

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02611A

Date Received: 4/10/89

Receipt No: C006247

Received By: 7

RECEIVED

APR 10 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: MALLARD FARMS, A PARTNERSHIP 208-323-7767
Address: 504 N. PHILLIPI
BOISE, ID 83706

2. Date of Priority: MAR 13, 1944

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	27	NW	NE	NW		CANYON

5. Description of diverting works:
2 DITCHES FROM BOISE RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.820		

7. Total Quantity Appropriated is:
4.820 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 843.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	21	NE	NE		IRR	38.0
			NW	NE		IRR	40.0
			SW	NE		IRR	23.0

A63-02611A

Page 1

Date: 03/29/89

SCANNED
APR 08 2008

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	21	SE	NE		IRR	28.0
			NE	NW		IRR	33.0
			SE	NW		IRR	8.0
						Section Acres	170.0
		22	NW	NW		IRR	38.0
			SW	NW		IRR	33.0
						Section Acres	71.0
						Total Acres	241.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A63-00172A, A63-00202A

14. Remarks:

ORIGINAL POINT OF DIVERSION IS STATED IN LICENSE AS 1320 FT. EAST OF NW CORNER OF SEC. 27, THENCE 400 FT. SOUTH; AND IN THE NW1/4 OF SEC. 27, T5N, R5W FROM MEADOWS AND BALDRIDGE DRAIN. CLAIMANT HAS TWO POINTS OF DIVERSION IN THE NWNENW OF SEC. 27 AND 2 DITCHES TO CONVEY WATER TO PLACE OF USE.
DIVERSION RATE FOR THIS CLAIM IS BASED ON LICENSE AMOUNT OF 1 INCH OF WATER PER ACRE SINCE CLAIMANT DOES NOT KNOW ACTUAL DIVERSION RATE.

15. Basis of Claim: LICENSE
Water Right Number: 19493

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am a partner of _____ Title

Mallard Farms, that I have signed the foregoing _____
Organization
document in the space below as a partner of _____ Title

Mallard Farms and that the statements contained in the _____
Organization
foregoing document are true and correct.

Gerald A. Waller
Signature of Authorized Agent
Gerald A. Waller

Partner, Mallard Farms
Title and Organization

4/6/89
Date

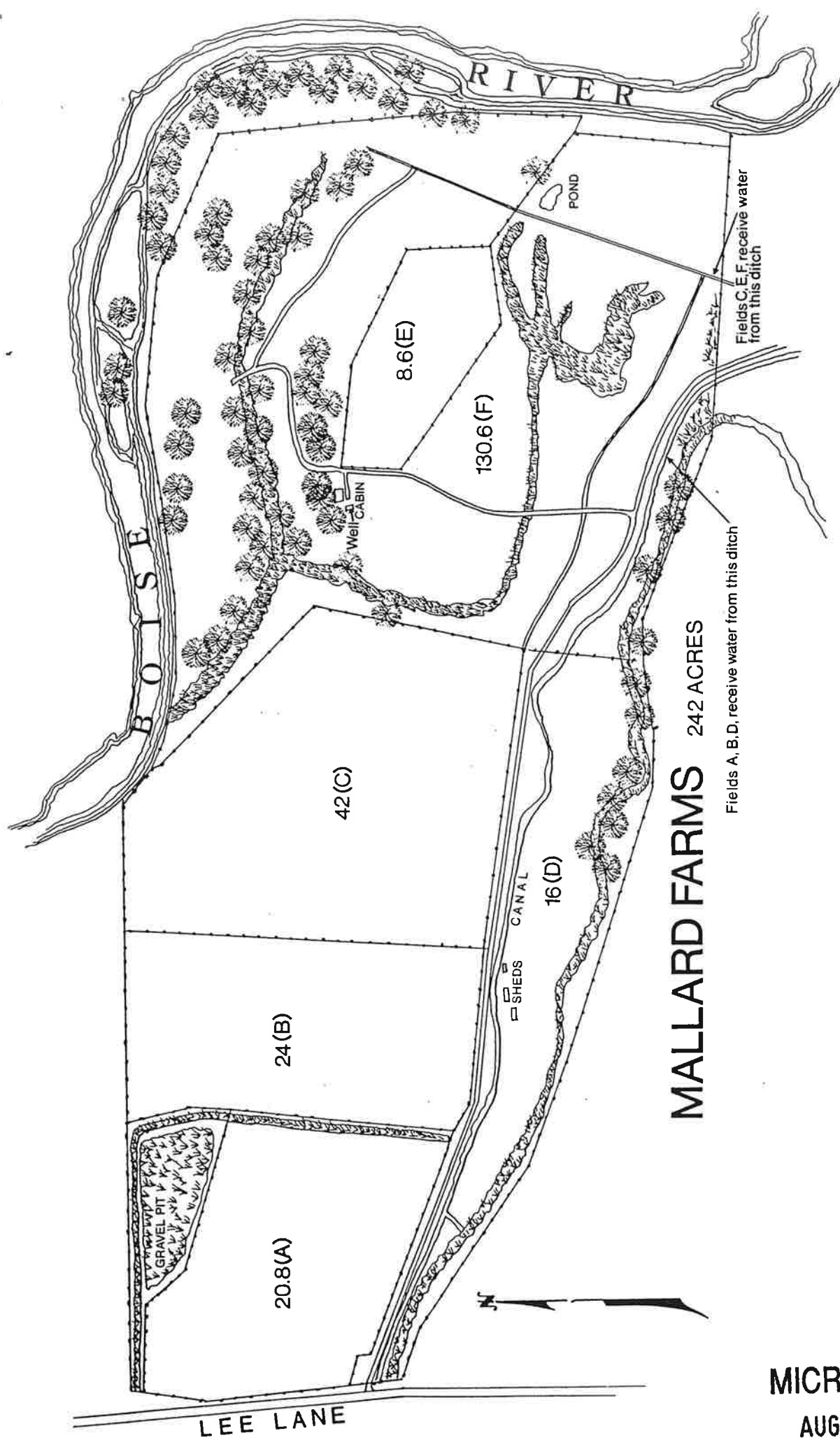
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 89

