWR application for transfer number 4804. By this interrogatory, Quail Hollow seeks the names, addresses, and qualifications of all persons who have conducted any studies, surveys, diagnostic procedures, or analyses as a result of your inquiries.

INTERROGATORY NO. 4: Please identify all documents, including but not limited to reports, statistics, and written opinions, used in the preparation of your protest to IDWR

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application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 4.

INTERROGATORY NO. 5: Identify those persons having knowledge of the facts regarding IDWR transfer no. 4804 and water right number 63-09758, who you may call as witnesses at the hearing regarding IDWR application for transfer number 4804. For each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 6: State the name and address of each person you expect to call as an expert witness at the hearing regarding IDWR application for transfer number 4804. For each person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 6.

INTERROGATORY NO. 7: Please state the qualifications and background of each person expected to be called as an expert witness at the hearing regarding IDWR application for transfer number 4804.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents which support, tend to support, or allegedly support, in whole or in part, your response to Interrogatory No. 7, including but not limited to the curriculum vitae for each person expected to be called as an expert witness.

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INTERROGATORY NO. 8: Please identify all exhibits which you intend to use at the hearing regarding IDWR application for transfer no. 4804, including but not limited to documents, charts, graphs, photographs, and reports.

REQUEST FOR PRODUCTION NO. 4: Please produce the exhibits identified in Interrogatory No. 8.

DATED this ___ day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 6 1990

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of March, 1998, I caused a true and correct copy of the foregoing **INTERROGATORIES AND REQUESTS FOR PRODUCTION TO CRANE CREEK COUNTRY CLUB REGARDING WATER RIGHT TRANSFER APPLICATION NUMBER 4804**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

_____
Scott L. Campbell

MAR 26 1998

COPY

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Dave Hendrickson, d/b/a Quail Hollow ("Applicant") and J. R. Simplot Company ("Protestant") (collectively "Parties") as of the date of execution of this Agreement by all signatories hereto and in accordance with the recitals, terms, and conditions set forth below:

RECITALS

WHEREAS, Applicant filed with the Department of Water Resources an application for transfer of water right no. 63-09758 and 63-04037 on March 19, 1996;

WHEREAS, Protestant filed a protest on May 20, 1996 to the application made by Applicant;

WHEREAS, Protestant and Applicant signed a Withdrawal of Protest and Agreement of Conditions on July 31, 1996;

WHEREAS, Applicant subsequently amended its application for transfer withdrawing water right no. 63-04037 owned by Vancroft Corporation from the application;

WHEREAS, Protestant did not receive notice of Applicant's amendment of its application for transfer withdrawing water right no. 63-04037 until it received the Preliminary Order issued by the Idaho Department of Water Resources dated June 27, 1997;

WHEREAS, Protestant filed a Petition for Reconsideration of Preliminary Motion on July 11, 1997; and

WHEREAS, Protestant and Applicant seek to resolve the issues related to the Amended Application for Transfer of water right no. 63-09758.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter contained Applicant and Protestant agree as follows:

AGREEMENT

1. Applicant's right to divert water from the additional point of diversion sought in transfer application no. 4804 will be subordinate to Protestant's water right numbers 63-09335 and 63-10314.

2. Applicant agrees that by withdrawing its protest, Protestant is not waiving any rights to object to Applicant's water right no. 63-09758 or Vancroft Corporation's water right no. 63-04037 including, but not limited to, the Snake River Basin Adjudication on the basis of forfeiture, abandonment, or other grounds.

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3. Applicant agrees that the combined diversion rate from its older wells (Nibbler Well and Tee Limited Well), plus the new well drilled in the cold water aquifer in connection with this application, will not exceed the combined diversion rate of 1.31 cubic feet per second (cfs) from the two older wells.

4. Applicant agrees to begin regular monitoring of its two older wells and the new well drilled in connection with this application upon final uncontested approval of the application. The monitoring will be conducted in the following fashion:

   (a) Applicant shall install a continuous totalizing flow meter on the discharge pipe from the new well at the point it discharges into the irrigation pond for redistribution. This meter, combined with the meters on the other two wells, shall be read on a daily basis when the wells are operating.

   (b) No measurement from the three meters shall be taken or required when any well is not operating.

   (c) Discharge measurements shall be kept by the applicant on a tabulation sheet, showing the well number, date and time measurements are taken, and the flow value.

   (d) The daily measurement sheet shall be kept in a log book and submitted to the Department of Water Resources and Protestant as requested, at the conclusion of the irrigation season.

   (e) The total volume pumped from the wells may be determined by taking the readings of the totalizer on each meter at the beginning of the irrigation season and at the end of the season.

   (f) This monitoring process shall continue for two irrigation seasons following the final uncontested approval of the application.

   (g) Applicant shall provide Protestant with an opportunity, upon reasonable written request, to observe the irrigation system and operation during normal business hours of the irrigation season.

5. Nothing in the Agreement shall be deemed to alter, amend, supersede, or abrogate the Withdrawal of Protest and Agreement of Conditions dated July 31, 1996 between Applicant and Protestant.

6. This Agreement and each of the terms and conditions contained herein are binding upon and for the benefit of the Parties and their representatives, officers, directors, shareholders, servants, employees, attorneys, principals, agents, and their past, present, and future parent, and subsidiary corporations, successors in interest, affiliated companies, transferees, heirs, executors, administrators, and assigns.

AUG 0 6 1999

7. This Agreement may be executed in counterparts, and all such counterparts shall constitute one instrument binding on the Parties in accordance therewith.

8. This Agreement was drafted by counsel for the Parties hereto and there shall not be a presumption or construction against any Party hereto, each such Party expressly waiving the doctrine of contra proferentum.

9. Neither this Agreement nor any term, provision, covenant or condition contained herein may be amended, changed, altered, modified, or waived, except by an express written instrument signed by the Parties hereto.

10. If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable or contrary to any public policy, law, statute, or ordinance, then the remainder of this Agreement shall not be affected thereby, and shall remain valid and fully enforceable.

11. The Parties hereto acknowledge and agree that each of them will bear their own attorney's fees, costs, and expenses arising out of or connected with the negotiation, drafting, and execution of this Agreement, except that, in the event any action is brought by either Party to enforce the terms of this Agreement, the prevailing Party shall be entitled to reasonable attorneys fees and costs, in addition to all other relief to which that Party may be entitled.

12. This Agreement shall be construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates shown below:

Date: 4-3-98, 1998

DAVE HENDRICKSON,
d/b/a QUAIL HOLLOW GOLF COURSE

Date: April 1, 1998

J.R. SIMPLOT COMPANY

By: _____

Title: Vice President

Quail Hollow Settlement.doc

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE 63-09758 IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	)	**NOTICE OF CONFERENCE AND HEARING**

NOTICE OF CONFERENCE

A conference for the above-referenced is scheduled for April 17, 1998, at 9:00 a.m. at the Department of Water Resources, conference rooms A & B, 1301 N. Orchard, Boise, Idaho. At the conference, we will discuss settlement options, exchange of exhibits, any prehearing issues of law, and hearing procedures.

NOTICE OF HEARING

A hearing for the above-referenced is scheduled for April 23 and 24, 1998, commencing at 9:00 a.m. on April 23 at the Department of Water Resources, conference rooms A & B, 1301 N. Orchard, Boise, Idaho.

The conference and hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. The hearing officer will be Gary Spackman.

