

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4 day of February, 2013, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Application/Permit Assignments & Protestant Name Change

TREE TOP RANCHES LP
ATTN: ANDY WALDERA
MOFFATT THOMAS BARRETT
101 S CAPITOL BLVD
BOISE, ID 83702

W & H LTD LIABILITY CO
ATTN: MICHAEL CREAMER
GIVENS PURSELY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701

G O INVESTMENTS LLC
ATTN: DANA HOFSTETTER
HOFSTETTER LAW OFFICE
608 W FRANKLIN ST
BOISE, ID 83702



Megan Schaler
Office Specialist II



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 30, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

W & H LTD LIABILITY CO

Attn: Michael Creamer

Givens Pursley LLP

601 W Bannock ST

PO Box 2720

Boise ID 83701

G O Investments LLC

Attn: Dana Hofstetter

Hofstetter Law Office

608 W Franklin ST

Boise ID 83702

RE: W & H LTD LIABILITY CO

Application/Permit Assignments and Protestant Name Change.

Dear Parties:

Per request, this letter will provide Department acknowledgement and confirmation to parties regarding the following assigned applications, permits, and protestant name change to business entity **W & H LTD LIABILITY CO:**

-Permit No. 63-12601-Permit holder assignment confirmed by January 22, 1013 Department letter and proof summary, see Attachment A.

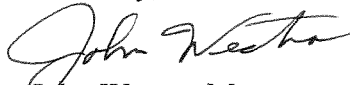
-Protestant name changed from W&H LLC.-Confirmed by Department data base records for applications for permit 63-32459 & 63-32460 and paper file protestant listing (yellow sheet).

-Applications for Permit Nos. 63-32458 & 63-33463- Applicant Assignment confirmed by Department data base records and proof summaries see Attachments B & C.

It is noted that W & H LTD LIABILITY CO has active status with the Idaho Secretary of State Office and recorded under Business No. W1825. Please find assignment applications and related documents under the water right number at our Department website: www.idwr.idaho.gov.

Should you have questions or concerns, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager

Enclosure: Attachments A, B, & C; protestant listings



IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 63-12601

WATER RIGHT NUMBER: 63-12601

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MALLARD FARMS PO BOX 7943 BOISE, ID 83707 (208)344-5784
Current Owner	W & H LTD LIABILITY CO PO BOX 7943 BOISE, ID 83707 (208)841-7171

Priority Date: 08/24/2000

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01	to 12/31		20.00 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.200 CFS	
	<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

WASTE WATER L4 (NE1/4NW1/4NW1/4) Sec. 27, Twp 05N, Rge 05W, B.M.
CANYON County

Place of Use

WILDLIFE STORAGE Within CANYON County

T05N R05W S21 Lot 8 NENE T05N R05W S22 NWNW
T05N R05W S22 Lot 4 SWNW

Conditions of Approval:

1. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
2. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
3. X57 Approval of this permit does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-12601

4. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

Remarks:

Comments:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 22, 2013

W & H LTD LIABILITY CO
ATTN: GERALD A WALLER
PO BOX 7943
BOISE ID 83707

Re: Permit to Appropriate Water for Water Right No: 63-12601

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right permit to you. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

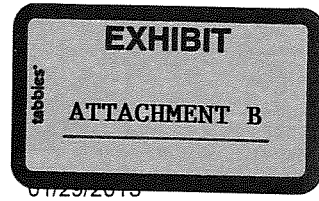
Thank you again for your patience and cooperation. If you have any questions concerning the enclosed information, please feel free to contact this office at (208)334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

cc: Michael C Creamer
Givens Pursley LLP
601 W Bannock St
Boise Id 83701



IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32458

WATER RIGHT NUMBER: 63-32458

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	W & H PARTNERSHIP LLC DBA MALLARD FARMS PO BOX 7943 BOISE, ID 83707 (208)323-7767
Attorney	GIVENS PURSLEY LLP C/O MICHAEL C CREAMER PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Representative	SPF WATER ENGINEERING LLC C/O LORI GRAVES 300 E MALLARD DR STE 350 BOISE, ID 83706 (208)383-4140
Current Owner	W & H LTD LIABILITY CO DBA MALLARD FARMS PO BOX 7943 BOISE, ID 83707 (208) 323-7767

Priority Date: 09/12/2006

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	4.600 CFS	
WILDLIFE STORAGE	01/01	to 12/31		78.80 AF
	<u>Total Diversion:</u>		4.600 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN L3 (NE1/4NW1/4) Sec. 27, Twp 05N, Rge 05W, B.M.
CANYON County