Debrah S. Gruya
Notary Public

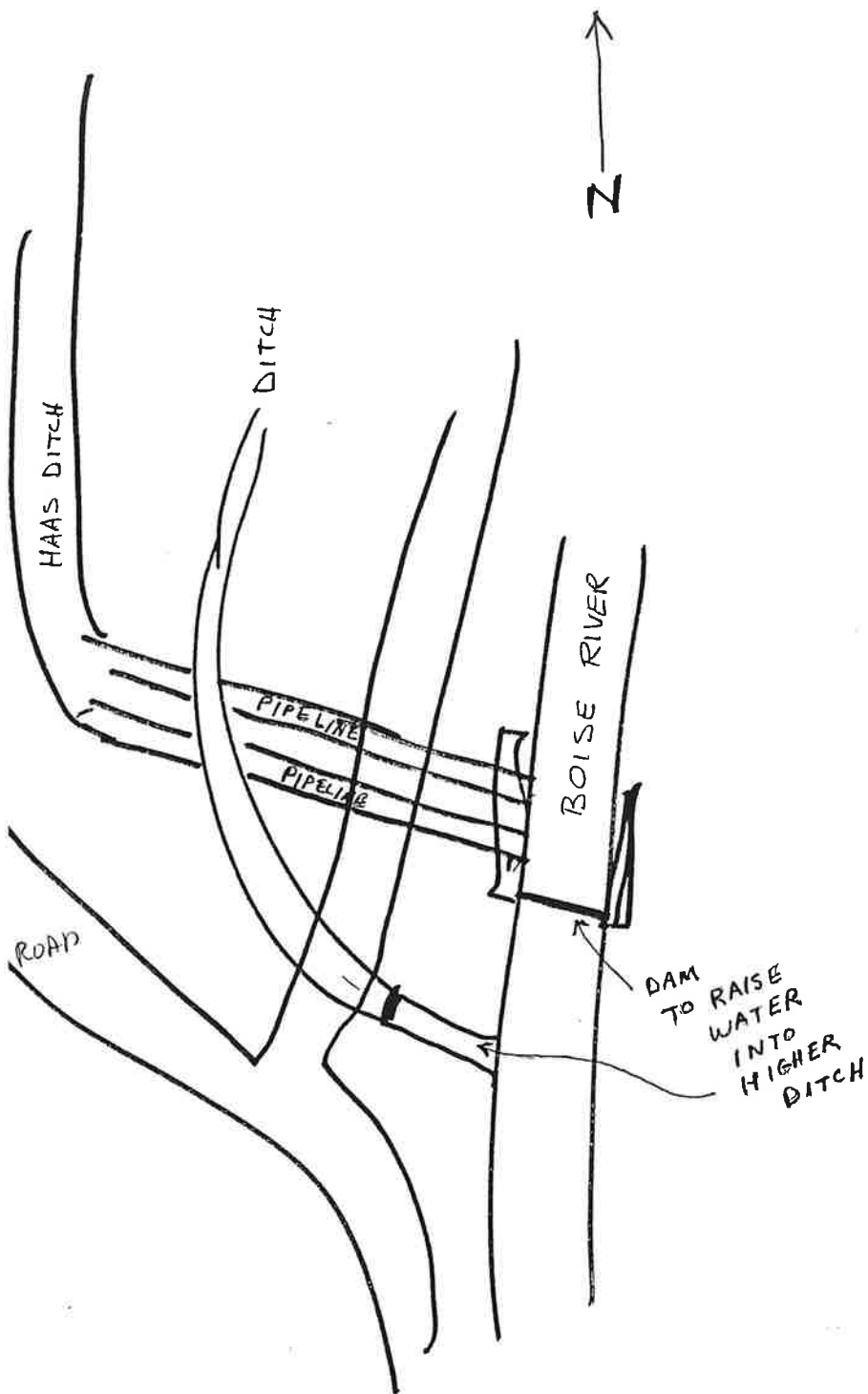
Seal

Residing at Boise
My Commission Expires 10/23/93



MICROFILMED

AUG 18 1992



MICROFILMED

AUG 18 1992

Receipt Details for ID C006247

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/10/1989 1:47:27 PM	4/10/1989	State	\$50.00	Check
Payer		MALLARD FARMS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1004			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	ADJUDICATION FEES	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2611	A	\$50.00	Claim

Print Report

01/08/2013

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: W & H LIMITED LIABILITY CO
DBA MALLARD FARMS
PO BOX 7943
BOISE ID 83707

SOURCE: BALDRIDGE DRAIN
MEADOWS DRAIN

TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 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	NENE	25.00	T05N R05W S21	SWNE	17.00
T05N R05W S21	SENE	24.00	T05N R05W S22	NWNW	20.00
T05N R05W S22	SWNW	28.00			

114 ACRES TOTAL

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.

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

Right No. 63-2611B is also diverted through point of diversion described above.

Use of this water is combined with water from the Haas Ditch Co.

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 W & 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
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.

Linda B. Jones, ISB # 4125
HOLLAND & HART LLP
U.S. Bank Plaza
101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701-2527
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

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DEC 11 2007

DEPARTMENT OF
WATER RESOURCES

Attorney for Mallard Farms, Limited Liability Company and W & H Limited Liability Company

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

Case No. 39576

)
) Subcase Nos. 63-2611A and 63-
) 2611B
)

) NOTICE OF APPEARANCE
)

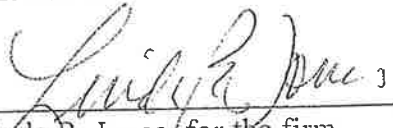
The firm of Holland & Hart LLP hereby enters an appearance on behalf of Mallard Farms Limited Liability Company and W & H Limited Liability Company in the above-captioned case and subcases. All notices and correspondence may be directed to the attention of:

Linda B. Jones
Holland & Hart LLP
PO Box 2527
Boise, Idaho 83701

Respectfully submitted this 10th day of December, 2007.

HOLLAND & HART LLP

By


Linda B. Jones, for the firm
Attorneys for Mallard Farms Limited Liability
Company and W & H Limited Liability
Company

CERTIFICATE OF SERVICE

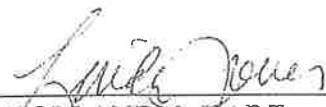
I hereby certify that on this 10th day of December, 2007, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Original to: Clerk of the District Court Snake River Basin Adjudication 253 Third Avenue North P.O. Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail ☐ Hand Delivered ☒ Overnight Mail ☐ Telecopy (Fax)
Copies to: Riverside Irrigation District P.O. Box 1080 Parma, ID 83660 <i>Party Filing Objection</i>	☒ U.S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Telecopy (Fax)
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 93706-1234 <i>Respondent</i>	☒ U.S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Telecopy (Fax)
Mallard Farms Limited Liability Company 504 N. Phillippi St. Boise, ID 83706 <i>Water Right Claimant</i>	☒ U.S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Telecopy (Fax)
W & H Limited Liability Company 504 N. Phillippi St. Boise, ID 83706 <i>Water Right Claimant</i>	☒ U.S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Telecopy (Fax)

IDWR Document Depository
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☒
☐
☐
☐

U.S. Mail
Hand Delivered
Overnight Mail
Telecopy (Fax)


for HOLLAND & HART LLP

BOI:3580339_1.DOC

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JUN 19 2007
DEPARTMENT OF
WATER RESOURCES

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) A. Subcase 63-2611A
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mallard Farms
DBA W & H Partnership LLC
Address: 504 N Phillipi
Boise, ID 83706

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

ALAN P. BARLET, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Suzanne Estes
Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 1, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Mallard Farms
DBA W & H Partnership LLC
Address: 504 N Phillipi
Boise, ID 83706

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

HOLLAND & HARTTM

ATTORNEYS AT LAW

DENVER • ASPEN • BOULDER
COLORADO SPRINGS • LAS VEGAS
DENVER TECH CENTER
BILLINGS • BOISE • CHEYENNE
JACKSON HOLE • SALT LAKE CITY
SANTA FE • WASHINGTON, D.C.

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869
DIRECT FAX (800) 565-7694

LINDA B. JONES
ljones@hollandhart.com

December 10, 2007

VIA OVERNIGHT DELIVERY

Clerk of the Court
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, Idaho 83303-2707

Re: Notice of Appearance, Case No. 39576;
Subcases No. 63-2611A and 63-2611B

Dear Clerk:

With this letter I am transmitting for filing with the Court in the above referenced action, an original Notice of Appearance on behalf of *Water Right Claimants Mallard Farms Limited Liability Company* and *W & H Limited Liability Company*, for the Subcases referenced above.

I have been retained by the above-named Claimants to represent their interests in the adjudication of the water right claims referenced by the Subcases.