If you plan to offer exhibits for the record at the hearing, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the hearing officer.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 13th day of March, 1998.

Gary Spackman

Gary Spackman

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CERTIFICATE OF MAILING

I hereby certify that on the 13TH day of, March, 1998 I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Senior Secretary

DAVID HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

TERTELING TRUST #7
C/O WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701-2836

JOHN HOMAN
ID DEPT OF WATER RESOURCES
1301 N ORCHARD
BOISE ID 83706

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY
PO BOX 2720
BOISE ID 83701

GLEN WERSCH
ELLEN JONES
PO BOX 3113
BOISE ID 83701-2773

CRANE CREEK COUNTRY CLUB
C/O D A STEENSON
PO BOX 2773
BOISE ID 83701-2773

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83703-0027

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83702

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CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1) Will the proposed appropriation injure other water rights?

2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?

3) Was the application made in good faith or for delay or speculative purposes?

4) Does the applicant have sufficient financial resources with which to complete the proposed project?

5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?

6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	**ORDER COMPELLING DISCOVERY**

Applicant David Hendrickson, d.b.a. Quail Hollow Golf Course (Quail Hollow) has moved this Department for an order compelling discovery on behalf of Quail Hollow from Crane Creek Country Club (Crane Creek), J.R. Simplot Company (Simplot), and Terteling Trust #7 (Terteling) (collectively Protestants). Quail Hollow attached a copy of its proposed discovery requests, addressed to each Protestant individually, to its motion.

IT IS ORDERED that Quail Hollow's motion is **GRANTED.**

IT IS FURTHER ORDERED that the discovery requests be answered by Crane Creek, Simplot, and Terteling. The responses by each of the Protestants shall be served upon Quail Hollow and the Department within fifteen days of the date of this order.

IT IS FURTHER ORDERED that pursuant to IDAPA 37.01.01.520.02, the Idaho Rules of Civil Procedure shall govern the scope of discovery in this matter.

IT IS FURTHER ORDERED that depositions of the fact and expert witnesses disclosed in the Protestants' respective responses may be conducted. Said depositions must be conducted during the time period beginning on the date the discovery responses are served and ending five days before the scheduled hearing date in this matter.

DATED this 23rd day of March, 1998.

Gary Spackman

Hearing Officer

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AUG 0 6 1999

I hereby certify that on the 23rd day of March, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sincerely,

Sue Taylor

Sue Taylor
Senior Secretary

DAVID HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

TERTELING TRUST #7
C/O WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701-2836

JOHN HOMAN
ID DEPT OF WATER RESOURCES
1301 N ORCHARD
BOISE ID 83706

SHERL CHAPMAN
410 S ORCHARD STE 144
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MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY
PO BOX 2720
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GLEN WERSCH
ELLEN JONES
PO BOX 3113
BOISE ID 83701-2773

CRANE CREEK COUNTRY CLUB
C/O D A STEENSON
PO BOX 2773
BOISE ID 83701-2773

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83703-0027

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83702

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AUG 0 6 1999

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

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WATER RESOURCES
WESTERN REGION

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE.	ORDER COMPELLING DISCOVERY

Applicant David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") has moved this Department for an order compelling discovery on behalf of Quail Hollow from Crane Creek Country Club ("Crane Creek"), J.R. Simplot Company ("Simplot"), and Terteling Trust #7 ("Terteling") (collectively "Protestants"). Quail Hollow attached a copy of its proposed discovery requests, addressed to each Protestant individually, to its motion.

IT IS ORDERED that Quail Hollow's motion is **GRANTED**.

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IT IS FURTHER ORDERED that the discovery requests, attached hereto, be answered by Crane Creek, Simplot, and Terteling. The responses by each of the Protestants shall be served upon Quail Hollow and the Department within fifteen days of the date of this order.

IT IS FURTHER ORDERED that pursuant to IDAPA 37.01.01.520.02, the Idaho Rules of Civil Procedure shall govern the scope of discovery in this matter.

IT IS FURTHER ORDERED that depositions of the fact and expert witnesses disclosed in the Protestants' respective responses may be conducted. Said depositions must be conducted during the time period beginning on the date the discovery responses are served and ending five days before the scheduled hearing date in this matter.

DATED this ___ day of March, 1988.

_____

_____, Hearing Officer

AUG 0 6 1959

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

March 6, 1998

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WATER RESOURCES
WESTERN REGION

HAND-DELIVERED

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MAR 06 1998
Department of Water Resources

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer of License No. 63-09758, in the Name of David Hendrickson, dba Quail Hollow Golf Course

Dear Mr. Dreher:

I have enclosed an original and one copy of *Applicant's Petition for Declaratory Ruling* in the above-referenced matter. I have also enclosed an additional copy of the Petition so that it can be date stamped and returned to me in the enclosed pre-addressed, stamped envelope. I appreciate your assistance in this regard.

Please contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:tmh g:\tmh\wpdata\7188\00004.ltr

cc: Gary Spackman, Hearing Officer, IDWR (w/ encl.)
Mr. David Hendrickson (w/ encl.)
Mr. Sherl Chapman (w/ encl.)

ORIGINAL

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	APPLICANT'S PETITION FOR DECLARATORY RULING

I.

INTRODUCTION

In accordance with Idaho Code section 67-5232 (1995), David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") hereby files this petition for declaratory ruling from the Idaho Department of Water Resources ("IDWR"). Quail Hollow seeks a ruling that any attempt on the part of Quail Hollow to transfer all or a part of water right no. 63-04037 has been withdrawn, and that IDWR no longer has jurisdiction over transfer of that water right. Quail Hollow requests a further declaratory ruling that IDWR cannot impose the conditions sought by Crane Creek Country Club, Inc. ("Crane Creek") and J.R. Simplot Co. ("Simplot") (along with

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Terteling Trust #7 ("Terteling") collectively "Protestants") upon water right no. 63-04037. Quail Hollow is filing this petition for a declaratory ruling in response to the contention of Crane Creek and Simplot that certain conditions should be applied to water right no. 63-04037.

II.

FACTUAL BACKGROUND

On March 19, 1996, Quail Hollow filed an Application for Transfer of a Water Right ("transfer no. 4804") with IDWR. The transfer application sought to add a point of diversion for water rights no. 63-09758 ("Tee Limited Well") and 63-04037 ("Nibler Well"). It was subsequently brought to Quail Hollow's attention that it was not the legal owner of water right no. 63-04037 and that the water right is owned by Vancroft Corporation ("Vancroft").

Protests to Quail Hollow's application were filed by Crane Creek, Simplot, and Terteling, among others. However, Crane Creek and Simplot subsequently withdrew their protests, subject to the requirement that certain conditions would be applied to the water rights which were the subject of the transfer. Simplot's withdrawal of protest was received by IDWR on August 1, 1996, and Crane Creek's was received by IDWR on August 14, 1996. On December 19, 1996, Quail Hollow amended its application by deleting any reference to water right no. 63-04037. This amendment is reflected by a letter from Steve Lester, Deputy Regional Manager of IDWR (Exhibit A), dated December 19, 1996. A copy of that letter was delivered to Terteling Trust and counsel for Terteling Trust. Both Crane Creek and Simplot have stated that subsequent to the withdrawal of their protests, neither received any further notice regarding transfer no. 4804, until the proposed order was received. *Petition for Reconsideration of Preliminary Order* by J.R.

