

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 27 2011

DEPARTMENT OF
WATER RESOURCES

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATIONPermit No. 63-126011. Owner W & H LLCPhone No. 208-323-7767Current address DBA Mallard Farms, PO Box 7943, Boise ID 837072. Examiner's name Terry Scanlan, P.E. (Examiner No. 11-129)EXAM DATE 9-16-11

3. Accompanied by _____

Email _____

Address _____

Relationship to permit holder _____

Phone No. _____

4. Source Wastewater (Baldrige & Meadows Drain)

tributary to _____

B. OVERLAP REVIEW

63-202B

1. Other water rights with the same place of use 63-32910, 63-33354, 63-32458, 63-33463, 63-2611A, 63-172B,2. Other water rights with the same source and point of diversion 63-32910, 63-33354, 63-32458, 63-33463,63-2611A & B, 63-33503, 63-32460, 63-33508**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
	4	NE	NW	NW	27	5N	5W	Canyon	Site Visit, 2009 Photo, POD located on
	3	NW	NE	NW	27	5N	5W	Canyon	the line between both 10-acre tracts

2. Place(s) of Use:

Method of determination GIS

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	21	L2																
			X																
		22							L4										
								X	X										

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.

Scale: 1" = _____

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (**required**)
☒ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with no. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rectangular Suppressed Weir					4.5-foot	

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

Water is diverted from an unnamed drain also known as Baldrige and Meadows Drain for (1) wildlife purposes under water right 63-32910, permit 63-12601 (this permit), and proposed water rights 63-32458, 63-33463, 63-32460, and 63-33508, (2) stockwater uses under water right 63-33354, and (3) irrigation use under water rights 63-2611A&B and 63-33503. During the non-irrigation season, approximately 45 acres of wildlife habitat area are intentionally flooded 0 to 12 inches deep with water diverted from the drain, except for small areas, represented by this permit, where deeper ponds have been developed to provide year round open-water habitat. These areas are especially beneficial to wildlife during summer months when much of the available water from the drain is used for irrigation. The deeper ponds encompass approximately 10 acres of surface area with depths ranging from 1 to 3 feet. Water is diverted from the drain through the Upper Haas Ditch, and then through delivery ditches to ponds. Water is diverted on a year-round basis.

The permit is currently listed in the name of Mallard Farms, which was dissolved in 2006. Since then, W & H, LLC has done business as Mallard Farms. Attached to this report is an Assignment of Permit from Mallard Farms to W & H, LLC.

The overlapping water rights that are diverted from the same point of diversion list unnamed drain as the source, except 63-2611A & B, 63-33354, and 63-33503 which list Baldrige and Meadows Drain as the source, and 63-32910 which lists Baldrige Drain as source. For consistency and to reflect the year-round flow available in the stream, the source for this permit should be licensed as "Unnamed Drain", rather than wastewater, tributary to the Boise River.

The diversion point is located on the quarter line between the NENWNW and NWNENW, S27.

The permit lists a place of use within Section 21 as NENE (Lot 8). The NENE Section 21 pond is mostly within the former river channel between Lot 2 (northeast of former channel) and Lot 8 (southwest of former channel), but laps into Lot 2. NENE (Lot 2) is the described place of use in this exam.

Attachment A is a copy of the permit and proof of beneficial use

Attachment B is a copy of the Assignment of Permit (original included as separate document)

Attachment C are diversion flow measurements from the unnamed drain

Attachment D is a 2000 FSA Photo (filed with appl.), topographical map and 2006 aerial photo (year proof was filed)

Attachment E are photos of the place of use a point of diversion

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

The permit required installation and maintenance of a measuring device and lockable controlling works acceptable to the Department. Based on consultation with Rex Berry, Boise River Watermaster, a 4.5-foot rectangular suppressed weir was installed for measurement and compliance.