Sincerely,

HOLLAND & HART LLP


Linda B. Jones

LBJ:lka
Enclosure

3801531_1.DOC

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DEC 11 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED

DEC 13 2007

WATER RESOURCES
WESTERN REGION

HOLLAND & HART^{LLP}



ATTORNEYS AT LAW

DENVER • ASPEN • BOULDER
COLORADO SPRINGS • LAS VEGAS
DENVER TECH CENTER
BILLINGS • BOISE • CHEYENNE
JACKSON HOLE • SALT LAKE CITY
SANTA FE • WASHINGTON, D.C.

SUITE 1400
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MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869
DIRECT FAX (800) 565-7694

LINDA B. JONES
ljones@hollandhart.com

December 10, 2007

Mr. Paul L. Arrington
Barker Rosholt & Simpson LLP
1010 West Jefferson, Suite 102
Boise, Idaho 83701-2139

Re: Objection to Water Rights No. 63-2611A and 63-2611B

Dear Paul:

This letter responds to your letters dated September 26, 2007 to Mallard Farms and W & H Partnership LLC. Our client W & H Limited Liability Company owns Water Right No. 63-2611A and our client Mallard Farms Limited Liability Company owns Water Right No. 63-2611B (the "Water Rights"). The source for both of the Water Rights is the Baldridge and Meadows Drain (the "Drain").

The letters allege that the water subject to the water rights is wastewater. Riverside's Objection to the Water Rights, filed in the Snake River Basin Adjudication ("SRBA") states that the Water Rights are not subject to a lawful appropriation, the water is "wastewater" from Riverside Irrigation District's ("Riverside") water system, and continued use is a trespass on Riverside's system. You requested that my clients resolve the Objection by signing an SF5 settlement form, agreeing to add a "wastewater" notation on the water rights. Your and Riverside's characterization of the two water rights is incorrect.

We attach for your review a copy of the water rights profile of original water right 63-2611 (predecessor of both of the Water Rights); a copy of the License and Certificate of Water Rights for 63-2611; the Report of Engineer for Water Right 63-2611; the Application for Permit to appropriate the Public Waters of the State, including the State Engineer's Remarks regarding historic water appropriation and use on the land and including a Consent of the Riverside Irrigation District to the appropriation of water from the Drain, and a copy of the District's signed consent.

As the enclosed material shows, the Water Rights are licensed private appropriations from the natural flow in the Drain. Neither the initial license nor the Engineer's remarks indicate this is a wastewater appropriation. The Drain flows year round, and has water in it for the appropriations regardless of whether Riverside's wastewater also flows in the Drain. Riverside in 1944 consented to this appropriation. There is no trespass.

HOLLAND & HART ^{LLP}
ATTORNEYS AT LAW

Mr. Paul L. Arrington
December 10, 2007
Page 2

We attach two SF5 forms reflecting the correct characterization of these Water Rights. Historically, there was no "wastewater" label or condition on the License for Water Right 63-2411, and there should not be one now. When the SRBA Recommendation was published, we assume the wastewater label was included inadvertently simply because the Water Rights place of use and diversion falls within the Riverside District boundaries. The label should not have been placed on the Water Rights.

With the enclosed SF5 forms, the owners seek to correctly characterize the Water Rights and to resolve Riverside's Objection and the U.S. Bureau of Reclamation's ("BOR") Response to the Objection. We also have corrected on the SF 5 forms the listing of the point of diversion ("POD"). There is one POD, the Baldrige and Meadows Drain. We also correct the listings of the owners' names.

We request that Riverside and the copied representatives of the Department of Water Resources ("DWR") and BOR execute the enclosed SF5 forms and return the original signatures to me. We will take care of filing the fully-executed SF5 forms with the Court.

Please give me a call if you want to discuss this matter.

Sincerely,

HOLLAND & HART ^{LLP}



Linda B. Jones

LBJ:tn

cc: Vicky Music (DWR)
Nick Spencer (DWR)
E. Gail McCarry (BOR)
Jerry Waller (Claimants)
Terry Scanlan (SPF Engineering)

State of Idaho License and Certificate of Water Right

Water License No. 19493
 Water District No.

Amount 5.1 second feet
 Priority March 13, 1944

THIS IS TO CERTIFY that CHARLOTTIE D. ALLEN
 of Parma, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 13, 1944; that Permit No. 19493
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 6 second feet, was issued thereunder on July 6, 1944, showing that said works
 were completed on the 29th day of June, 1944; and that on the 29th
 day of July, 1944,
 CHARLOTTIE D. ALLEN

of Parma, State of Idaho; made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Meadows & Baldridge Drain
 , a tributary of Boise River, for the purpose of agricultural use
 (irrigation), under Use Permit No. 19493 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the State Reclamation Engineer
 of Licenses, at page 4285, on the 5th day of March, 1946;

The right hereby confirmed dates from March 13, 1944;

The Point of Diversion is located about 1320 ft. E. and 400 ft. S. from N W corner Section 27, and
 in the NW 1/4, Sec. 27, Tp. 5 N., R. 5 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 5.1
 cubic feet per second.

Description and location of use:

Twsp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	5 W.	21	NE 1/4 NE 1/4	25	25
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			SE 1/4 NW 1/4	30	25
			NE 1/4 SE 1/4	40	30
			NW 1/4 SE 1/4	30	15
		22	NW 1/4 NW 1/4	35	20
			SW 1/4 NW 1/4	37	30
			NW 1/4 SW 1/4	35	30
		Number of acres actually irrigated			255

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer
 this 5th day of March, 1946

MARK R. KULP

State Reclamation Engineer

(SEAL)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/21/2007

WATER RIGHT NO. 63-2611

Owner Type	Name and Address
Current Owner	CHARLOTTIE D ALLEN PARMA, ID 83660

Priority Date: 03/13/1944
Basis: License
Status: Active

Source	Tributary
BALDRIDGE DRAIN	BOISE RIVER
MEADOWS DRAIN	BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	5.1 CFS	
Total Diversion			5.1 CFS	

Location of Point(s) of Diversion:

BALDRIDGE DRAIN	NENW	Sec. 27	Township 05N	Range 05W	CANYON County
MEADOWS DRAIN	NWNW	Sec. 27	Township 05N	Range 05W	CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05W	21		NENE	25		SWNE	40		SENE	40			
				SENE	25									
				NESE	30		NWSE	15						
		22		NWNW	20		SWNW	30						
				NWSW	30									

Total Acres: 255

Conditions of Approval:

1. P/D IN NW1/4, SEC. 27, T5N, R5W. MEADOWS DRAIN & BALDRIDGE DRAIN TRIB. TO BOISE RIVER.

Dates:

Licensed Date: 08/28/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cay Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19493

This proof is for Beneficial use In Water District No. _____1. Name of applicant Charlotte D. Allen- C/o Ernest Anderson, Att'y.-at-Law- Parma, Idaho2. Source of water supply: Meadows & Baldrige Drain3. Location of point of diversion: Is in the NW $\frac{1}{4}$ of Section 27T. 5 N. R. 5 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: A Lumber Check Dam 12 feet long, 8 feet wide, and 7 feet deep with stop log control, and a Headgate structure of concrete 5 feet wide X 5 feet high with outlet culvert 4 feet X 4 feet in section discharging to a ditch of 6 feet width X 1 to 1 $\frac{1}{2}$ feet in depth.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21;

NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22;

All in Twp. 5 N., Range 5 W., B. M.

(Submit map on attached plat, showing location and details of above description.