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Simplot Co. and Crane Creek Country Club, dated July 11, 1997. The change to the transfer application is also reflected by an Amended Application for Transfer of a Water Right (Exhibit B).

On June 27, 1997, after a hearing, IDWR issued a preliminary order regarding transfer no. 4804. The preliminary order listed certain conditions that would be attached to water right no. 63-09758. Because Quail Hollow had withdrawn its application as to water right no. 63-04037, the conditions for the transfer as set forth in the preliminary order made no mention of water right no. 63-04037. Terteling filed a petition for reconsideration regarding an issue which is not pertinent to this declaratory ruling motion. Crane Creek and Simplot also filed a joint petition for reconsideration. That motion seeks, in part, to have certain conditions attached not only to water right no. 63-09758, but also to 63-04037. IDWR granted the petitions for reconsideration on July 30, 1997.

The purpose of this motion is to seek a declaratory ruling from IDWR that it has no jurisdiction to attach conditions to water right no. 63-04037, because that right was withdrawn or dropped from the application for transfer no. 4804.

III.

ARGUMENT

Idaho Code section 42-222 states, in pertinent part, that upon receipt of a transfer application and after conducting an examination, "[t]he director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, . . . " I.C. § 42-222(1) (Supp. 1997). However, in this case, there is no transfer application for water right no. 63-04037 upon which the Director may rule. The application for transfer as to that right has been withdrawn.

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A. The Idaho Supreme Court has Endorsed the Withdrawal of an Application in Analogous Proceedings.

Quail Hollow should not be forced to pursue (even assuming it was the legal owner) its transfer application for water right no. 63-04037. In addition, Vancroft should not be forced to accept conditions on its water right which might be imposed via a transfer for which it did not apply. In fact, the Idaho Supreme Court has permitted the withdrawal of an application to amend a permit, a situation analogous to the one currently before IDWR. In that case, Hardy sought an additional point of diversion for his permits, pursuant to Idaho Code section 42-204. IDWR approved the application, although it imposed certain conditions on the approval. Hardy was not pleased with the conditions, and ultimately appealed to the Idaho Supreme Court. *Hardy v. Higginson*, 123 Idaho 485, 849 P.2d 946 (1993). The Idaho Supreme Court allowed the withdrawal of the permit amendment application at an even later stage in the proceedings than the stage at which Quail Hollow withdrew or dropped water right no. 63-04037 from its transfer application.

After ruling, *inter alia*, that the Director of IDWR could impose conditions on Hardy's permit, the Court stated the following:

> However, this is not to say that a permittee requesting an amendment to a water permit must accept the risk of losing any previously approved points of diversion. If a permittee finds the conditions to be unsatisfactory, the permittee should be allowed to withdraw the application for amendment and be left with what the permittee had before submitting the application to the IDWR. Similarly, a permittee should be allowed to appeal any conditions imposed by a Director, to ensure that such conditions were not imposed unreasonably or arbitrarily, without fear of losing the State's consent to put the water to a beneficial use under the terms of the original permit.

AUG 0 6 1993

Id. at 491, 849 P.2d at 952. Thus, the Idaho Supreme Court held that an applicant may withdraw his or her application for amendment even after the entire formal hearing process, and after the application had been approved.

Quail Hollow is in an even better procedural posture than Hardy. Even assuming that Quail Hollow had actual authority to transfer water right no. 63-04037, and even if the entire transfer process had been completed before Quail Hollow dropped water right no. 63-04037 from its transfer application, there is a strong argument that under *Hardy*, Quail Hollow would still be allowed to withdraw its application as to water right no. 63-04037. However, Quail Hollow withdrew water right no. 63-04037 from consideration even before the formal hearing began, and in fact, before hearing on the matter had even been scheduled. Quail Hollow did not wait until after the entire formal hearing had taken place and a decision rendered. Thus, the withdrawal by Quail Hollow will have even less of an economic impact on the parties and the taxpayers than the withdrawal which would have been allowed by the Idaho Supreme Court in *Hardy*.

Quail Hollow is in a stronger position than Hardy for another reason. In *Hardy*, the Court drew a distinction between water users who have applied for a permit, and those who have a licensed or statutory beneficial use water right. The Court noted that:

> In *Big Wood Canal Co. v. Chapman*, 45 Idaho 380, 263 P. 45 (1927), the Court held that there was not retroactive application of a statute which extended the time for making proof of application of water to a beneficial use because the affected permittee in that case had only an inchoate or contingent right which was vulnerable to being abridged or modified by law. In describing the type of right a water permittee has, the Court stated:
>
> > By application for permit . . . the permittee secures an inchoate right which will ripen into a legal and complete appropriation by compliance with the statutory steps. Such right is merely a contingent right, which may ripen into a complete appropriation, or may be

AUG 0 6 1998

> defeated by a failure of the holder to meet the statutory requirements. The permit, therefore, is not an appropriation of the public waters of the state. It is not real property. It is merely a consent given by the state to construct and acquire real property.

45 Idaho at 402, 263 P. at 52. Likewise, in *Hidden Springs Trout Ranch v. Allred*, 102 Idaho 623, 636 P.2d 745 (1981), the Court held that an applicant for a water permit did not possess the type of vested rights which were immune to subsequent legislation. Although the Court specifically noted that it was not addressing the situation where a water permit is involved, the Court defined an applicant's rights as inchoate rights "which may ripen into a vested interest following proper statutory adherence." 102 Idaho at 625, 636 P. 2d 745.

Hardy, 123 Idaho at 490-91, 849 P.2d at 951-52. In *Hidden Springs Trout Ranch*, the Court also took special pains to note that it was not discussing "the status of one who has acquired an adjudicated right, a licensed right or an unadjudicated 'constitutional' right to water as defined in Idaho statutes or the Idaho Constitution." *Hidden Springs Trout Ranch*, 102 Idaho at 624-25, 636 P.2d at 746-47 (emphasis added). Therefore, one who holds an unadjudicated beneficial use water right, and who has adhered to any applicable statutory and constitutional provisions, has a stronger property right than a permittee.

A claim has been filed in the SRBA for water right no. 63-04037. *See* Exhibit B. Furthermore, that right has a claimed priority date of 1931, forty years before the mandatory permit system became effective. Therefore, water right no. 63-04037 is a property right, not an inchoate right like that protected in *Hardy*. This arguably renders water right no. 63-04037 even less vulnerable than a permit to involuntary conditions.

The Idaho Supreme Court has ruled that an application to amend a permit can be withdrawn, and that a permittee is not required to accept conditions attached to a proposed change to his or her permit. Instead, the permittee may choose to leave his or her permit in its

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AUG 0 8 1995

original form. Those principles should apply even more strongly to a constitutional beneficial use water right which has a claimed priority date of 1931, which only needs to be confirmed in the SRBA, and to which no change has been sought by the owner.

B. A Protestant to an Application for Transfer Should not be Permitted to Force an Applicant or Property Owner to Proceed with the Application, when the Application has Clearly Been Withdrawn.

Quail Hollow, as the Applicant, has the burden of proof in a transfer application proceeding. *Idaho Department of Water Resources Conference and Hearing Procedure*, Attachment to Notice of Hearing, March 10, 1997. After the correct ownership of water right no. 63-04037 was brought to Quail Hollow's attention, it decided that the only correct option was to drop that water right from its transfer application. Now, however, the Protestants wish to force Vancroft to accept conditions on water right 63-04037 even though the transfer application for that right has been withdrawn, and even though the party which originally filed the transfer application did not have the proper legal authority to do so.