Place of Use

WILDLIFE STORAGE

Twp	Rge	Sec		NE		NW		SW		SE		Totals
				NE		NW		SW		SE		

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-32458

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 05W 21	X L 8	X L 8	X L 7		X L 6								X L 9				
05N 05W 22						X	X										

Conditions of Approval:

Remarks:

Comments:

1. slester 10/25/2010 Legal Notice Remarks
 Comment: Ten wildlife ponds will be filled and maintained from a source locally known as Meadows & Baldrige Drain. Water will exit the site and flow to the Boise River in NENE Section 21.
2. slester 10/25/2010 Comment/Analysis
 Comment: Amended application increased the storage, priority was advanced. Included wildlife cfs term for assumed refills or seepage etc. That term is now outdated. Additionally, diversion to storage is only in winter, even though ponds are proposed for all year. Winter diversion would not include refills etc. Acceptable to process application without wildlife cfs term and without amending it again. Water exiting the project will flow to the river in NENE S21 per map #2 in file. The original of that map was lost, but a credible copy is included in consultant 11/3/2007 letter. Government lots for site south of river somewhat complicated by river accretion over time. For example, all of SWNW S22 is listed as Lot 4 but is north of the river. Omit lot information for that tract. POD access remains unclear as noted in 10/25/2010 request to consultant for information in that regard.

IDAHO DEPARTMENT OF WATER RESOURCES
 Water Application Report 63-32458

Dates and Other Information:

Application Received Date: 1/12/2006
 Application Denied Date:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date: 11/22/2010
 Number of Protests: 1
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Application Type: New Appropriation
 Applicant Remarks: Water from Meadows and Baldrige Drains flow back into the Boise River from ponds.
 Other Water Rights:
 Time to Complete Works: 5
 Transfer Affected Description:
 Transfer Affected Contracts:
 Old Transfer Number:
 Transfer Reason:
 Transfer Return Flows:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

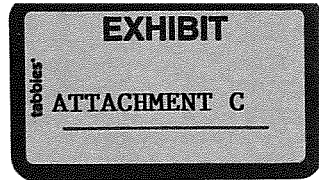
Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:



IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-33463

WATER RIGHT NUMBER: 63-33463

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	W & H PARTNERSHIP LLC DBA MALLARD FARMS PO BOX 7943 BOISE, ID 83707 (208)323-7767
Representative	SPF WATER ENGINEERING LLC C/O LORI GRAVES 300 E MALLARD DR STE 350 BOISE, ID 83706 (208)383-4140
Current Owner	W & H LTD LIABILITY CO DBA MALLARD FARMS PO BOX 7943 BOISE, ID 83707 (208) 323-7767

Priority Date: 12/22/2010

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	01/01	to 12/31	4.600 CFS	
	<u>Total Diversion:</u>		4.600 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN L4 (NW1/4NW1/4) Sec. 27, Twp 05N, Rge 05W, B.M.
CANYON County

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW			SW				SE			Totals	
			NE	NW	SW	SE	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	21	X	X	X	X	X							X				
			L2	L3	L7	L8	L4							L9				
05N	05W	22					X	X					X					
								L4					L3					

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-33463

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

Application Received Date: 12/22/2010

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: This application is being submitted as a backup to W & H claim 63-32910 for 4.6 cfs with 1/1/1970 priority date. In the event that 63-32910 is not approved, then this application will cover the diversion rate originally sought by the claim for wildlife use. In the event that 63-32910 is approved, then W & H will withdraw this application.

Other Water Rights:

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

PROTESTANT NAMES & ADDRESSES

63-32459 & 63-32460

Protestant

W & H LIMITED LIABILITY CO
ATTN: GERALD A WALLER
PO BOX 7943
BOISE ID 83707
(208)323-7767 work
(208)841-7171 cell
JAW@RMPH.NET

TREE TOP RANCHES LP
LARRY & MARIANNE WILLIAMS
851 W FRONT ST APT 1703
BOISE ID 83702-5905
(208)947-5916 bsns

Protestants Attorney

GIVENS PURSLEY LLP
ATTN: MICHAEL CREAMER
PO BOX 2720
BOISE ID 82701-2720
(208)388-1200
MCC@GIVENSPURSLEY.COM

MOFFATT THOMAS BARRETT ROCK
& FIELDS
ATTN: SCOTT CAMPBELL &/OR
ANDREW WALDERA
PO BOX 829
(208) 345-2000
SLC@MOFFATT.COM
AJW@MOFFATT.COM