

RECEIVED

JUN 9 1969

Department of Reclamation

STATE OF IDAHO, }  
COUNTY OF ADA } ss.

Georgene Davis

, being duly sworn,  
deposes and says: That she is the Principal Clerk of The Idaho  
Daily Statesman, a daily newspaper printed and published at  
Boise, Ada County, State of Idaho, and having a general circula-  
tion 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 Daily Statesman for

Two

~~consecutive~~

insertions, beginning with the  
issue of May 29, 1969, and ending with the  
issue of June 5, 1969.

*Georgene Davis*

Subscribed and sworn to before me this 5th day of

June, 1969.

*Jana A. Young*

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF CLAIM  
TO A WATER RIGHT  
No. 63-4037  
Notice is hereby given that Victor  
L. Nibler, 4250 North 36th, Boise,  
Idaho has filed a claim to a water  
right established by diversion and  
application to beneficial use of 2.4  
cubic feet per second of water from  
a ground water source with point of  
diversion in NW 1/4 NE 1/4 Sec. 28 T. 4  
N. R. 2 E. B.M. in Ada County;  
the water is claimed to be used  
from April 1 to October 31 for irri-  
gation with a priority of use is  
1931 the place of use is  
NW 1/4 NE 1/4, NW 1/4 SE 1/4  
SE 1/4 SW 1/4, SW 1/4 SE 1/4  
4N. R. 2 E. B.M.  
Any exception to this claim of water  
right may be filed with the Depart-  
ment of Reclamation.  
R. KEITH HIGGINSON  
State Reclamation Engineer  
Pub May 29, June 5, 1969.

63 4037

RECEIVED

MAY 16 1969

Department of Reclamation

Identification No.

Claim No.

Map No.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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

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

1. Name of claimant Victor L. Nibler  
post office address 4250 North 36th, Boise, Idaho
2. The point of diversion is in NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Section 28 Township 4 N  
Range 2 E B.M. located on a groundwater source  
(name of source)  
tributary to \_\_\_\_\_ in Ada County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
  - a. Date of priority claimed:  
October 1, 1931 amount: 2.4 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed 2.4 c.f.s. or \_\_\_\_\_ acre feet.
  - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:  
use irrigation period of use from April 1 to October 31 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).
4. Description of diverting works:
  - a. Surface water diversion dam and/or headgate: material is composed of \_\_\_\_\_  
\_\_\_\_\_ ; length is \_\_\_\_\_ feet; height is \_\_\_\_\_ feet;  
width at bottom is \_\_\_\_\_ feet; width at top is \_\_\_\_\_ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is \_\_\_\_\_ feet; diameter of well is \_\_\_\_\_ inches; type of pump is electric turbine  
capacity of pump is \_\_\_\_\_ g.p.m.; name and address of well driller is Jack Dir  
\_\_\_\_\_ ;

63 4037

---

---

---

---

---

if feeder canal is used give maximum carrying capacity\_\_\_\_\_c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

---

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch \_\_\_\_\_ . The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

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

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

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

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

**State of Idaho**

County of Adair } ss.

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

Victor L. Eubler  
Claimant

Sworn to before me this 16<sup>th</sup> day of May, 1969.

M. Russell Soach  
Notary Public

Residing at Boise, Idaho

My commission expires Jan 19, 1973

63 4035

For Department Use Only

Received by DR Date 5-16-69

Exception filed by:

Forwarded to  
claimant by:

Date \_\_\_\_\_

Prelim. check by DR

Date 5-16-69

Fee received by K. H.

Date 5-16-69 Fee \$ 10.00

Approved for publication by

bk 5-22-69

Published in

Ada U. Stone

Date: 5/4/22

63 403

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                     |                |                      |                   |           |
|---------------------------|---------------------|----------------|----------------------|-------------------|-----------|
| Date of priority claimed: | <u>May 18, 1871</u> | amount:        | <u>0.8 c.f.s. or</u> | <u>          </u> | acre feet |
|                           | <u>June 1, 1901</u> | amount:        | <u>0.4 c.f.s. or</u> | <u>          </u> | acre feet |
|                           |                     | Total claimed: | <u>1.2 c.f.s. or</u> | <u>          </u> | acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

SNAKE RIVER



HYDRO POWER

# IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

May 15, 1969

To Whom It May Concern:

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

Very truly yours,

O. D. Mullins

Asst. Division Acctg. Mgr.