In other words, the Protestants are attempting to force Quail Hollow (and Vancroft) to carry a burden of proof which they do not wish to carry, and which they should not be legally required to carry. There is no authority for the proposition that Quail Hollow and Vancroft should be required to defend Vancroft's water right via a forced transfer proceeding. In fact, common sense tells one that a party with the burden of proof, who bears the risk of losing if the burden is not carried, should not be compelled by an opposing party to take that risk and assume that burden.

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C. The IDAPA Rules Which Apply to the Idaho Department of Water Resources Demonstrate a Clear Intent to Resolve Contested Applications Quickly and Economically.

Rule 52 of the Rules of Procedure for IDWR provides that the Rules "will be liberally construed to secure just, speedy and economical determination of all issues presented to the agency. Unless prohibited by statute, the agency may permit deviation from these rules when it finds that compliance with them is impracticable, unnecessary or not in the public interest. . . ." IDAPA 37.01.01.052. Thus, the overarching concern of the Rules is that they be applied in a manner which allows matters addressed by IDWR to be resolved not only fairly and justly, but with speed and economy firmly in mind.

Several other Rules illustrate those principles. First, Rule 554 governs conferences at hearing, and permits the presiding officer to conduct conferences immediately before the hearing and during recesses in the hearing in order to resolve "matters that may expedite orderly conduct of the hearing." IDAPA 37.01.01.554. This is another example of how the Rules contemplate speedy resolution of contested matters before IDWR. Certainly, withdrawal of a portion of a water right from consideration expedites orderly "conduct of the hearing," since it obviates the need for a formal hearing. *See also* IDAPA 37.01.01.510 (setting forth similar rationales for prehearing conferences).

Second, as noted in the Rules, "[t]he Idaho Legislature encourages informal means of alternative dispute resolution (ADR). . . These alternatives can frequently lead to more creative, efficient and sensible outcomes than may be obtained under formal contested case procedures. . . ." IDAPA 37.01.01.500. While withdrawal of the Application is not one of the

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specific types of ADR contemplated by Rule 500, it certainly leads to an "efficient and sensible"outcome. The transfer of water right no. 63-04037 is no longer being sought, which means that there will be no injury to other water rights, nor an adverse effect on the local public interest. In fact, it would be inefficient and nonsensical to force Quail Hollow and/or Vancroft to continue to pursue an application when they clearly do not wish to do so.

IV.

CONCLUSION

Quail Hollow withdrew water right no. 63-04037 from its transfer application. At that point, the water right was no longer at issue, and there was no longer a transfer application to consider as to that water right. Thus, there was no transfer to which IDWR might attach the conditions sought by Simplot and Crane Creek. In other words, and at the simplest level, IDWR no longer had jurisdiction over the non-existent transfer application for water right no. 63-04037. IDWR cannot impose the conditions sought by Simplot and Crane Creek to water right no. 63-04037, and Quail Hollow respectfully seeks a declaratory ruling to that effect.

DATED this 6th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 5 1988

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 1998, I caused a true and correct copy of the foregoing **APPLICANT'S PETITION FOR DECLARATORY RULING**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

FILED
AUG 06 1998

EXHIBIT - A -

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 19, 1996

Remaining protest 12/96

WILLIAM D COLLINS
WESTBERG MCCABE & COLLINS
PO BOX 2836
BOISE ID 83701

See 5/16/96 protest document re Terteling

KENNETH R ARMENT
1770 W STATE ST STE 339
BOISE ID 83702

RE: APPLICATION FOR TRANSFER NO. 4804 (AMENDED) IN THE NAME OF QUAIL HOLLOW GOLF COURSE

Dear Gentlemen:

The above-referenced transfer application was amended today by the applicant. The older right, no. 63-04037, has been deleted from the application. That right is also known as the "Nibler right".

The proposed use of the cold water well to be added to the golf course system will therefore only reference the junior right, no. 63-09758. Re-advertising of the application is not necessary based on a reduction in the filing.

It is my understanding that the applicant and the remaining protestant (Terteling) have been working to resolve the last protest in order for application processing to be completed by the department. If the protest cannot be withdrawn through that method, the matter must be set for hearing as soon as possible in anticipation of the 1997 irrigation season.

This letter requests an update by January 3, 1997 regarding the remaining protest. Any withdrawal of protest must be completed in writing.

Thank you for your prompt attention to this matter. Please contact me if I can assist you in any way.

Sincerely,

Steve Lester
Deputy Regional Manager

c: Dave Hendrickson
Sherl Chapman
Terteling Trust No. 7
IDWR State Office - John Homan and Protest File (Vault)

DEC 20 1996

EXHIBIT - B -

Form 1-1122
12-92

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4804

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

AMENDED TO DELETE 63-04037 ON 12/19/96

Name of applicant David Hendrickson DBA Quail Hollow Golf Course Phone 208-344-7807

Post Office address 4520 N 36th St, Boise ID 83703

A. PURPOSE OF TRANSFER

CORRECTED locations, Not wells

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Existing water supply is highly regulated and subject to curtailment during the irrigation season. A new well has been drilled in a non-regulated area to allow more efficient irrigation management.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

DELETE 12-19-96 DH

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
63-09758	6-30-81	1.31/495	Irrigation	3/15	to	11/15
		2 ac/ft	Aesthetics	1/1	to	12/31
~~63-04037~~	~~10-1-31~~	~~2.40~~	~~Irrigation~~	~~4/1~~	to	~~10/31~~
					to	

2. Total amount of water being transferred ~~3.71~~ 1.31 cubic feet per second and/or 2.00 (STORAGE) acre-feet per annum.
3. Source of water Ground water tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	28	4N	2E	Ada	2 Existing Pts (CORRECTED LOCATION)
		NW	SW	28	4N	2E	Ada	Proposed (COLD WATER WELL)

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

THIS is REVISED APPL., REPLACES ORIGINAL

Transfer No. 4804

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 _____, 19____.

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Also corrects location of 2 Lot wells *

-R

Pg. 3

WR074.9NP
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	USE PERIOD 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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

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

RECEIVED
MAY 05 1995

Right 63-04037
N/A per
12/19/96 Amend.
-rl

PS 4

AJ0749NP
No. A63-04037

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

DATE: 03/2
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD 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

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLA

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

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SU
04N	02E	21												10			10		20.
04N	02E	28		15			05	20											40.
																	TOTAL ACRES		60.

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:

AUG 06 1999

SRBA CLAIM
A63-04037 N/A
AGR 12/19/96 AMEND.
-SL

Pg 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	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON	06/30/1981	IRRIGATION	03/15	10/15	1.310 CFS	495.00 AFA
	DBA QUAIL HOLLOW GOLF COURSE		AESTHETIC	01/01	12/31		2.00 AFA
	4520 N 36TH						
	BOISE ID 83703			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 SWSE ADA County
S28 NWNE ADA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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.O.: 05/30/1989
Licensed Date: 10/26/1993

AUG 3 6 1999

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

Right
63-09758

 Transfer No. _____

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

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. _____

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.