F. FLOW CALCULATIONS☒ Additional computation sheets attached

Measured Method:

0.60 feet of water over weir at head of Upper Haas Ditch on 9-16-11 = 7.0 cfs total diversion (63-2611A&B, 63-12601, 63-32910)

Note that there was additional undiverted flow in the Drain totaling approximately 18 cfs (based on 9-inches of flow over an 8.4-wide check board crest)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

10 acres pond area x 2 foot average depth = 20 acre-feet

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Diversion to Storage	1/1	12/31	0.20 cfs	
Wildlife Storage				20 afa
Totals:			0.20 cfs	20 afa

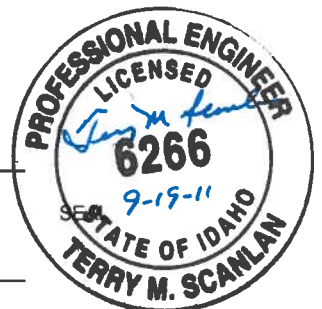
2. Recommended Amendments

- ☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☐ None
☒ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 *☒ Other

*Change source from wastewater to unnamed drain

I. AUTHENTICATIONField Examiner's Signature Terry M. Scanlan Date September 19, 2011

Reviewer _____ Date _____



ATTACHMENT A

PERMIT RECORD AND PROOF OF BENEFICIAL USE

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12601

Priority: 08/24/2000

Maximum Diversion Rate: 0.20 CFS

This is to certify, that MALLARD FARMS
ROCKY MTN PIZZA HUTS INC
504 N PHILLIPPI
BOISE ID 83706

has applied for a permit to appropriate water from:

WASTEWATER tributary to **BOISE RIVER**

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		20.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER L4 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 05W 21	X																
	L 8																
05N 05W 22						X	X										
							L 4										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
2. Subject to all prior water rights.
3. 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.
4. 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. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

MICROFILMED

MAR 29 2001

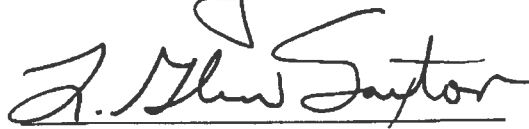
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12601

CONDITIONS OF APPROVAL

6. 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.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of February, 2001.


for KARL J DREHER, Director

MICROFILMED
MAR 29 2001

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C080045
Receipt By: MA
Date Received: 1-12-06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 12 2006

PROOF OF BENEFICIAL USE

DEPARTMENT OF
WATER RESOURCES

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 63-12601 Telephone No. (208) 323-7767

2. Name of Permit Holder(s): MALLARD FARMS, DBA W&H PARTNERSHIP LLC

3. Mailing Address: 504 N. PHILLIPPI ST.

City BOISE State ID Zip 83706

4. Source of Water: -- If **GROUNDWATER** (well), Date Drilled: mo. -- / yr. --

Well Driller: -- Drilling Permit Number: --

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): -- Stockwater (No. and type of stock): --

Irrigation (No. of acres): -- Other: FILL 4 PONDS FOR WILDLIFE STORAGE, OVERFLOW
RETURNED TO BOISE RIVER

6. Total rate of diversion and/or volume for which proof is submitted: 20 cfs OR 19.3 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes -- or No X
Yes -- or No X

8. Fee Enclosed: \$ \$50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: GERALD A. WALLER Telephone Number: (208) 323-7767

Address: 504 N. PHILLIPPI ST. BOISE, ID. 83706

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder

Gerald A. Waller
(include your title, if on behalf of company or organization)

Date: 1/9/2006

ATTACHMENT B
ASSIGNMENT OF PERMIT

10/09

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

\$25 fee per permit

For Office Use Only

Receipt Amt \$ _____

Receipt No. _____

Date _____

I, Mallard Farms, hereby assign to W & H, LLC
Current Owner(s) New Owner(s)
of, PO Box 7943, Boise ID 83707 208-323-7767
Full address including city, state and ZIP Phone

All my right, title, and interest in and to Permit No(s). 63-12601 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):
_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of Diversion? ☐ Yes ☐ No

Place of Use? ☐ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use: _____

Made this 23 day of Sept, 20 11.