8. What large stream would the water here appropriated finally reach? Boise River

Remarks: _____

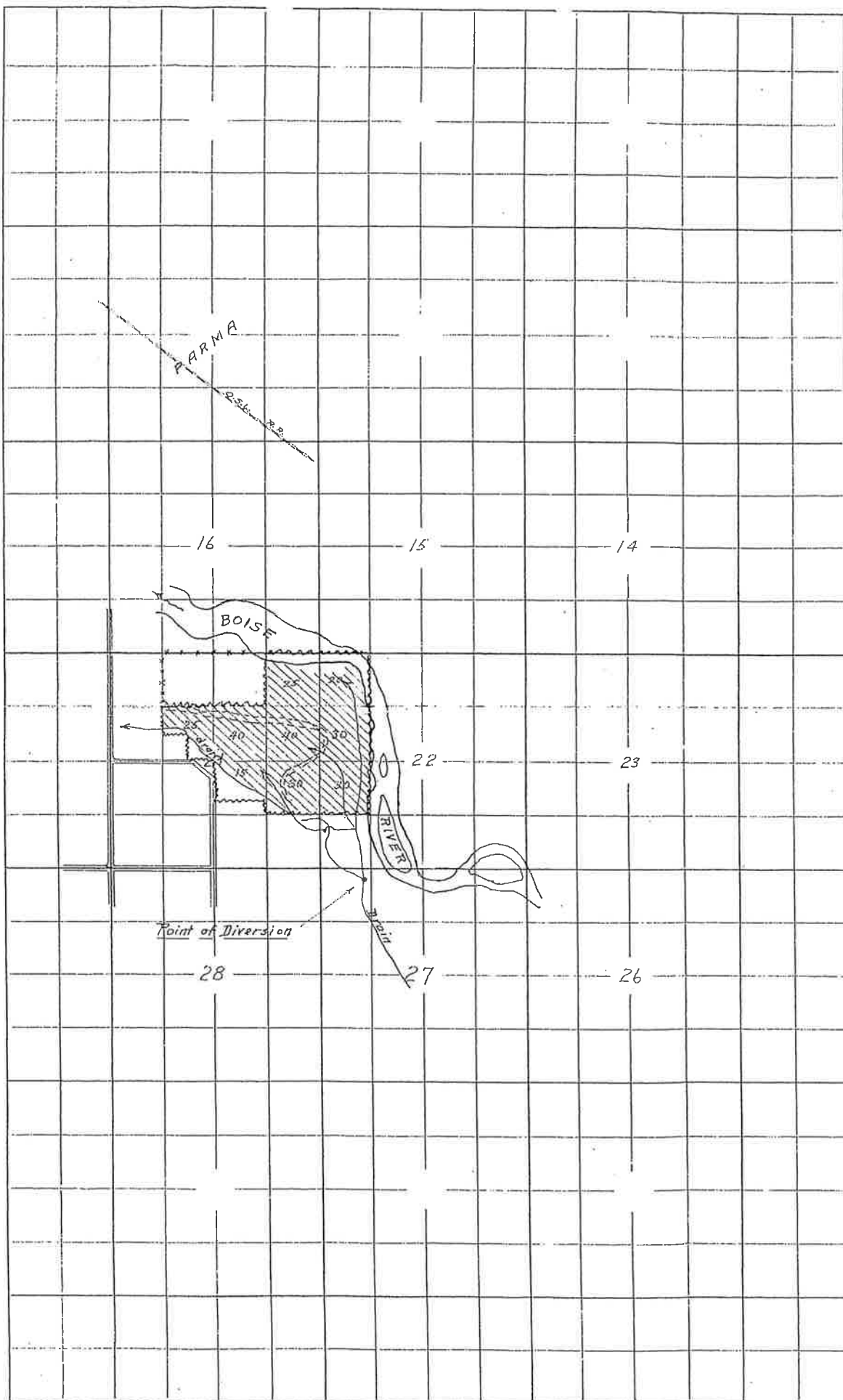
A Concrete Control Structure 9 feet long, 8 feet high, and 10 feet wide is located 70 feet below the point of diversion.

However, it has no wing walls, is more or less washed out at the sides, and is not at present in a usable condition.

This examination was made on the 26th day of Sept, 1945

(Signed) _____

Examiner.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19493

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

B-2611

Application No. 26988
Permit No. 19493
District No.

1. Name of Applicant: CHARLOTTE D. ALLEN

Postoffice address: Parma

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Six (6).

cubic feet per second.

3. Source of water supply: Meadows and Baldridge Drain

which is a tributary of Boise River

4. Location of point of diversion: From NW corner Sec. 27 about 1,320 feet distant from the East, thence South 400 ft.
corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$
of Section 27 , T. 5 N. , R. 5 W. , B. M., County of Canyon

5. Water is to be used for Agricultural purposes (Irrigation)

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Check and ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom 3 feet; width at water line 4 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 2 miles.

Average grade per mile 5 feet.

12. The time required for the completion of such work is None years. (already completed)

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

For new filing

CONSENT

We, the undersigned, Commissionere of the Riverside Irrigation District (a drainage district organized and existing under the laws of the State of Idaho), hereby give and grant on behalf of the said Riverside Irrigation District a permit to Charlottie D. Allen, a widow, of Parma, Idaho to appropriate and use six second feet of water from the Meadows and Baldrige Drain, as now located within the said Riverside Irrigation District, at a point of diversion thereon located at approximately the following point of diversion in Canyon County, Idaho, to-wit:-

At a point about 1,320 feet East, and 400 feet South from the northwest corner of Section 27, Township 5 North, Range 5 West of the Boise Meridian,

Said water from said Meadows and Baldrige Drain, to be used by the said Charlottie D. Allen, her heirs, executors, administrators, successors and assigns, upon the following described lands in Canyon County, Idaho, to-wit:-

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 21, Twp. 5 North, Range 5 West of the Boise Meridian, containing 215 acres.

and
The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 22, Twp. 5 North, Range 5 West of the Boise Meridian, containing 107 acres.

Dated at Parma, Idaho, March 13, 1944.

RIVERSIDE IRRIGATION DISTRICT

By W.H. Kniefel
Ralph Stark
C.D. Allen

Commissioners.

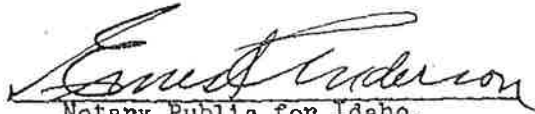
19493

Page #2. Consent.

State of Idaho,)
County of Canyon,) SS.

On this 13th day of March, 1944, before me,
ERNEST ANDERSON, a Notary Public in and for said State,
personally appeared W. H. KNIEFEL, RALPH STARK and C. G.
ALLEN, known to me to be the Commissioners of Riverside
Irrigation District (a drainage district) of Canyon County,
Idaho, and who executed the foregoing instruments on be-
half of the said Riverside Irrigation District, and acknow-
ledged to me that such irrigation district executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, the day and year in this
certificate first above written.


Notary Public for Idaho.
Residing at Parma, Idaho.

19493

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

Case No. 39576

)
)
)
)
)
)
)

Subcase No.: 63-2611B

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

OBJECTOR

Riverside Irrigation District

Date

Date

RESPONDENT

E. Gail McGarry

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

Date

IDWR CONCURRENCE

Vicky Music, Sr. Water Resource Agent

Date

IDWR CONCURRENCE

Nick Spencer, Deputy Attorney General

Date

CERTIFICATE OF SERVICE

I certify that on _____, 2007, 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

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: 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-NWNW-Within-CANYON-County~~
~~T05N-R05W-S27-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 NESE	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.

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.