Daniel P. Hudspeth
(Signature of Applicant)

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

SHERL L. CHAPMAN NOTARY PUBLIC STATE OF IDAHO

Sherl L. Chapman
(Notary Public)

My commission expires 6/14/2000

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and — attachments

Received by KB 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 _____

Pub. dates May 2 & 9, 1996 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

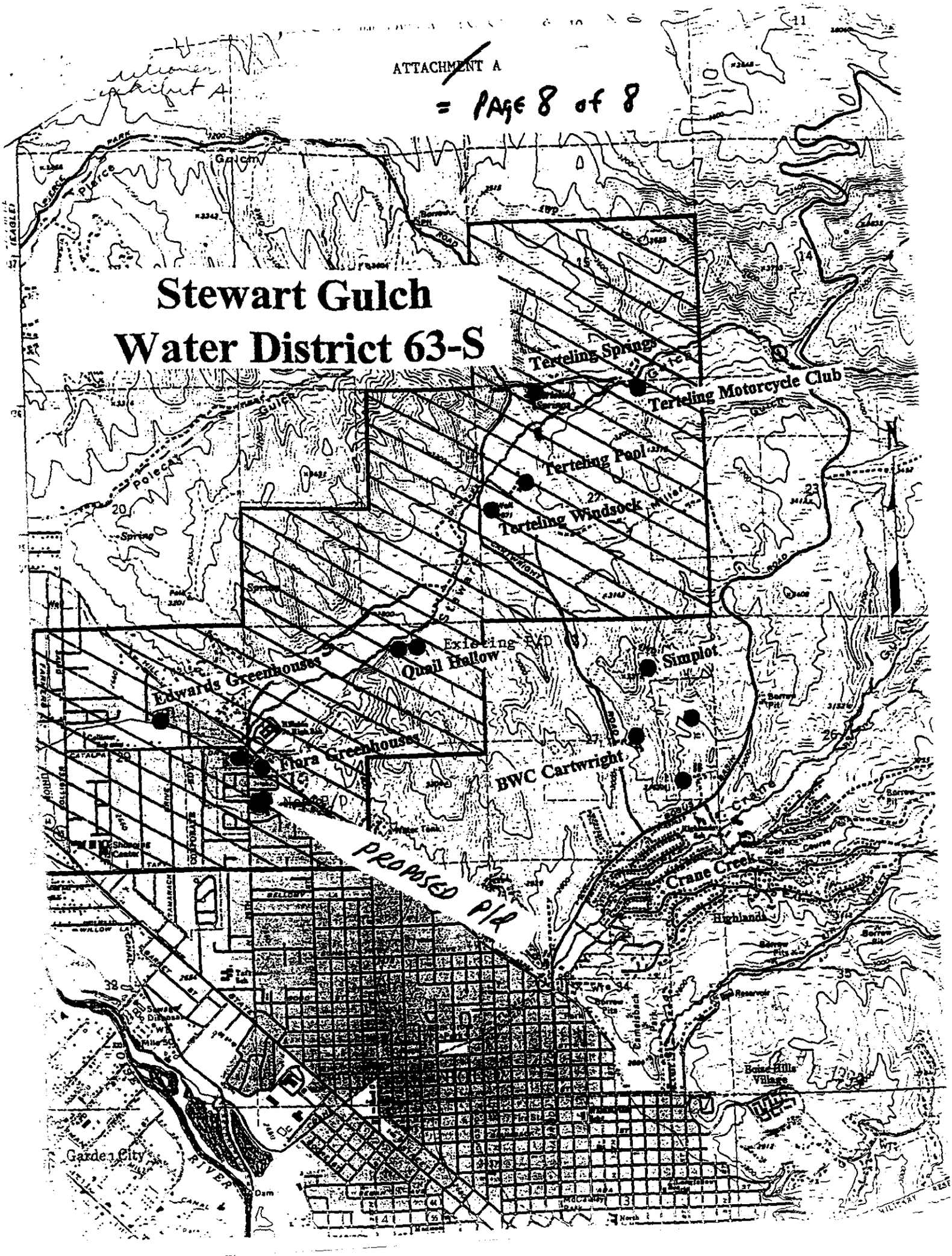
Copy of transfer sent to lien holder _____

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

-SL

ATTACHMENT A

= Page 8 of 8



COPY

RECEIVED
MAR 0 6 1998
Department of Water Resources

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for David Hendrickson, dba Quail Hollow Golf Course

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF LICENSE NO. 63-09758, IN THE NAME OF DAVID HENDRICKSON, dba QUAIL HOLLOW GOLF COURSE	))))))	APPLICANT'S PETITION FOR DECLARATORY RULING

I.

INTRODUCTION

In accordance with Idaho Code section 67-5232 (1995), David Hendrickson, d.b.a. Quail Hollow Golf Course ("Quail Hollow") hereby files this petition for declaratory ruling from the Idaho Department of Water Resources ("IDWR"). Quail Hollow seeks a ruling that any attempt on the part of Quail Hollow to transfer all or a part of water right no. 63-04037 has been withdrawn, and that IDWR no longer has jurisdiction over transfer of that water right. Quail Hollow requests a further declaratory ruling that IDWR cannot impose the conditions sought by Crane Creek Country Club, Inc. ("Crane Creek") and J.R. Simplot Co. ("Simplot") (along with

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AUG 0 6 1999

Terteling Trust #7 ("Terteling") collectively "Protestants") upon water right no. 63-04037. Quail Hollow is filing this petition for a declaratory ruling in response to the contention of Crane Creek and Simplot that certain conditions should be applied to water right no. 63-04037.

II.

FACTUAL BACKGROUND

On March 19, 1996, Quail Hollow filed an Application for Transfer of a Water Right ("transfer no. 4804") with IDWR. The transfer application sought to add a point of diversion for water rights no. 63-09758 ("Tee Limited Well") and 63-04037 ("Nibler Well"). It was subsequently brought to Quail Hollow's attention that it was not the legal owner of water right no. 63-04037 and that the water right is owned by Vancroft Corporation ("Vancroft").

Protests to Quail Hollow's application were filed by Crane Creek, Simplot, and Terteling, among others. However, Crane Creek and Simplot subsequently withdrew their protests, subject to the requirement that certain conditions would be applied to the water rights which were the subject of the transfer. Simplot's withdrawal of protest was received by IDWR on August 1, 1996, and Crane Creek's was received by IDWR on August 14, 1996. On December 19, 1996, Quail Hollow amended its application by deleting any reference to water right no. 63-04037. This amendment is reflected by a letter from Steve Lester, Deputy Regional Manager of IDWR (Exhibit A), dated December 19, 1996. A copy of that letter was delivered to Terteling Trust and counsel for Terteling Trust. Both Crane Creek and Simplot have stated that subsequent to the withdrawal of their protests, neither received any further notice regarding transfer no. 4804, until the proposed order was received. *Petition for Reconsideration of Preliminary Order* by J.R.

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Simplot Co. and Crane Creek Country Club, dated July 11, 1997. The change to the transfer application is also reflected by an Amended Application for Transfer of a Water Right (Exhibit B).

On June 27, 1997, after a hearing, IDWR issued a preliminary order regarding transfer no. 4804. The preliminary order listed certain conditions that would be attached to water right no. 63-09758. Because Quail Hollow had withdrawn its application as to water right no. 63-04037, the conditions for the transfer as set forth in the preliminary order made no mention of water right no. 63-04037. Terteling filed a petition for reconsideration regarding an issue which is not pertinent to this declaratory ruling motion. Crane Creek and Simplot also filed a joint petition for reconsideration. That motion seeks, in part, to have certain conditions attached not only to water right no. 63-09758, but also to 63-04037. IDWR granted the petitions for reconsideration on July 30, 1997.

