



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 16, 2011

Michael C. Creamer
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720

RE: SRBA Subcase Nos. 63-32910 & 63-33354 (W & H Partnership, LLC)

Dear Mr. Creamer:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable please sign on the indicated signature lines, initial the revised recommendations and return the original SF5s to me. I will circulate the documents for the remaining signatures.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 63-32910
	)	<i>Previously Disallowed</i>
	)	
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/ OBJECTOR:
W & H Partnership, LLC

RESPONDENT:
Greg Obendorf

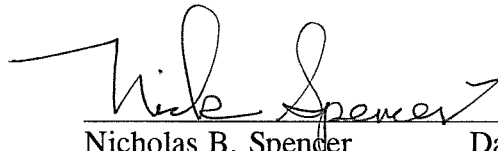
Michael C. Creamer Date
Attorney for Claimant/Objector

By: Date
Title:

IDWR Concurrence:

Jan Shurte
Water Rights Supervisor

Date



Nicholas B. Spender
Deputy Attorney General
Attorney for IDWR

Date

9-15-11

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

RIGHT NUMBER: 63-32910

NAME AND ADDRESS: W & H PARTNERSHIP LLC
DBA MALLARD FARMS
PO BOX 7943
BOISE ID 83707

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 4.600 CFS
45.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right and Right No. 63-33354 are limited to a total combined diversion rate of 4.6 cfs and 45 afa.

NBS

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION:

T05N R05W S27 NENW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	4.600 CFS
WILDLIFE	01/01 12/31	4.600 CFS
WILDLIFE STORAGE	01/01 12/31	45.00 AFY
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: WILDLIFE in CANYON County

T05N R05W S22 NWNW T05N R05W S22 Lot 4 SWNW

T05N R05W S22 Lot 3 NWSW

WILDLIFE STORAGE in CANYON County

T05N R05W S22 NWNW T05N R05W S22 Lot 4 SWNW

T05N R05W S22 Lot 3 NWSW

STOCKWATER same as WILDLIFE

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

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 quantity of water decreed for this water right for stockwater use is

SF5 Right No. 63-32910

not a determination of historical beneficial use.

This water right shall be subordinate to Water Right No. 63-32460. When the quantity of water necessary for the authorized beneficial use under Water Right No. 63-32460 is not available to be delivered from the source of this water right, diversions under this water right shall be limited to the extent required

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 200 beef cattle.

Source is locally known as the Baldrige-Meadows Drain.

NBS

CERTIFICATE OF MAILING

I certify that on _____, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, IDAHO 83303-2707

2. Copies to:

GREG OBENDORF
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

W & H PARTNERSHIP, LLC
Represented by:
MICHAEL C. CREAMER
601 W BANNOCK ST
P.O. BOX 2720
BOISE, ID 83701-2720

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

**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. 63-33354
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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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/RESPONDENT:
W & H Partnership, LLC

RESPONDENT(s):
Greg & Ann Obendorf

Michael C. Creamer Date
Attorney for Claimant/Respondent

By: Date
Title:

IDWR Concurrence:

Jan Shurte
Water Rights Supervisor

Date



Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

9-15-11

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

RIGHT NUMBER: 63-33354

NAME AND ADDRESS: W & H LIMITED LIABILITY COMPANY
ATTN: GERALD A WALLER
PO BOX 7943
BOISE ID 83707

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.050 CFS
45.000 AFY

This right and Right No. 63-32910 are limited to a total combined diversion rate of 4.6 cfs and 45 afa.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 NENW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS <u>45.00 AFY</u>

PLACE OF USE: STOCKWATER in CANYON County

T05N R05W S21 Lot 2 NENE	T05N R05W S21 Lot 8 NENE
T05N R05W S21 Lot 7 SWNE	T05N R05W S21 Lot 8 SENE
T05N R05W S21 Lot 1 NESE	T05N R05W S21 Lot 9 NESE
T05N R05W S22 NWNW	T05N R05W S22 Lot 4 SWNW
T05N R05W S22 Lot 3 NWSW	

NBS

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

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

SF5 Right No. 63-33354

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 200 beef cattle.

Source is locally known as the Baldrige-Meadows Drain.

NBS

SF5 Right No. 63-33354

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Signature of person or attorney