SF5 - Amended Director's Report

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

Case No. 39576

) Subcase No.: 63-2611A
)
)
)
)
)
)
)

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

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

IDWR CONCURRENCE

Vicky Music, Sr. Water Resource Agent

Date

IDWR CONCURRENCE

Nick Spencer, Deputy Attorney General

Date

CERTIFICATE OF SERVICE

I certify that on _____, 2007, 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
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Twin Falls, ID 83303-2707

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P.O. Box 83720
Boise, ID 83720-0098

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

Riverside Irrigation District
PO Box 1080
Parna, 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

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MAILLARD FARMS LIMITED LIABILITY COMPANY
DBA W & N 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 <u>Lots 4 & 8</u>	NENE	25.00	T05N R05W S21 <u>Lots 3 & 7</u>	SWNE	17.00
T05N R05W S21 <u>Lot 8</u>	SENE	24.00	T05N R05W S22	NWNW	20.00
T05N R05W S22 <u>Lot 4</u>	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.

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.

12/10/2006

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MALLARD FARMS
DBA W & H PARTNERSHIP LLC
504 N PHILLIPI
BOISE ID 83706

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

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF
DIVERSION: T05N R05W S27 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	NENE	25.00	T05N R05W S21	SWNE	17.00
T05N R05W S21	SENE	24.00	T05N R05W S22	NWNW	20.00
T05N R05W S22	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.

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.

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006**

09/12/2006

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MALLARD FARMS A PARTNERSHIP
504 N PHILLIPI
BOISE ID 83706

SOURCE: BALDRIDGE DRAIN
MEADOWS DRAIN

TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 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 Within CANYON County

T05N R05W S21	NENE	25.00	T05N R05W S21	SWNE	17.00
T05N R05W S21	SENE	24.00	T05N R05W S22	NWNW	20.00
T05N R05W S22	SWNW	28.00			

114 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2611A V1

WATER RIGHT NUMBER: 63-2611A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLOTTIE D ALLEN
Current Owner	PARMA, ID 83660 MALLARD FARMS A PARTNERSHIP 504 N PHILLIPI BOISE, ID 83706 (208)323-7767

Priority Date: 03/13/1944

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BALDRIDGE DRAIN	BOISE RIVER
MEADOWS DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.280 CFS	
	<u>Total Diversion:</u>	2.280 CFS	

Location of Point(s) of Diversion

BALDRIDGE DRAIN	NE1/4NW1/4	Sec. 27, Twp 05N, Rge 05W, B.M.
CANYON County		
MEADOWS DRAIN	NE1/4NW1/4	Sec. 27, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of UseIRRIGATION Within CANYON County

T05N R05W S21 ¹⁰⁺ ₂ NENE 25.0	T05N R05W S21 ¹⁰⁺ ₇ SWNE 17.0
T05N R05W S21 ¹⁰⁺ ₈ SENE 24.0	T05N R05W S22 ^{10+ NWNW 20.0}
T05N R05W S22 ¹⁰⁺ ₄ SWNW 28.0	
Total Acres: 114	

Conditions of Approval:

1. C18 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.
2. Use of this water is combined with water from the Haas Ditch Co.
3. F05 Right No. 63-2611B is also diverted through point of diversion described above.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2611A V1

Comments:

1. vmusic 9/11/2006 OWNERSHIP

Comment: PER CANYON CO TAX LOT INFO ON ARCVIEW , WH LLC OWNS BOTH A AND B PORTIONS

2. vmusic 9/11/2006 CLAIMS

Comment: CLAIMS TOTAL MORE ACRES THAN LICENSE. REDUCED THIS CLAIM FROM 241 ACRES TO 114 ACRES. CLAIMED ACRES IN QQ NOT LICENSED OR NOT OWNED BY MALLARD FARMS WHEN CLAIM WAS FILED. ALSO CLAIMED BOISE R AS SOURCE RATHER THAN THE DRAINS . RECOMMENDED THE DRAINS TRIB TO BOISE R.

3. vmusic 9/11/2006 OVERLAPS

Comment: CLAIMED DECREED RIGHTS 63-172 A AND 202A BUT I DISALLOWED THESE. THEY WILL BE RECOMMENDED TO HAAS DITCH CO

4. vmusic 9/11/2006 POD

Comment: NOT A DIRECT DIVERSION FROM BOISE R. MEADOWS AND BALDRIDGE DRAINS WITH BOISE R SOURCE. CONVEYED BY RIVERSIDE . CONSENT IN LICENSE AND CLAIM FILE.

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>
Summary			05/15/2006	scurtis	Active
Contacts	9/11/2006 4:14:31 PM	vmusic			Active
Priority Date	9/11/2006 4:14:45 PM	vmusic			Active
POD	9/11/2006 4:15:48 PM	vmusic			Active
Source	9/11/2006 4:17:36 PM	vmusic			Active
POU	9/11/2006 4:17:52 PM	vmusic			Active
Use	9/11/2006 4:23:40 PM	vmusic			Active
Season	9/11/2006 4:23:59 PM	vmusic			Active
Quantity	9/11/2006 4:25:13 PM	vmusic			Active
Season	9/11/2006 4:25:25 PM	vmusic			Active
Summary			09/11/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/11/2006 4:16:15 PM	vmusic	Updated shape
POU	9/11/2006 4:20:48 PM	vmusic	Updated shape for Active POU
Use	9/11/2006 4:23:41 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2611A V1

Season	9/11/2006 4:24:00 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Contacts	9/11/2006 4:14:32 PM	vmusic	(No) 1. Do you want to schedule an appointment?
General	9/11/2006 4:14:46 PM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/11/2006 4:15:50 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Quantity	9/11/2006 4:25:14 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - LICENSED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2611A V1

Season	9/11/2006 4:25:27 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Summary	9/11/2006 4:31:30 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	9/11/2006 4:17:38 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/11/2006 4:17:54 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	9/12/2006 9:47:54 AM	vmusic	Updated shape for Active POU
POD	9/12/2006 9:55:00 AM	vmusic	Updated shape
POD	9/12/2006 1:11:50 PM	vmusic	Updated shape
POD	9/12/2006 1:12:09 PM	vmusic	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2611A V1

Summary

5/15/2006 2:28:39 PM

scurtis

(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

Water Supply Bank:



Harold Q. Noack, Jr.
P.O. Box 875
Boise, ID 83701
(208) 336-2480

380 E. PARKCENTER BOULEVARD, SUITE 130
BOISE, IDAHO 83706

A.L. Lyons
P.O. Box 1397
Boise, ID 83701
(208) 336-6767

April 7, 1989

Jeff Peppersack
Department of Water Resources
1301 N. Orchard
Boise, ID 83720

RECEIVED

APR 10 1989

Department of Water Resources

Re: Mallard Farms, a partnership

Dear Jeff:

Please find enclosed four Notices of Claim to a Water Right for Mallard Farms, a partnership, with four checks in the amounts of \$25.00, \$50.00, \$50.00, and \$291.00.

If you have any questions, please call me.

Very truly yours,

Harold Q. Noack, Jr.

