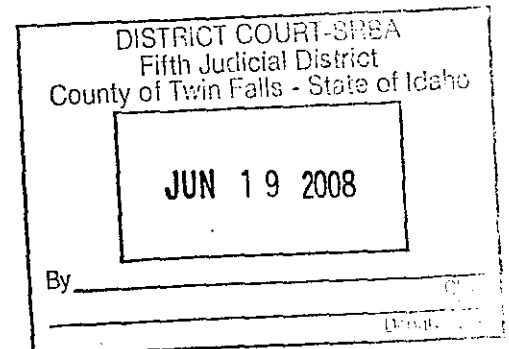




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No.: 63-2611B

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

W & H Limited Liability Company

David A. Waller 6/9/2008
Date

OBJECTOR

Riverside Irrigation District

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
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No.: 63-2611B
	)	
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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

W & H Limited Liability Company

Terrell C. Waller 6/9/2008
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
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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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
W & H Limited Liability Company

David C. Waller 6/9/2008

Date

OBJECTOR
Riverside Irrigation District

RESPONDENT

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

[Signature] 6/17/09
Date

David W. Geh
Department
Justice
United State
America.

STANDARD FORM 5

June 4, 2008

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

June 4, 2008

SF5 - Amended Director's Report

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

RIGHT NUMBER: 63-2611B

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

SOURCE: BALDIDGE 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 NW1/4 Within CANYON County
T05N R05W S27 NW1/4 Within CANYON County
T05N R05W S27 Lot 3 NE1/4 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 Lot 7 SW1/4	20.00	T05N R05W S21 Lot 8 SE1/4	13.00
T05N R05W S21 Lot 6 SE1/4	16.00	T05N R05W S21 Lot 9 NW1/4	30.00
T05N R05W S21 NW1/4	12.00	T05N R05W S22 Lot 4 SW1/4	1.00
T05N R05W S22 Lot 3 NW1/4	22.00		

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 Haas Ditch Co.
Right No. 63-2611A 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: 63-2611B

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

SOURCE: BALDWIN 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 S22 NWNW Within CANYON County~~
~~T05N R05W S22 NWNW Within CANYON County~~
T05N R05W S22 Lot 3 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 Lot 7 SWNE	20.00	T05N R05W S21 Lot 8 SENE	13.00
T05N R05W S21 Lot 6 SENW	16.00	T05N R05W S21 Lot 9 NENE	30.00
T05N R05W S21 NWSE	12.00	T05N R05W S22 Lot 4 SWNW	1.00
T05N R05W S22 Lot 3 NWSW	22.00		

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 Haas Ditch Co.
Right No. 63-2611A 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: 63-2611B

NAME AND ADDRESS: W & H PARTNERSHIP LLC LIMITED LIABILITY COMPANY
DBA-MALLARD FARMS
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 S22 NWNW Within CANYON County~~
~~T05N R05W S22 NWNW Within CANYON County~~
T05N R05W S27 Lot 3 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 Lot 7 SWNE	20.00	T05N R05W S21 Lot 8 SENE	13.00
T05N R05W S21 Lot 6 SENW	16.00	T05N R05W S21 Lot 9 NRSE	30.00
T05N R05W S21 NWSE	12.00	T05N R05W S22 Lot 4 SWNW	1.00
T05N R05W S22 Lot 3 NWSW	22.00		

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.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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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

W & H 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