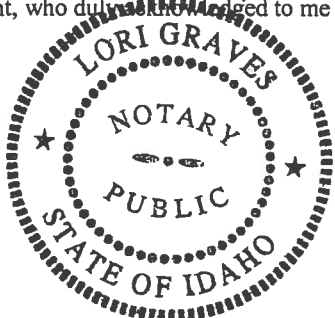
Lori Graves
Signature of Permit Holder Title (if applicable)

Signature of Permit Holder Title (if applicable)

State of Idaho)
County of Ada)ss

On this 23 day of Sept, 20 11, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Lori Graves
Notary Public
My commission expires: 5/6/2015



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[\[New Search \]](#) [\[Back to Summary \]](#)

MALLARD FARMS LIMITED LIABILITY COMPANY

504 N PHILLIPPI ST
BOISE, ID 83706**Type of Business:** LIMITED LIABILITY COMPANY**Status:** ADMIN DISSOLVED, ADMIN DISSLV 10 Mar 2006**State of Origin:** IDAHO**Date of Origination/Authorization:** 29 Dec 1995**Current Registered Agent:** GERALD A WALLER
504 N PHILLIPPI ST
BOISE, ID 83706**File Number:** W1874**Date of Last Annual Report:** 13 Oct 2004

Original Filing:

Filed 29 Dec 1995 ARTICLES OF
ORGANIZATION[\[Help Me Print/View TIFF \]](#)[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

Annual Reports:

[\[Help Me Print/View TIFF \]](#)**Report for year 2004** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 2003** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 2002** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 2001** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 2000** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 1999** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 1998** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 1997** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)**Report for year 1996** ANNUAL
REPORT[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)[Idaho Secretary of State's Main Page](#)[State of Idaho Home Page](#)Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

No. W 1825 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Dec 31, 2010 Annual Report Form 1. Mailing Address: Correct in this box if needed. W & H LIMITED LIABILITY COMPANY CAROLYN L RICH P.O. BOX 7943 BOISE ID 83707	2. Registered Agent and Address (NO PO BOX) GERALD A WALLER 4249 N NINES RIDGE LANE BOISE ID 83702 3. New Registered Agent Signature:*																					
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MANAGER</td> <td>GERALD A WALLER</td> <td>4249 N NINES RIDGE LANE</td> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83702</td> </tr> <tr> <td>MANAGER</td> <td>ALLAN D HUMPHRIES</td> <td>7036 N SPURWING WAY</td> <td>MERIDIAN</td> <td>ID</td> <td>USA</td> <td>83646</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MANAGER	GERALD A WALLER	4249 N NINES RIDGE LANE	BOISE	ID	USA	83702	MANAGER	ALLAN D HUMPHRIES	7036 N SPURWING WAY	MERIDIAN	ID	USA	83646
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MANAGER	ALLAN D HUMPHRIES	7036 N SPURWING WAY	MERIDIAN	ID	USA	83646																	
5. Organized Under the Laws of: ID W 1825	6. Annual Report must be signed.* Signature: Carolyn L Rich Name (type or print): Carolyn L Rich Date: 10/13/2010 Title: Controller																						
Processed 10/13/2010 * Electronically provided signatures are accepted as original signatures.																							