HQN:dsg
Enc.
cc: Jerry Waller
Ward Williamson

MICROFILMED

AUG 18 1992

Desktop review/vmm

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-2611 A

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Per Canyon Co. tax lot info on A review
- ☐ No change Address
- ☐ NEW ADDRESS W & H owns both A & B
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary licensed
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: Boise R. - not a direct diversion, meadows & Baldridge Tributary to chains

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See claim**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use IRR From 3/1 To 11/15 Amount 2.28 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount NA CFS _____ AFA _____
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Overclaimed license. Reduced acres to 114.
Additional acres claimed not licensed or not owned
by claimant (owner claim was filed)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	21	25		17	24													66
5N	5W	22						20	28										48

Overlap with other water rights: 63-112A & 202A - Discontinued 114

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See claim

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(no Boise R conditions needed)

exp ✓ Haas Ditch CO. water also used

- (1) license overclaimed by 100 ac. see memo in file.
(2) not a Boise R. direct diversion

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA-C
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

11-12-06

FIELD EXAMINER:

10/12/06
10/12/06

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2611 A & B
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIM ANALYSIS
DATE: 9/12/2006
CC:

Water rt. no. 63-2611 was a license issued to Charlotte Allen for 5.1 cfs from the Meadows and Baldridge drains tributary to the Boise R. for irrigation of 255 acres in 5N 5W S 21 and 22. The duty of water is 0.02 cfs/acre. The Allens sold the property and license to the Walkers in 1981. During claims taking, Mallard Farms and the Walkers claimed portions of the license. Mallard Farms claimed 241 acres and 4.82 cfs and the Walkers claimed 114 acres and 2.62 cfs. Hence, the license is overclaimed by 100 acres and 2.41 cfs.

In 2001, the Walkers sold their portion of the licensed right and appurtenant land to W & H Partnership LLC. The deed states that the appurtenant water right consists of 131.14 " (2.62 cfs). IDWR ran a metes and bounds from the legal description in the deed which indicates that 188.5 acres was sold. Interestingly, the same people own both Mallard Farms and W&H. According to the Canyon Co. assessor information on Arcview, the current owner of all of the property is W& H. No change of ownership has been filed on the A portion.

Though the B claim is for 2.62 cfs, only 114 acres are claimed so I had to reduce the quantity to 2.28 cfs. For the A portion, based on the original licensed acres and the property owned and conveyed under B, I recommended 114 acres and 2.28 cfs. The additional acres claimed in the A portion were owned by the Walkers or were never licensed.

It is just a coincidence that the acres are the same as B. The property also has appurtenant Boise R. decreed rights (Haas Ditch Co.) so there is no way to really establish an accomplished transfer in POU. So, the A portion overclaimed and the B portion underclaimed the license. The licensed water is carried by the Riverside Irrigation District.

Seems like the best thing to do is recombine the splits into the parent. If the claimant contacts me, will suggest an amended claim for the parent.

VLM

09/11/2006

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

RIGHT NUMBER: 63-2611A

NAME AND ADDRESS: MALLARD FARMS A PARTNERSHIP
504 N PHILLIPI
BOISE ID 83706

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.820 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

2.820 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION Within CANYON County

T05N R05W S21

NENE 25.00

T05N R05W S21

SWNE 23.00

T05N R05W S21

SENE 25.00

T05N R05W S21

NENW 12.00

T05N R05W S21

SENE 7.00

T05N R05W S22

NWNW 20.00

T05N R05W S22

SWNW 29.00

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this water is combined with water from the Haas Ditch Co.

physical address - Lee Lane,

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-02611A
 Legal: T05N, R05W, S21 & 22
 Reviewed By:

Point of Diversion
 (located outside of view)



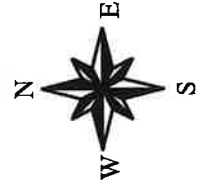
Place of Use



Section Lines



Quarter Quarter Lines



0 0.25 0.5 0.75 1 Miles

recommended areas
 revised - proposed 24, 27, 28, 29, 30, 31, 32
 all areas shown
 not allowed is "P"

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2611A V1

WATER RIGHT NUMBER: 63-2611A V1

Owner Type Name and Address
 Original Owner CHARLOTTIE D ALLEN
 PARMA, ID 83660
 Current Owner MALLARD FARMS A PARTNERSHIP
 504 N PHILLIPI
 BOISE, ID 83706
 (208)323-7767

Priority Date: 03/13/1944

Basis:

Status: Active

Source
 BOISE RIVER

Tributary
 SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 3/15 to 11/15 4.820 CFS —
 Total Diversion: 4.820 CFS

Location of Point(s) of Diversion

BOISE RIVER

NW1/4NE1/4NW1/4

Sec. 27, Twp 05N, Rge 05W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	21	38.0	40.0	23.0	28.0	32.0	32.0	32.0	25.0	38.0	40.0	23.0	28.0	170.0
05N	05W	22	35.0	40.0	23.0	28.0	32.0	32.0	32.0	25.0	38.0	40.0	23.0	28.0	71.0
Total Acres: 241			35	40	23	28	32	32	32	25	38	40	23	28	

Conditions of Approval:

1. C18 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.
2. ORIGINAL POINT OF DIVERSION IS STATED IN LICENSE AS 1320 FT. EAST OF NW CORNER OF SEC. 27, THENCE 400 FT. SOUTH; AND IN THE NW1/4 OF SEC. 27, T5N, R5W FROM MEADOWS AND BALDRIDGE DRAIN. CLAIMANT HAS TWO POINTS OF DIVERSION IN THE NWNENW OF SEC. 27 AND 2 DITCHES TO CONVEY WATER TO PLACE OF USE.
 DIVERSION RATE FOR THIS CLAIM IS BASED ON LICENSE AMOUNT OF 1 INCH OF WATER PER ACRE SINCE CLAIMANT DOES NOT KNOW ACTUAL DIVERSION RATE.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Mitigation Plan: False

Combined Use Limits:

Overlaps 63-172A, 202A - disallowed.

3/11 - no should mark

Direct diversion
 downstream
 from star
 bridge

not lic. in
 this RR
 not lic. RR
 all for per 87
 aerial (5.1 cfs) / 255 ac = .02 cfs/ac.

doesn't own
 prop here

= 143 141

(A & B = 355. lic for 255. overclaimed
 by 100 acres.)

you should mark

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2611A

09/11/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-202	Claim	05N	05W	27	NE	NW			
63-172B	Claim	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	HAAS DITCH CO
63-202B	Claim	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	HAAS DITCH CO
63-2611	Claim	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	
63-172A	Claim	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	MALLARD FARMS A PARTNERSHIP
63-202A	Claim	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	MALLARD FARMS A PARTNERSHIP
63-2611A	Claim	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	MALLARD FARMS A PARTNERSHIP
63-2611	Water Right	05N	05W	27	NE	NW		BALDRIDGE DRAIN BOISE RIVER	CHARLOTTIE D ALLEN
63-202	Water Right	05N	05W	27	NE	NW		BOISE RIVER SNAKE RIVER	CHARLOTTIE D ALLEN