The purpose of this motion is to seek a declaratory ruling from IDWR that it has no jurisdiction to attach conditions to water right no. 63-04037, because that right was withdrawn or dropped from the application for transfer no. 4804.

III.

ARGUMENT

Idaho Code section 42-222 states, in pertinent part, that upon receipt of a transfer application and after conducting an examination, "[t]he director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, . . . " I.C. § 42-222(1) (Supp. 1997). However, in this case, there is no transfer application for water right no. 63-04037 upon which the Director may rule. The application for transfer as to that right has been withdrawn.

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A. The Idaho Supreme Court has Endorsed the Withdrawal of an Application in Analogous Proceedings.

Quail Hollow should not be forced to pursue (even assuming it was the legal owner) its transfer application for water right no. 63-04037. In addition, Vancroft should not be forced to accept conditions on its water right which might be imposed via a transfer for which it did not apply. In fact, the Idaho Supreme Court has permitted the withdrawal of an application to amend a permit, a situation analogous to the one currently before IDWR. In that case, Hardy sought an additional point of diversion for his permits, pursuant to Idaho Code section 42-204. IDWR approved the application, although it imposed certain conditions on the approval. Hardy was not pleased with the conditions, and ultimately appealed to the Idaho Supreme Court. *Hardy v. Higginson*, 123 Idaho 485, 849 P.2d 946 (1993). The Idaho Supreme Court allowed the withdrawal of the permit amendment application at an even later stage in the proceedings than the stage at which Quail Hollow withdrew or dropped water right no. 63-04037 from its transfer application.

After ruling, *inter alia*, that the Director of IDWR could impose conditions on Hardy's permit, the Court stated the following:

> However, this is not to say that a permittee requesting an amendment to a water permit must accept the risk of losing any previously approved points of diversion. If a permittee finds the conditions to be unsatisfactory, the permittee should be allowed to withdraw the application for amendment and be left with what the permittee had before submitting the application to the IDWR. Similarly, a permittee should be allowed to appeal any conditions imposed by a Director, to ensure that such conditions were not imposed unreasonably or arbitrarily, without fear of losing the State's consent to put the water to a beneficial use under the terms of the original permit.

1999

Id. at 491, 849 P.2d at 952. Thus, the Idaho Supreme Court held that an applicant may withdraw his or her application for amendment even after the entire formal hearing process, and after the application had been approved.

Quail Hollow is in an even better procedural posture than Hardy. Even assuming that Quail Hollow had actual authority to transfer water right no. 63-04037, and even if the entire transfer process had been completed before Quail Hollow dropped water right no. 63-04037 from its transfer application, there is a strong argument that under *Hardy*, Quail Hollow would still be allowed to withdraw its application as to water right no. 63-04037. However, Quail Hollow withdrew water right no. 63-04037 from consideration even before the formal hearing began, and in fact, before hearing on the matter had even been scheduled. Quail Hollow did not wait until after the entire formal hearing had taken place and a decision rendered. Thus, the withdrawal by Quail Hollow will have even less of an economic impact on the parties and the taxpayers than the withdrawal which would have been allowed by the Idaho Supreme Court in *Hardy*.

Quail Hollow is in a stronger position than Hardy for another reason. In *Hardy*, the Court drew a distinction between water users who have applied for a permit, and those who have a licensed or statutory beneficial use water right. The Court noted that:

> In *Big Wood Canal Co. v. Chapman*, 45 Idaho 380, 263 P. 45 (1927), the Court held that there was not retroactive application of a statute which extended the time for making proof of application of water to a beneficial use because the affected permittee in that case had only an inchoate or contingent right which was vulnerable to being abridged or modified by law. In describing the type of right a water permittee has, the Court stated:
>
> > By application for permit . . . the permittee secures an inchoate right which will ripen into a legal and complete appropriation by compliance with the statutory steps. Such right is merely a contingent right, which may ripen into a complete appropriation, or may be

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> defeated by a failure of the holder to meet the statutory requirements. The permit, therefore, is not an appropriation of the public waters of the state. It is not real property. It is merely a consent given by the state to construct and acquire real property.

45 Idaho at 402, 263 P. at 52. Likewise, in *Hidden Springs Trout Ranch v. Allred*, 102 Idaho 623, 636 P.2d 745 (1981), the Court held that an applicant for a water permit did not possess the type of vested rights which were immune to subsequent legislation. Although the Court specifically noted that it was not addressing the situation where a water permit is involved, the Court defined an applicant's rights as inchoate rights "which may ripen into a vested interest following proper statutory adherence." 102 Idaho at 625, 636 P. 2d 745.

Hardy, 123 Idaho at 490-91, 849 P.2d at 951-52. In *Hidden Springs Trout Ranch*, the Court also took special pains to note that it was not discussing "the status of one who has acquired an adjudicated right, a licensed right or an unadjudicated 'constitutional' right to water as defined in Idaho statutes or the Idaho Constitution." *Hidden Springs Trout Ranch*, 102 Idaho at 624-25, 636 P.2d at 746-47 (emphasis added). Therefore, one who holds an unadjudicated beneficial use water right, and who has adhered to any applicable statutory and constitutional provisions, has a stronger property right than a permittee.

A claim has been filed in the SRBA for water right no. 63-04037. *See* Exhibit B. Furthermore, that right has a claimed priority date of 1931, forty years before the mandatory permit system became effective. Therefore, water right no. 63-04037 is a property right, not an inchoate right like that protected in *Hardy*. This arguably renders water right no. 63-04037 even less vulnerable than a permit to involuntary conditions.

The Idaho Supreme Court has ruled that an application to amend a permit can be withdrawn, and that a permittee is not required to accept conditions attached to a proposed change to his or her permit. Instead, the permittee may choose to leave his or her permit in its

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original form. Those principles should apply even more strongly to a constitutional beneficial use water right which has a claimed priority date of 1931, which only needs to be confirmed in the SRBA, and to which no change has been sought by the owner.

B. A Protestant to an Application for Transfer Should not be Permitted to Force an Applicant or Property Owner to Proceed with the Application, when the Application has Clearly Been Withdrawn.

Quail Hollow, as the Applicant, has the burden of proof in a transfer application proceeding. *Idaho Department of Water Resources Conference and Hearing Procedure*, Attachment to Notice of Hearing, March 10, 1997. After the correct ownership of water right no. 63-04037 was brought to Quail Hollow's attention, it decided that the only correct option was to drop that water right from its transfer application. Now, however, the Protestants wish to force Vancroft to accept conditions on water right 63-04037 even though the transfer application for that right has been withdrawn, and even though the party which originally filed the transfer application did not have the proper legal authority to do so.

In other words, the Protestants are attempting to force Quail Hollow (and Vancroft) to carry a burden of proof which they do not wish to carry, and which they should not be legally required to carry. There is no authority for the proposition that Quail Hollow and Vancroft should be required to defend Vancroft's water right via a forced transfer proceeding. In fact, common sense tells one that a party with the burden of proof, who bears the risk of losing if the burden is not carried, should not be compelled by an opposing party to take that risk and assume that burden.

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C. The IDAPA Rules Which Apply to the Idaho Department of Water Resources Demonstrate a Clear Intent to Resolve Contested Applications Quickly and Economically.