ATTACHMENT C
FLOW MEASUREMENTS

WATER MEASUREMENT MANUAL

A WATER RESOURCES
TECHNICAL PUBLICATION

A guide to effective water measurement
practices for better water management



U.S. Department of the Interior
Bureau of Reclamation
Third edition

Table A7-3. Discharge of standard suppressed rectangular weirs
in ft³/sec. Computed from the formula $Q=3.33Lh_1^{1.5}$

4.5'
↓

Head h_1 , ft	Weir Length, L , ft					
	1.0	1.5	2.0	3.0	4.0	5.0
0.20	0.298	0.447	0.596	0.894	1.19	1.49
.21	.320	.481	.641	.961	1.28	1.60
.22	.344	.515	.687	1.03	1.37	1.72
.23	.367	.551	.735	1.10	1.47	1.84
.24	.392	.587	.783	1.17	1.57	1.96
.25	.416	.624	.833	1.25	1.67	2.08
.26	.441	.662	.883	1.32	1.77	2.21
.27	.467	.701	.934	1.40	1.87	2.34
.28	.493	.740	.987	1.48	1.97	2.47
.29	.520	.780	1.04	1.56	2.08	2.60
.30	.547	.821	1.09	1.64	2.19	2.74
.31	.575	.862	1.15	1.72	2.30	2.87
.32	.603	.904	1.21	1.81	2.41	3.01
.33	.631	.947	1.26	1.89	2.53	3.16
.34	---	.990	1.32	1.98	2.64	3.30
.35	---	1.03	1.38	2.07	2.76	3.45
.36	---	1.08	1.44	2.16	2.88	3.60
.37	---	1.12	1.50	2.25	3.00	3.75
.38	---	1.17	1.56	2.34	3.12	3.90
.39	---	1.22	1.62	2.43	3.24	4.06
.40	---	1.26	1.68	2.53	3.37	4.21
.41	---	1.31	1.75	2.62	3.50	4.37
.42	---	1.36	1.81	2.72	3.63	4.53
.43	---	1.41	1.88	2.82	3.76	4.69
.44	---	1.46	1.94	2.92	3.89	4.86
.45	---	1.51	2.01	3.02	4.02	5.03
.46	---	1.56	2.08	3.12	4.16	5.19
.47	---	1.61	2.15	3.22	4.29	5.36
.48	---	1.66	2.21	3.32	4.43	5.54
.49	---	1.71	2.28	3.43	4.57	5.71
.50	---	1.77	2.35	3.53	4.71	5.89
.51	---	---	2.43	3.64	4.85	6.06
.52	---	---	2.50	3.75	4.99	6.24
.53	---	---	2.57	3.85	5.14	6.42
.54	---	---	2.64	3.96	5.29	6.61
.55	---	---	2.72	4.07	5.43	6.79
.56	---	---	2.79	4.19	5.58	6.98
.57	---	---	2.87	4.30	5.73	7.17
.58	---	---	2.94	4.41	5.88	7.35
.59	---	---	3.02	4.53	6.04	7.55
.60	---	---	3.10	4.64	6.19	7.74
.61	---	---	3.17	4.76	6.35	7.93
.62	---	---	3.25	4.88	6.50	8.13
.63	---	---	3.33	5.00	6.66	8.33
.64	---	---	3.41	5.11	6.82	8.52