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2611A**

09/11/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
172A	Claim	05N	05W	21	NE	NE		IRRIGATION	38/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	21	NE	NE		IRRIGATION	38/632	HAAS DITCH CO
202A	Claim	05N	05W	21	NE	NE		IRRIGATION	38/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	21	NE	NE		IRRIGATION	38/632	HAAS DITCH CO
2611A	Claim	05N	05W	21	NE	NE		IRRIGATION	38/241	MALLARD FARMS A PARTNERSHIP
2611	Water Right	05N	05W	21	NE	NE		IRRIGATION	25/255	CHARLOTTIE D ALLEN
2611B	Water Right	05N	05W	21	NE	NE		DOMESTIC		MALLARD FARMS A PARTNERSHIP
172A	Claim	05N	05W	21	NW	NE		IRRIGATION	40/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	21	NW	NE		IRRIGATION	40/632	HAAS DITCH CO
202A	Claim	05N	05W	21	NW	NE		IRRIGATION	40/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	21	NW	NE		IRRIGATION	40/632	HAAS DITCH CO
2611A	Claim	05N	05W	21	NW	NE		IRRIGATION	40/241	MALLARD FARMS A PARTNERSHIP
2611B	Water Right	05N	05W	21	NW	NE	3	IRRIGATION		CHARLOTTIE D ALLEN
172A	Claim	05N	05W	21	SW	NE		IRRIGATION	23/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	21	SW	NE		IRRIGATION	38/632	HAAS DITCH CO
202A	Claim	05N	05W	21	SW	NE		IRRIGATION	23/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	21	SW	NE		IRRIGATION	38/632	HAAS DITCH CO
2611A	Claim	05N	05W	21	SW	NE		IRRIGATION	23/241	MALLARD FARMS A PARTNERSHIP
2611	Water Right	05N	05W	21	SW	NE		IRRIGATION	40/255	CHARLOTTIE D ALLEN
2611B	Claim	05N	05W	21	SW	NE	7	IRRIGATION	17/114	W & H PARTNERSHIP LLC
2611C	Water Right	05N	05W	21	SW	NE	7	IRRIGATION		CHARLOTTIE D ALLEN
172A	Claim	05N	05W	21	SE	NE		IRRIGATION	28/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	21	SE	NE		IRRIGATION	32/632	HAAS DITCH CO
202A	Claim	05N	05W	21	SE	NE		IRRIGATION	28/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	21	SE	NE		IRRIGATION	32/632	HAAS DITCH CO
2611A	Claim	05N	05W	21	SE	NE		IRRIGATION	28/241	MALLARD FARMS A PARTNERSHIP
2611	Water Right	05N	05W	21	SE	NE		IRRIGATION	40/255	CHARLOTTIE D ALLEN
2611B	Claim	05N	05W	21	SE	NE	8	IRRIGATION	13/114	W & H PARTNERSHIP LLC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2611A

09/11/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-202	Water Right	05N	05W	21	SE	NE	8	IRRIGATION		CHARLOTTIE D ALLEN
172A	Claim	05N	05W	21	NE	NW		IRRIGATION	33/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	21	NE	NW		IRRIGATION	39/632	HAAS DITCH CO
202A	Claim	05N	05W	21	NE	NW		IRRIGATION	33/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	21	NE	NW		IRRIGATION	39/632	HAAS DITCH CO
1611A	Claim	05N	05W	21	NE	NW		IRRIGATION	33/241	MALLARD FARMS A PARTNERSHIP
1611B	Claim	05N	05W	21	NE	NW		IRRIGATION	1/114	W & H PARTNERSHIP LLC
-202	Water Right	05N	05W	21	NE	NW	4	IRRIGATION		CHARLOTTIE D ALLEN
172A	Claim	05N	05W	21	SE	NW		IRRIGATION	8/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	21	SE	NW		IRRIGATION	27/632	HAAS DITCH CO
202A	Claim	05N	05W	21	SE	NW		IRRIGATION	8/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	21	SE	NW		IRRIGATION	27/632	HAAS DITCH CO
-226	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-227	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-228	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-229	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-299	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-300	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2279	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2374	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2389	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
1611A	Claim	05N	05W	21	SE	NW		IRRIGATION	8/241	MALLARD FARMS A PARTNERSHIP
4007	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4008	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4010	Claim	05N	05W	21	SE	NW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2611	Water Right	05N	05W	21	SE	NW		IRRIGATION	25/255	CHARLOTTIE D ALLEN
11623	Water Right	05N	05W	21	SE	NW		DOMESTIC		RAY OBENDORF
1611B	Claim	05N	05W	21	SE	NW	6	IRRIGATION	16/114	W & H PARTNERSHIP LLC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2611A

09/11/2006

3

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-202	Water Right	05N	05W	21	SE	NW	6	IRRIGATION		CHARLOTTIE D ALLEN
2279	Water Right	05N	05W	21	SE	NW	6	IRRIGATION	33/4496	THE RIVERSIDE IRRIGATION DIST LTI
172A	Claim	05N	05W	22	NW	NW		IRRIGATION	38/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	22	NW	NW		IRRIGATION	38/632	HAAS DITCH CO
202A	Claim	05N	05W	22	NW	NW		IRRIGATION	38/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	22	NW	NW		IRRIGATION	38/632	HAAS DITCH CO
2611A	Claim	05N	05W	22	NW	NW		IRRIGATION	38/241	MALLARD FARMS A PARTNERSHIP
-202	Water Right	05N	05W	22	NW	NW		IRRIGATION		CHARLOTTIE D ALLEN
2611	Water Right	05N	05W	22	NW	NW		IRRIGATION	20/255	CHARLOTTIE D ALLEN
172A	Claim	05N	05W	22	SW	NW		IRRIGATION	33/241	MALLARD FARMS A PARTNERSHIP
172B	Claim	05N	05W	22	SW	NW		IRRIGATION	33/632	HAAS DITCH CO
202A	Claim	05N	05W	22	SW	NW		IRRIGATION	33/241	MALLARD FARMS A PARTNERSHIP
202B	Claim	05N	05W	22	SW	NW		IRRIGATION	33/632	HAAS DITCH CO
2611A	Claim	05N	05W	22	SW	NW		IRRIGATION	33/241	MALLARD FARMS A PARTNERSHIP
2611	Water Right	05N	05W	22	SW	NW		IRRIGATION	30/255	CHARLOTTIE D ALLEN
2611B	Claim	05N	05W	22	SW	NW	4	IRRIGATION	1/114	W & H PARTNERSHIP LLC
-202	Water Right	05N	05W	22	SW	NW	4	IRRIGATION		CHARLOTTIE D ALLEN

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19493

This proof is for Beneficial use In Water District No. _____1. Name of applicant Charlottie D. Allen- C/o Ernest Anderson, Att'y.-at-Law- Parma, Idaho2. Source of water supply Meadows & Baldridge Drain3. Location of point of diversion: Is in the NW $\frac{1}{4}$ of Section 27T. 5 N. R. 5 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: A Lumber Check Dam 12 feet long, 8 feet wide, and 7 feet deep with stop log control, and a Headgate structure of concrete, 5 feet wide X 5 feet high with outlet culvert 4 feet X 4 feet in section discharging to a ditch of 6 feet width X 1 to 1 $\frac{1}{2}$ feet in depth.

5. Water is used for Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21;

NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22;All in Twp. 5 N., Range 5 W., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Boise River

Remarks

A Concrete Control Structure 9 feet long, 8 feet high, and 10 feet wide is located 70 feet below the point of diversion.

However, it has no wing walls, is more or less washed out at the sides, and is not at present in a usable condition.

This examination was made on the 26th day of Sept, 1945

(Signed)

Ernest Anderson
Examiner.

