



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

R. KEITH HIGGINSON
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 3-1-95

TO: Steve
Wester

FROM: Glen
Sutton

DOCUMENT DESCRIPTION: Hi all "Jamie"

COVER SHEET + 5 PAGES

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DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

THANK YOU!

WESTBERG, McCABE & COLLINS, CTD.

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

RECEIVED
John Z
JAN 25 1995

Department of Water Resources

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

January 25, 1995

FAX
(208) 336-2121

TELEPHONE
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HAND DELIVERED

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
State Office
1301 North Orchard Street
Boise, ID 83706

RE: Water District 63-S, Stewart Gulch

Dear Mr. Higginson:

I have enclosed with this letter a petition to modify the boundaries of the above water district. The petition requests that the boundaries of the district be modified to reflect a hydrological boundary running across the district. The location of the barrier is described in the petition.

The Department's staff, particularly Steve Lester and Homan of the Attorney General's office, have been advised the fact that the petition would be filed and they have been provided the data and background information upon which the petition is based. Also, the Department called a meeting August 23, 1994 of water users within the district for the purpose of having my client's consultant, Edward Squires, explain his findings regarding the boundary. The Department since that meeting has also conducted some additional tests. It is believed that the information presently in the Department's possession supports the pet

I would assume that a hearing needs to be called. I would appreciate a call in advance of scheduling the hearing date so that I could make certain that it fits my schedule.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

William D. Collins
William D. Collins

WDC:sp

cc: Tetzeling Trust No.

RECEIVED

JAN 25 1995

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE

STATE OF IDAHO

IN THE MATTER OF WATER DISTRICT)
63-S, STEWART GULCH)

COUNTY: ADA

PETITION OF TERTELING TRUST NO. 7 TO MODIFY BOUNDARIES OF WATER DISTRICT 63-S

COMES NOW, Terteling Trust No. 7, by and through its attorney, William D. Collins of the firm of Westberg, McCabe & Collins and hereby petitions the Director of The Idaho Department of Water Resources to modify the boundaries of Water District 63-S, Stewart Gulch, to exclude from the District that portion which lies northerly and easterly of a hydrological barrier in the low temperature geothermal aquifer. The Petitioner asserts that the boundaries of the District should be amended to read as follows:

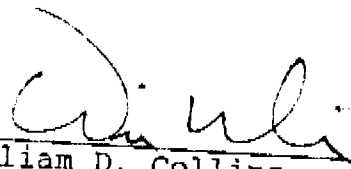
- Commencing at the northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T. 4 N., R. 2 E., B.M., Ada County, Idaho, the real point of beginning;
- thence westerly along the north boundary of Section 21 a distance of approximately 1,980 feet to the north quarter corner of Section 21;
- thence southerly along the north-south center section line of Section 21 approximately 2,640 feet to the center quarter corner of Section 21;
- thence westerly along the north boundary of the SW $\frac{1}{4}$ of Section 21 a distance of approximately 2,640 feet to the west quarter corner of Section 21;
- thence southerly along the west boundary of Section 21 a distance of approximately 2,640 feet to the southwest corner of Section 21;
- thence westerly along the north boundary of Section 29 approximately 5,280 feet to the northwest corner of Section 29;
- thence southerly along the west boundary of Section 29 a distance of approximately 5,280 feet to the southwest corner of Section 29;
- thence easterly along the south boundary of Section 29 a distance of approximately 5,280 feet to the southeast corner of Section 29;

thence along the south boundary of Section 28 a distance of approximately 2,640 feet to the south quarter corner of Section 28;
 thence northerly along the north-south center section line of Section 28 to the center quarter corner of Section 28;
 thence easterly along the north boundary of the SE $\frac{1}{4}$ of Section 28 a distance of approximately 2,640 feet to the east quarter corner of Section 28;
 thence northerly along the west boundary of Section 28 a distance of approximately 2,640 feet to the northeast corner of Section 28;
 thence easterly along the south boundary of Section 22 a distance of approximately 4,620 feet to the southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22;
 thence northwesterly a distance of approximately 7,467 feet, more or less to the real point of beginning.

A map showing the existing boundaries of the District and the area to be excluded is attached as Exhibit A.

The Petitioner submits, based upon data obtained by The Idaho Department of Water Resources and that submitted to the Department by Petitioner through its consultant, Edward Squires, that there is a hydrological barrier in the low temperature geothermal aquifer which has probably occurred through faulting. The location of that barrier is shown on Exhibit A. Water drawn from wells lying northerly and easterly of that barrier has been shown to not affect wells lying southerly and westerly of that barrier. As a consequence, Petitioner requests that the boundaries of Water District 63-S be modified so as to only comprise that part of the District lying southerly and westerly of the barrier.

DATED This 25 day of January, 1995.


 William D. Collins
 Attorney for Petitioner,
 Terteling Trust No. 7

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document was mailed, postage prepaid, to the following on this 25 day of January, 1995:

Kenneth R. Arment
770 West State St., Ste. 339
Boise, ID 83702
Attorney for Quail Hollow Golf Club

John W. Homan
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Attorney for Idaho Department of Water Resources

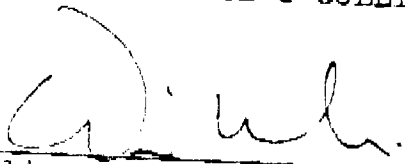
William R. Snyder
Coffin, Snyder & Matthews
P.O. 2338
Boise, ID 83701
Attorney for Flora Co.