Rule 52 of the Rules of Procedure for IDWR provides that the Rules "will be liberally construed to secure just, speedy and economical determination of all issues presented to the agency. Unless prohibited by statute, the agency may permit deviation from these rules when it finds that compliance with them is impracticable, unnecessary or not in the public interest. . . ." IDAPA 37.01.01.052. Thus, the overarching concern of the Rules is that they be applied in a manner which allows matters addressed by IDWR to be resolved not only fairly and justly, but with speed and economy firmly in mind.

Several other Rules illustrate those principles. First, Rule 554 governs conferences at hearing, and permits the presiding officer to conduct conferences immediately before the hearing and during recesses in the hearing in order to resolve "matters that may expedite orderly conduct of the hearing." IDAPA 37.01.01.554. This is another example of how the Rules contemplate speedy resolution of contested matters before IDWR. Certainly, withdrawal of a portion of a water right from consideration expedites orderly "conduct of the hearing," since it obviates the need for a formal hearing. *See also* IDAPA 37.01.01.510 (setting forth similar rationales for prehearing conferences).

Second, as noted in the Rules, "[t]he Idaho Legislature encourages informal means of alternative dispute resolution (ADR). . . These alternatives can frequently lead to more creative, efficient and sensible outcomes than may be obtained under formal contested case procedures. . . ." IDAPA 37.01.01.500. While withdrawal of the Application is not one of the

1993

specific types of ADR contemplated by Rule 500, it certainly leads to an "efficient and sensible"outcome. The transfer of water right no. 63-04037 is no longer being sought, which means that there will be no injury to other water rights, nor an adverse effect on the local public interest. In fact, it would be inefficient and nonsensical to force Quail Hollow and/or Vancroft to continue to pursue an application when they clearly do not wish to do so.

IV.

CONCLUSION

Quail Hollow withdrew water right no. 63-04037 from its transfer application. At that point, the water right was no longer at issue, and there was no longer a transfer application to consider as to that water right. Thus, there was no transfer to which IDWR might attach the conditions sought by Simplot and Crane Creek. In other words, and at the simplest level, IDWR no longer had jurisdiction over the non-existent transfer application for water right no. 63-04037. IDWR cannot impose the conditions sought by Simplot and Crane Creek to water right no. 63-04037, and Quail Hollow respectfully seeks a declaratory ruling to that effect.

DATED this 6th day of March, 1988.

ELAM & BURKE, P.A.

Scott L. Campbell, Of the Firm
Attorneys for Quail Hollow

Angela D. Schaer, Of the Firm

AUG 0 6 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 1998, I caused a true and correct copy of the foregoing **APPLICANT'S PETITION FOR DECLARATORY RULING**, to be mailed by depositing same in the United States mail, postage prepaid, to:

Gary Spackman
Western Region Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Daniel V. Steenson
Ringert Clark Chtd.
PO Box 2773
Boise, ID 83701

William Collins
Westberg, McCabe & Collins
PO Box 2836
Boise, ID 83701

Michael Creamer
Givens, Pursley & Huntley
PO Box 2720
Boise, ID 83701

Shawn Del Ysursa
J.R. Simplot Land & Development
PO Box 27
Boise, ID 83707

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Glen Wersch
Ellen Jones
PO Box 3113
Boise, ID 83701

and by hand-delivering the original and one copy to:

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Scott L. Campbell

RECEIVED
AUG 06 1999

EXHIBIT - A -

AUG 3 0 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 19, 1996

Remaining Protest 12/96

WILLIAM D COLLINS
WESTBERG MCCABE & COLLINS
PO BOX 2836
BOISE ID 83701

See 5/16/96 protest document e Terteling

KENNETH R ARMENT
1770 W STATE ST STE 339
BOISE ID 83702

RE: APPLICATION FOR TRANSFER NO. 4804 (AMENDED) IN THE NAME OF QUAIL HOLLOW GOLF COURSE

Dear Gentlemen:

The above-referenced transfer application was amended today by the applicant. The older right, no. 63-04037, has been deleted from the application. That right is also known as the "Nibler right".

The proposed use of the cold water well to be added to the golf course system will therefore only reference the junior right, no. 63-09758. Re-advertising of the application is not necessary based on a reduction in the filing.

It is my understanding that the applicant and the remaining protestant (Terteling) have been working to resolve the last protest in order for application processing to be completed by the department. If the protest cannot be withdrawn through that method, the matter must be set for hearing as soon as possible in anticipation of the 1997 irrigation season.

This letter requests an update by January 3, 1997 regarding the remaining protest. Any withdrawal of protest must be completed in writing.

Thank you for your prompt attention to this matter. Please contact me if I can assist you in any way.

Sincerely,

Steve Lester
Deputy Regional Manager

RECEIVED
DEC 23 1996

c: Dave Hendrickson
Sherl Chapman
Terteling Trust No. 7
IDWR State Office - John Homan and Protest File (Vault)

EXHIBIT - B -

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Form 1-222
12 92

Page 1 of 8

Transfer No. 4804

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

AMENDED TO DELETE 63-04037 ON 12/19/96

Name of applicant David Hendrickson DBA Quail Hollow Golf Course Phone 208-344-7807

Post Office address 4520 N 36th St, Boise ID 83703

A. PURPOSE OF TRANSFER

CORRECTED locations, not wells

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Existing water supply is highly regulated and subject to curtailment during the irrigation season. A new well has been drilled in a non-regulated area to allow more efficient irrigation management.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

DELETE 12-19-96 DH

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
63-09758	6-30-81	1.31/495	Irrigation	3/15	to 11/15
		2 ac/ft	Aesthetics	1/1	to 12/31
~~63-04037~~	~~10-1-91~~	~~2.40~~	~~Irrigation~~	~~4/1~~	~~to 10/31~~
					to

2. Total amount of water being transferred ~~3.71~~ 1.31 cubic feet per second and/or 2.00 (STORAGE) acre-feet per annum.
3. Source of water Ground water tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	28	4N	2E	Ada	2 Existing Pts (CORRECTED LOCATION)
		NW	SW	28	4N	2E	Ada	Proposed (COLD WATER WELL)

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

THIS is REVISED APPL., REPLACES ORIGINAL

Transfer No. 4804

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 _____, 19____.

AUG 0 6 1999

Also corrects location of 2 lot wells -PL

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	USE PERIOD 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	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE 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

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

AUG 0 6 1993

Right 63-04037
N/A per
12/19/96 Amend.
-CA

Ps 4

AJ0749NP
No. A63-04037

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

DATE: 03/2
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD 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

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLA

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

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SU
04N	02E	21												10			10		20.
04N	02E	28		15			05	20											40.
																		TOTAL ACRES	60.

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:

AUG 0 6 1997

SRBA Claim
A63-04037 N/A
Agr 12/19/96 Amend.
-SL

Pg 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	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID E HENDRICKSON DBA QUAIL HOLLOW GOLF COURSE 4520 N 36TH BOISE ID 83703	06/30/1981	IRRIGATION	03/15	10/15	1.310 CFS	495.00 AFA
			AESTHETIC	01/01	12/31		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 SWSE ADA County
S28 NWNE ADA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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

Basin 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.O.: 05/30/1989
Licensed Date: 10/26/1993

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

Right
63-09758

Transfer No. _____

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.