ODM:po

A/C 0625-2460-2

4-85

39/28 232 (1937)

Boise, Idaho -

**THE STATESMAN NEWSPAPER**

BOISE, IDAHO

FOR LEGAL ADVERTISING

. Idaho Dept. Reclamation  
. Statehouse - Annex 2  
. Boise, Idaho 83707  
.

| DATE                                                                                                                                                                                                                                                                 | DESCRIPTION                            | INCHES | TOTAL<br>INCHES | CHARGES | CREDITS | BALANCE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------|-----------------|---------|---------|---------|
|                                                                                                                                                                                                                                                                      | BALANCE STATEMENT RENDERED             |        |                 |         |         |         |
| JUN 5 69                                                                                                                                                                                                                                                             | WATER APPL 63 4037<br>Victor L. Nibler | 24L 2x |                 | 6.00    |         | 6.00    |
| <p>I hereby certify that the above account is correct and<br/>just that services were actually rendered as charged<br/>and that we have not received payment therefor<br/>Signed STATESMAN PRINTING CO<br/>By <i>J. A. Young</i></p> <p><i>submitted 6-13-69</i></p> |                                        |        |                 |         |         |         |

TERMS: NET BY 10TH OF MONTH FOLLOWING

63 4037

LAST AMOUNT IN  
THIS COLUMN  
IS BALANCE  
DUE

## THE STATESMAN NEWSPAPER S

BOISE, IDAHO

FOR LEGAL ADVERTISING

- Idaho Dept. Reclamation
- Statehouse - Annex 2
- Boise, Idaho 8707

| DATE                                                                                                                                                                                                           | DESCRIPTION                            | INCHES | TOTAL<br>INCHES | CHARGES | ✓ | CREDITS | BALANCE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------|-----------------|---------|---|---------|---------|
|                                                                                                                                                                                                                | BALANCE STATEMENT RENDERED             |        |                 |         |   |         |         |
| JUN 5 69                                                                                                                                                                                                       | WATER APPL 63 4037<br>Victor L. Nibler | 2 1/2  | 2x              | 6.00    |   |         | 6.00    |
| <p>I hereby certify that the above account is correct and<br/>that the services were actually rendered as charged<br/>and that we have not received payment therefor.</p> <p>Signed STATESMAN PRINTING CO.</p> |                                        |        |                 |         |   |         |         |

TERMS: NET BY 10TH OF MONTH FOLLOWING

LAST AMOUNT IN  
THIS COLUMN  
IS BALANCE  
DUE

63 4037

JUN 9 1969

Department of Reclamation

STATE OF IDAHO, }  
COUNTY OF ADA } ss.

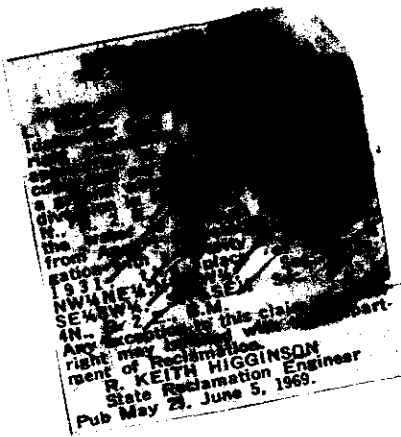
Georgene Davis, being duly sworn,  
deposes and says: That she is the Principal Clerk of The Idaho  
Daily Statesman, a daily newspaper printed and published at  
Boise, Ada County, State of Idaho, and having a general circula-  
tion therein and which said newspaper has been continuously and  
uninterruptedly 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 Daily Statesman for

Two ~~consecutive~~ insertions, beginning with the  
issue of May 29, 1969, and ending with the  
issue of June 5, 1969.

Georgene Davis  
Subscribed and sworn to before me this 5th day of

June, 19 69

James A. Young  
Notary Public for Idaho, Residing at Boise, Idaho



RECEIVED

FEB 13 2001

WESTBERG, McCABE & COLLINS, CTD.

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

Department of Water Resources

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

FAX  
(208) 336-2121

TELEPHONE  
(208) 336-3200

FACSIMILE TRANSMISSION COVER PAGE

**CONFIDENTIALITY NOTICE** - This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, immediately notify us by telephone to arrange for return of the documents.

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.