ATTACHMENT D

2000 FSA MAP, TOPO MAP AND 2006 AERIAL PHOTO

2006 Photo

T5N R5W

16 15

21 22

21 27

28 22

Legend



63-12601 Point of Diversion



Water Delivery System



63-12601 Place of Use

Permit 63-12601



0

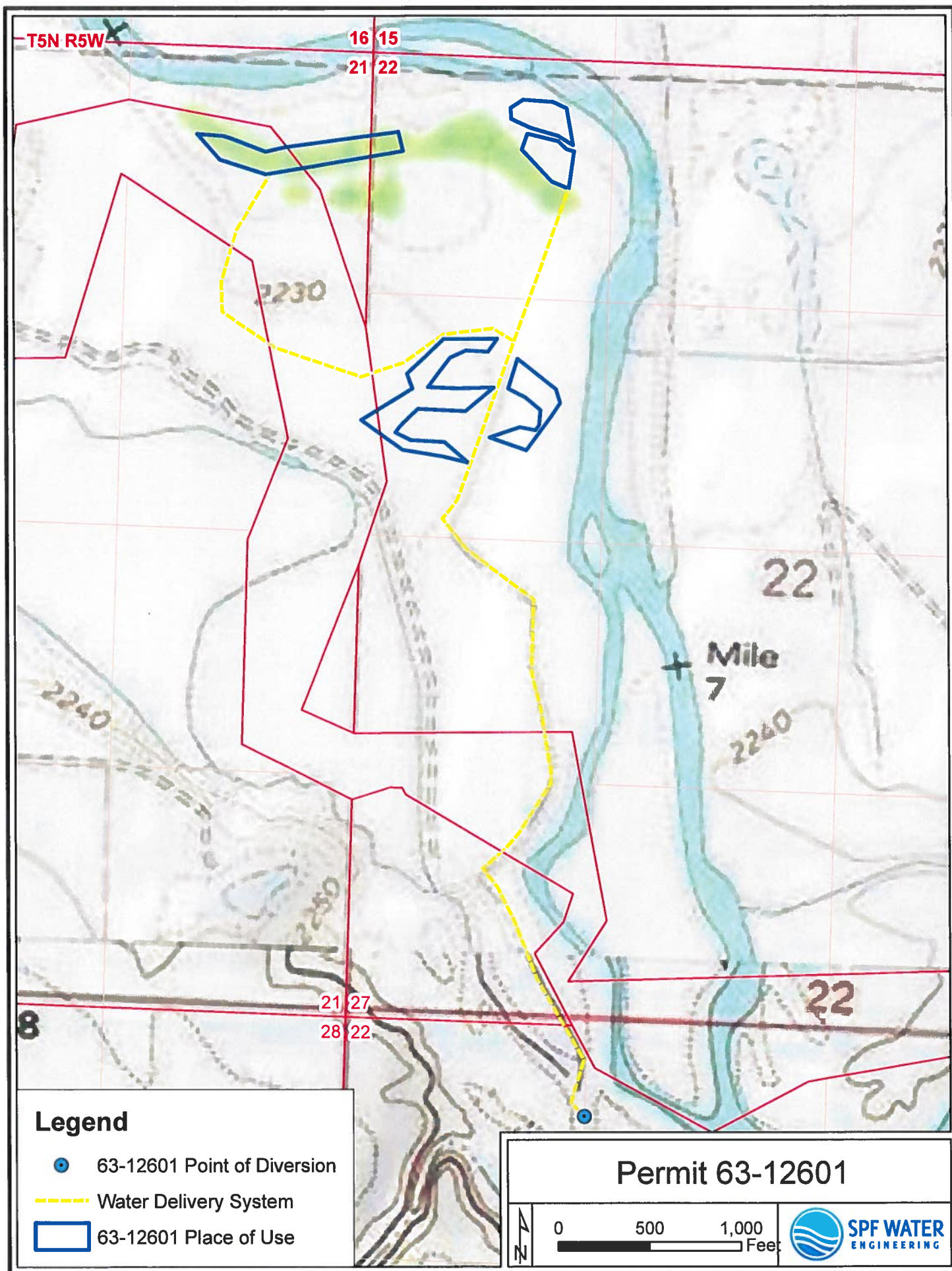
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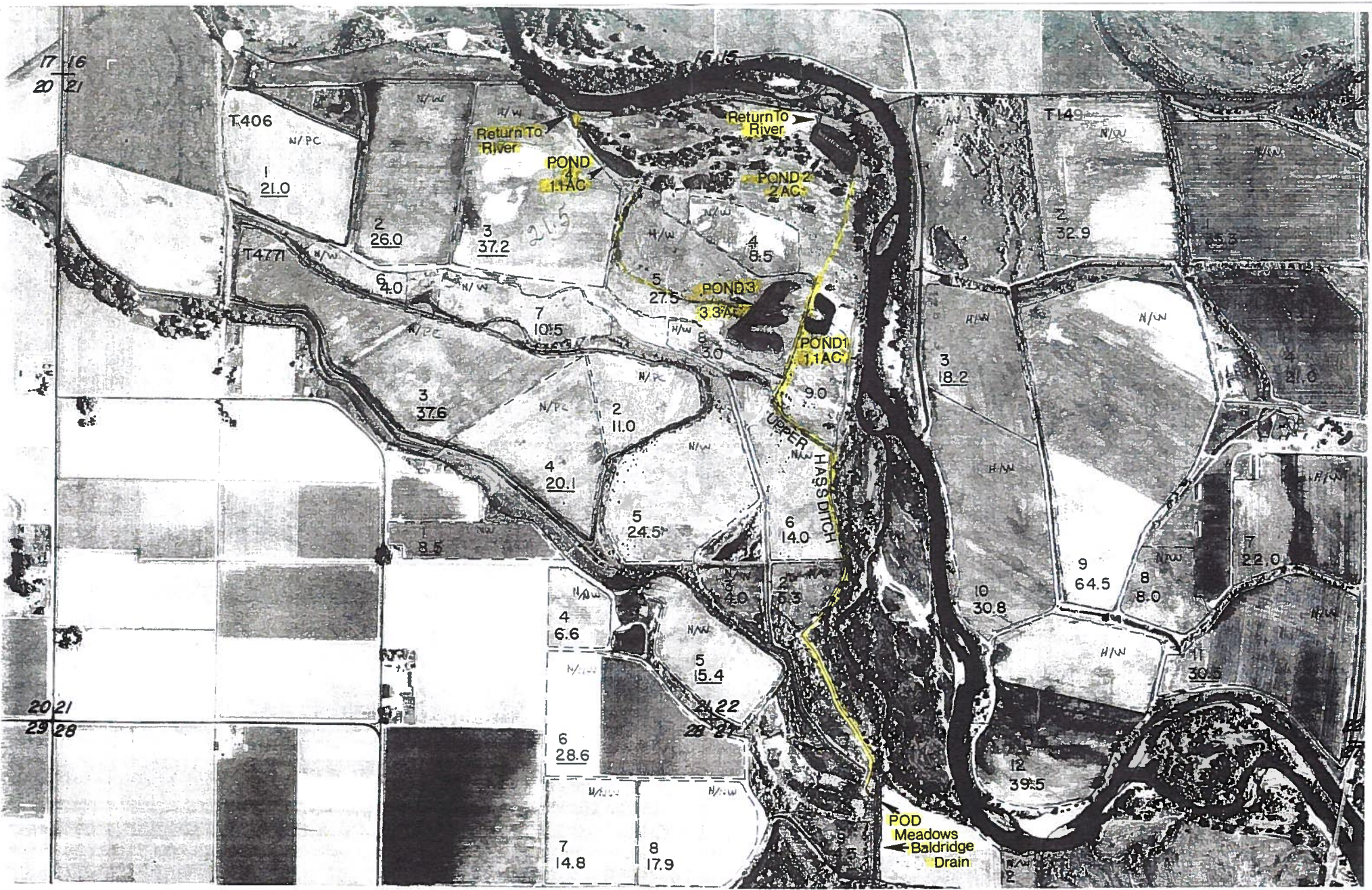
1,000