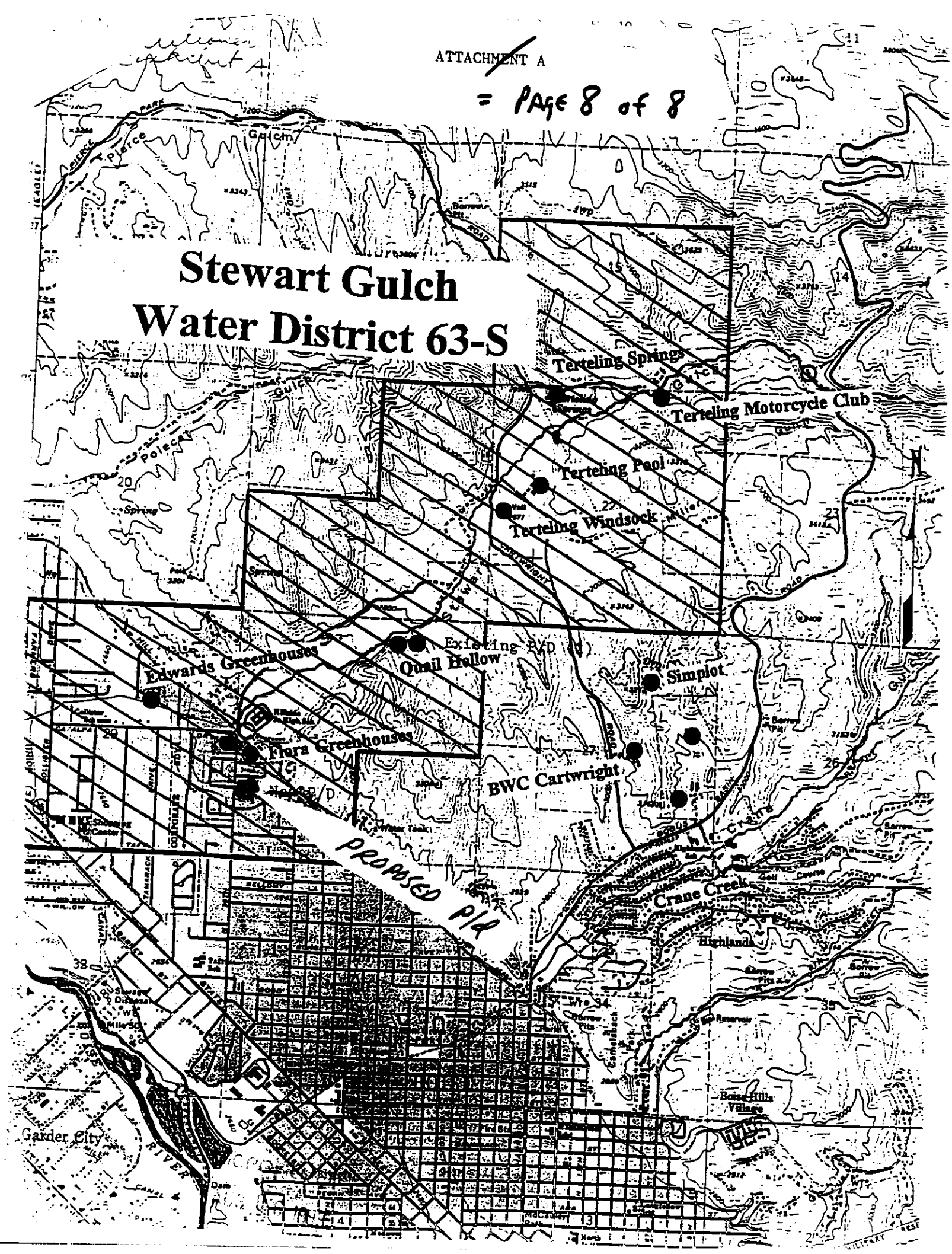
See Attachment "A" = Ps. 8

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

ATTACHMENT A

= Page 8 of 8



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF ~~PERMIT~~ LICENSE 63-09758 IN THE NAME OF DAVID HENDRICKSON, DBA QUAIL HOLLOW GOLF COURSE	**AMENDED NOTICE OF CONFERENCE**

On March 19, 1996, David Hendrickson, DBA Quail Hollow Golf Course, filed with the Department of Water Resources (department) application for transfer of water right no. 63-09758. The application was protested by The Terteling Trust #7, Simplot Land & Development, Crane Creek Country Club, Vicki Jones and Glen Wersch &/or Ellen Jones. Glen Wersch &/or Ellen Jones, Crane Creek Country Club and Simplot Land & Development withdrew their protests. Vicki Jones' protest was dismissed by Default Order. A hearing was held on Thursday, April 17, 1997, and a preliminary order was issued. Crane Creek Country Club, J. R. Simplot Co., and Terteling Trust timely filed petitions for reconsideration of the preliminary order.

A conference for the above-referenced matter is scheduled for February 26, 1998, at 1:30 p.m. at the Department of Water Resources, conference rooms A & B, 1301 N. Orchard, Boise, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 5th day of February, 1998.

Gary Spackman

Gary Spackman

AUG 0 6 1999

CERTIFICATE OF MAILING

I hereby certify that on the 5TH day of, February, 1998 I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor

Sue Taylor
Senior Secretary

DAVID HENDRICKSON
DBA QUAIL HOLLOW GOLF COURSE
4520 N 36TH ST
BOISE ID 83703

TERTELING TRUST #7
C/O WILLIAM D COLLINS
PO BOX 2836
BOISE ID 83701-2836

JOHN HOMAN
ID DEPT OF WATER RESOURCES
1301 N ORCHARD
BOISE ID 83706

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

MICHAEL CREAMER
GIVENS PURSLEY & HUNTLEY
PO BOX 2720
BOISE ID 83701

GLEN WERSCH
ELLEN JONES
PO BOX 3113
BOISE ID 83701-2773

CRANE CREEK COUNTRY CLUB
C/O D A STEENSON
PO BOX 2773
BOISE ID 83701-2773

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83703-0027

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83702

AUG 0 6 1999

CONFERENCE AND HEARING PROCEDURE
APPLICATION FOR TRANSFER

ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1) Will the proposed transfer injure other water rights?

2) Will the proposed transfer constitute an enlargement in use of the original right?

3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1,2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers,schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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HEARING

The department will tape record the hearing. Copies of the hearing are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. After the hearing, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may waive their right to a recommended order, by written stipulation, particularly when a shortened decision process is desirable or necessary. A waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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AUG 0 6 1999

ROSTER OF ATTENDANCE

IDAHO DEPARMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Re: Application No. 63-09758 in the Name of David Hendrickson, DBA Quail Hollow Golf Course

Place: IDWR, 1301 N. Orchard, Boise, Idaho 83706

Date: Thursday, February 26, 1998

Conducted by: Gary Spackman

NAME	ADDRESS
Vic Conrad	P.O. Box 27, Boise, ID 83707
SHAWN DEL YSURSA	P.O BOX 27, BOISE, ID 83707
Charlie Honsinger	P.O. Box 2337 Boise, ID 83701
JOE TERTELING	877 W MAIN # 706 02
William D. Collins	P.O. Box 2836 Boise 83701
Tom Tenteling	877 W. MAIN St. # 706 02
Michael Creamer	277 N. Sixth Str, Boise 83701
DAVID E. HENDRICKSON	4520 N. 36th BOISE 03
Scott H. Campbell	P.O. Box 1539 Boise 83701
John W Thorn	1301 N. Orchard Boise, 83706

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