Edward Greenhouse
C/O Paul W. Edwards
4203 Catalpa Drive
Boise, ID 83703

M. E. & R. E. Ryan
4505 Foothill Drive
Boise, ID 83703

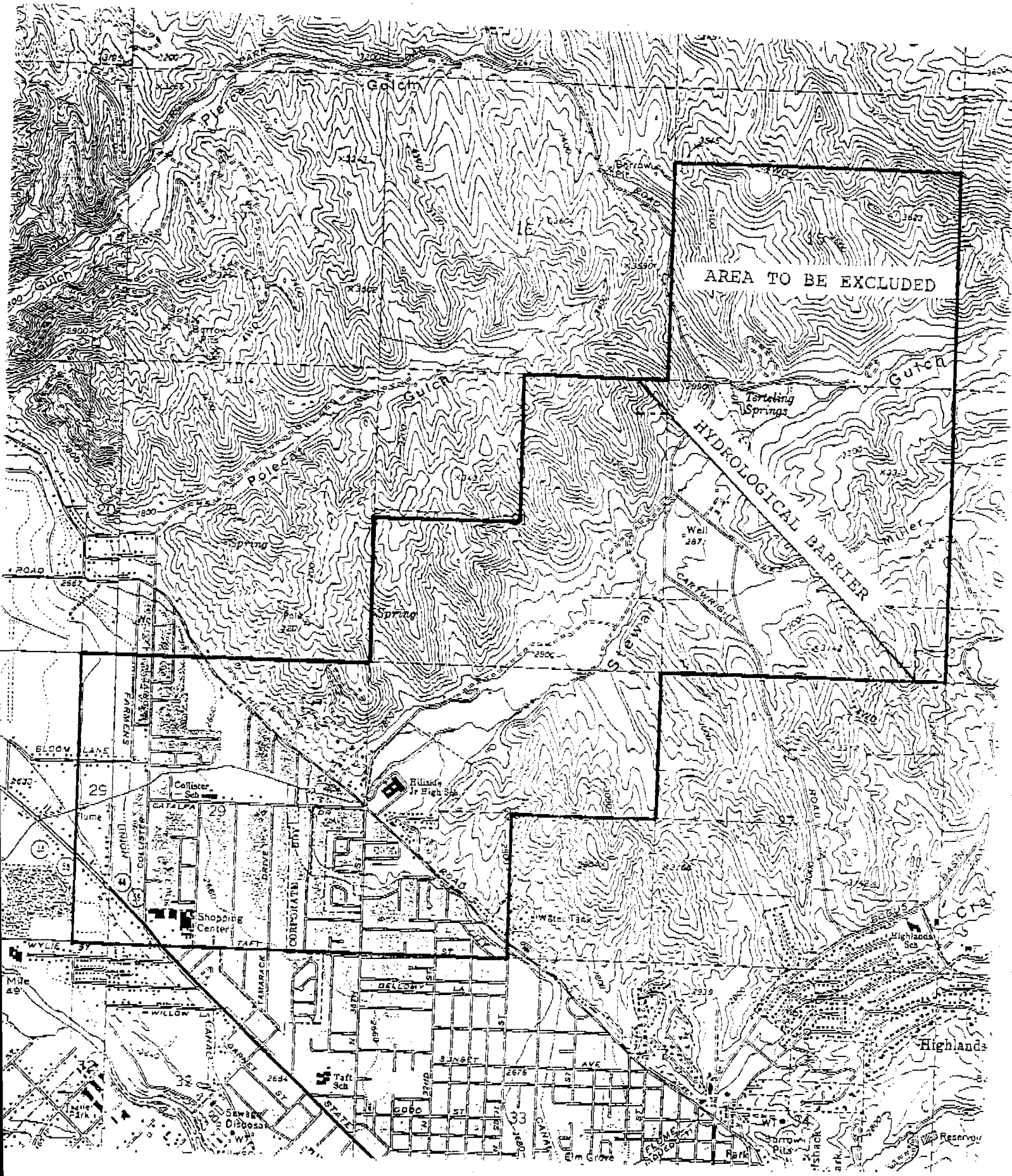
Sherman Nelson
4015 Whitehead Street
Boise, ID 83703

WESTBERG, MCCABE & COLLINS, Ctd.



William D. Collins

EXHIBIT A
TO PETITION OF TERTELING TRUST NO. 7
TO MODIFY BOUNDARIES OF WATER DISTRICT 63-S



BEFORE THE DEPARTMENT OF WATER RESOURCES
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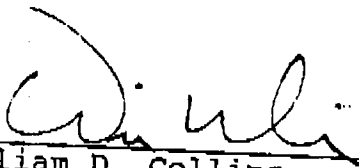
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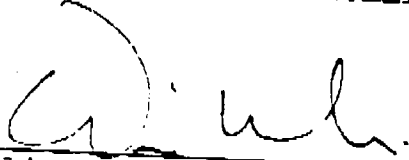
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