Feet



SPF WATER
ENGINEERING





ATTACHMENT E
PHOTOS



Baldridge and Meadows Drain with check structure in the foreground. Diversion for Upper Haas Ditch is out of sight near pickup truck in background.



Headgate and weir box for Upper Haas Ditch. Baldridge and Meadows Drain to the right, Upper Haas Ditch to the left.



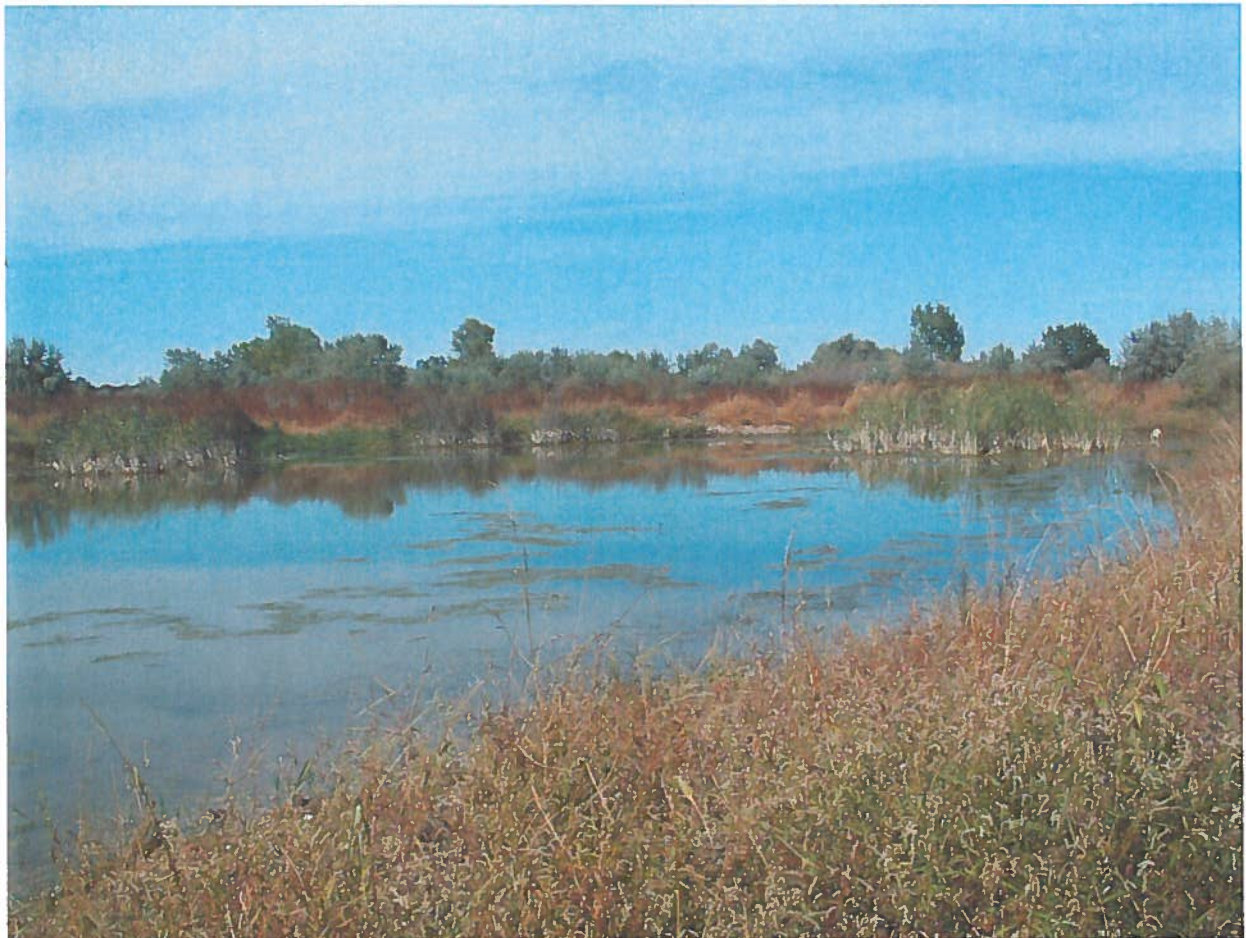
Flow over weir at 2 cfs +/-



Flow over weir at 7 cfs +/-



Pond 1, south portion



Pond 1, north portion



Pond 2



Pond 2



Pond 3



Pond 4



Pond 4



Pond 4