

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

In Re SRBA	)	Subcase No.: 63-2611A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
_____	)	

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

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

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

CLAIMANT

Mallard Farms Limited Liability Company

Shirley A. Waller 6/8/2008

Date

OBJECTOR

Riverside Irrigation District

Date

RESPONDENT

E. Gail McGarry
USA acting through the Dept. of Int.,
Bur. of Rec., Reg. Dir. PN Code-3100

Date

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CLAIMANT

Mallard Farms Limited Liability Company

James G. Wallen 6/8/2008
Date

OBJECTOR

Riverside Irrigation District

[Signature] 6/10/08
Date

RESPONDENT

E. Gail McGarry

USA acting through the Dept. of Int.,
Bur. of Rec., Reg. Dir. PN Code-3100

Date

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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CLAIMANT
Mallard Farms Limited Liability Company

David G. Waller 6/8/2008
Date

OBJECTOR
Riverside Irrigation District

RESPONDENT *David W. Gehlert*, ^{Date} Department
of Justice
E. Gail McGarry UNCLER STAFFS
USA acting through the Dept. of Int.,
Bur. of Rec., Reg. Dir. PN Code 3100
[Signature] 6/17/08
Date

IDWR CONCURRENCE

Vicky Music, Sr. Water Resource Agent

Vicky Music 6-19-08
Date

IDWR CONCURRENCE

Nick Spencer, Deputy Attorney General

Nick Spencer 6-19-08
Date

SF5 - Amended Director's Report

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MALLARD FARMS LIMITED LIABILITY COMPANY
DBA ~~M & M PARTNERSHIP LLC~~
504 N PHILLIPPI ST
BOISE ID 83706

SOURCE: BALDRIDGE DRAIN AND MEADOWS DRAIN TRIBUTARY: BOISE RIVER
~~MEADOWS DRAIN~~ TRIBUTARY: ~~BOISE RIVER~~

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 Lot 3 NENW Within CANYON County

~~T05N R05W S27 NENW Within CANYON County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

2.280 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S21 Lots 4 & 8 NENE 25.00 T05N R05W S21 Lots 3 & 7 SWNE 17.00

T05N R05W S21 Lot 8 SENE 24.00 T05N R05W S22 NWNW 20.00

T05N R05W S22 Lot 4 SWNW 28.00

114 ACRES TOTAL

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

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

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

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this water is combined with water from the Haas Ditch Co.
Right No. 63-2611B is also diverted through point of diversion described above.

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MALLARD FARMS LIMITED LIABILITY COMPANY
DBA M & H PARTNERSHIP LLC
504 N PHILLIPPI ST
BOISE ID 83706

SOURCE: BALDRIDGE DRAIN AND MEADOWS DRAIN TRIBUTARY: BOISE RIVER
MEADOWS DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 Lot 3 NENW Within CANYON County

~~T05N R05W S27 NENW Within CANYON County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.280 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S21 Lots 4 & 8 NENE 25.00 T05N R05W S21 Lots 3 & 7 SWNE 17.00

T05N R05W S21 Lot 8 SENE 24.00 T05N R05W S22 NWNW 20.00

T05N R05W S22 Lot 4 SWNW 28.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this water is combined with water from the Haas Ditch Co. Right No. 63-2611B is also diverted through point of diversion described above.

SF5 - Amended Director's Report

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MALLARD FARMS LIMITED LIABILITY COMPANY
DBA-W-L-H-PARTNERSHIP-LLC
504 N PHILLIPPI ST
BOISE ID 83706

SOURCE: BALDRIDGE DRAIN AND MEADOWS DRAIN TRIBUTARY: BOISE RIVER
MEADOWS DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 Lot 3 NENW Within CANYON County

T05N R05W S27 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

2.280 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S21 Lots 4 & 8 NENE 25.00 T05N R05W S21 Lots 3 & 7 SWNE 17.00

T05N R05W S21 Lot 8 SENE 24.00 T05N R05W S22 NWNW 20.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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SF5 - Amended Director's Report

CERTIFICATE OF SERVICE

I certify that on June 19, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

Riverside Irrigation District
PO Box 1080
Parma, ID 83660

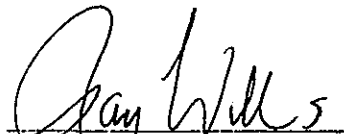
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

E. Gail McGarry
USA acting through the Dept.
of Int., Bur. of Rec., Reg. Dir.
PN Code-3100
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

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

Mallard Farms Limited
Liability Company
504 N. Phillippi St.
Boise, ID 83706

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


Signature of person or attorney mailing the form