**COPY**

**KENNETH R. ARMENT, P.A.**

Attorney At Law

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

TELEPHONE 208 388-3839  
FAX/WORDM 208 388-3839



October 9, 1996

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

**VIA FAX**  
336-2121

RE: Quail Hollow

Dear Bill:

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

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

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

Very truly yours,

Kenneth R. Arment

**COPY**

## MEMORANDUM

RECEIVED  
JAN 7 2000

To: File no. 63-04037, Sue Taylor, <sup>1/5</sup> Kari Lynn Townsend  
From: Gary Spackman *Gary*  
Date: December 28, 1999

RECEIVED

JAN 07 2000

Department of Water Resources

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

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

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

1.7.00 - Protest date removed from WR2 database. Ret

|                      |                                |             |              |
|----------------------|--------------------------------|-------------|--------------|
| Post-It® Fax Note    | 7671                           | Date 1.7.00 | # of pages 1 |
| To <i>Sue Taylor</i> | From <i>Kari Lynn Townsend</i> |             |              |
| Co./Dept.            | Co.                            |             |              |
| Phone #              | Phone #                        |             |              |
| Fax #                | Fax #                          |             |              |

MEMORANDUM

RECEIVED

To: File no. 63-04037, Sue Taylor *st*  
From: Gary Spackman *Gary*  
Date: December 28, 1999

JAN 07 2000

Department of Water Resources

Re: Protest Against Application for Transfer Withdrawn

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

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

Boise, ID 83705  
Page 1 of 1

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, hot 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

| 1. Right Number            | Priority                  | Amount<br>(cfs/ac-ft)  | Nature<br>of Use             | Period of Use         |                            |
|----------------------------|---------------------------|------------------------|------------------------------|-----------------------|----------------------------|
| <u>63-09758</u>            | <u>6-30-81</u>            | <u>1.31/495</u>        | <u>Irrigation</u>            | <u>3/15</u>           | <u>to 11/15</u>            |
|                            |                           | <u>2 ac/ft</u>         | <u>Aesthetics</u>            | <u>1/1</u>            | <u>to 12/31</u>            |
| <del><u>63-04097</u></del> | <del><u>10-1-81</u></del> | <del><u>2.48</u></del> | <del><u>Irrigation</u></del> | <del><u>1/1</u></del> | <del><u>to 10/31</u></del> |
|                            |                           |                        |                              |                       | <u>to</u>                  |

2. Total amount of water being transferred ~~5.71~~ 1.31 cubic feet per second and/or 2.00 acre-feet per annum.
3. Source of water Ground water tributary to (Storage)
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: No Change

[illegible]

~~THIS IS REVISED APPL., REPLACE ORIGINAL~~

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

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

**BEFORE THE DIRECTOR**

**IDAHO DEPARTMENT OF WATER RESOURCES**

|                                  |   |                    |
|----------------------------------|---|--------------------|
| IN THE MATTER OF APPLICATION     | ) | PROTEST OF         |
| FOR TRANSFER NO. 4804, INVOLVING | ) | THE TERTELING      |
| WATER RIGHT NOS. 63-09758        | ) | COMPANY, INC. AND  |
| and 63-04037                     | ) | 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

RECEIVED

MAY 17 1996

Department of Water Resources

RECEIVED

MAY 20 1996

WATER RESOURCES  
WESTERN REGION

MAY 17, 1996

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,<br>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,<br>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.

**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 1<sup>st</sup> day of September, 1998.

  
\_\_\_\_\_  
KARL J. DREHER  
Director

June 16, 1969

Re: Claim to a Water Right No. 63-4037

Mr. Victor L. Nibler  
4250 North 36th,  
Boise, Idaho

Dear Mr. Nibler:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 63-4037. Please refer to this number when adding or changing the information in your claim.

Receipt No. 3042 was given to you at the time you filed the claim.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time as you or the court needs the information.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney  
Appropriation Examiner

DWM:tg

63 4037

May 22, 1969

Re: Claim No. 63-4037 - Victor L. Nibler

Idaho Daily Statesman  
300 North 6th Street  
Boise, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you 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 of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

-----  
Signature of claimant

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:kh

Enclosure: legal notice ( 1 )

63 4037

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4037

Notice is hereby given that Victor L. Nibler, 4250 North 36th,  
Boise, Idaho has filed a claim to a water right  
established by diversion and application to beneficial use of 2.4  
cubic feet per second ~~and feet~~ of water from a ground water source  
with point of diversion in NW $\frac{1}{4}$ NE $\frac{1}{4}$   
Sec. 28, T. 4 N., R. 2 E., B.M. in Ada County; the water is  
claimed to be used from April 1 to October 31 for irrigation  
with a priority of  
October 1, 1931; the place of use is   
NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 28; SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 21, T. 4 N., R. 2 E., B.M.

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

R. KEITH HIGGINSON  
State Reclamation Engineer

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

*sc*

63 4037