Charlotte D. Allen
O/o Ernest Anderson, Att'y.
Parma, Idaho
Permit No. 19493

17

Examination for Beneficial use

County Canyon

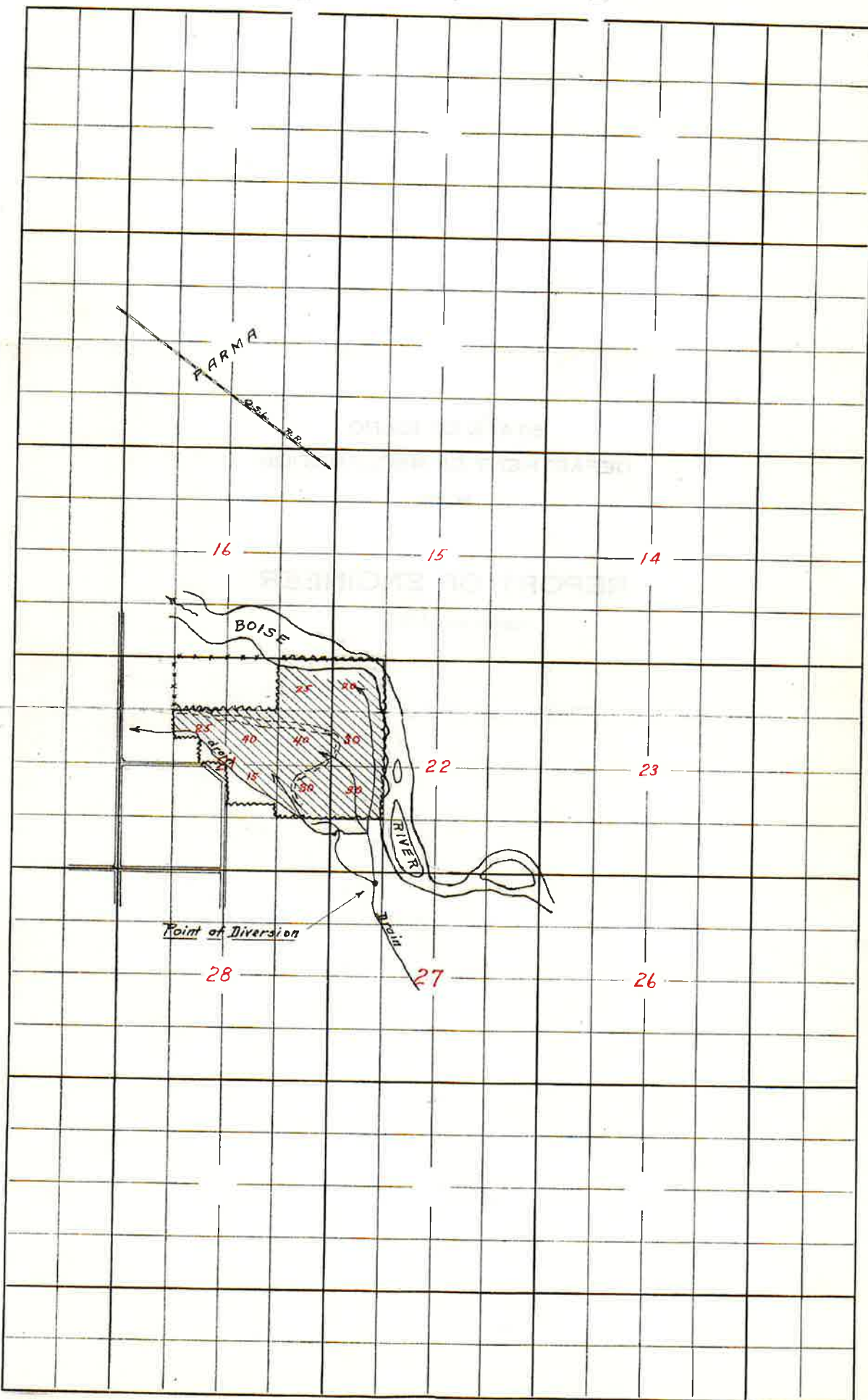
INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

RECEIVED

FEB 23 1946

Department of Agriculture



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19493

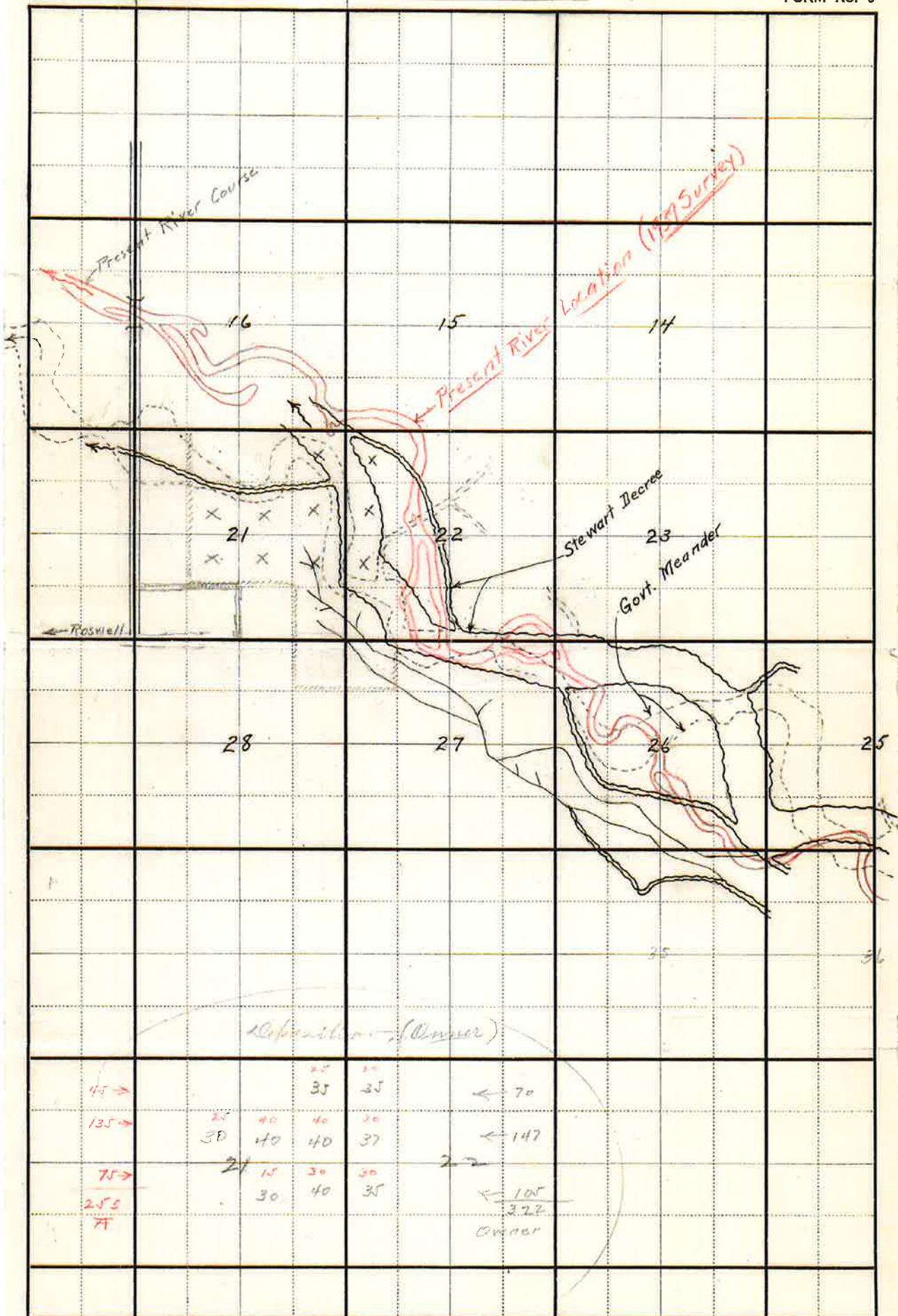
NAME OF APPLICANT

Charlotte W. Allen

T. 5N - R. 7W

P-19493

FORM No. 0



SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

19493

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:04
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
		SUBCASE NOS: 63-02611A 63-02611B

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 09:00 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

MALLARD FARMS
W & H PARTNERSHIP LLC

Represented by:
LINDA B. JONES
PO BOX 2527
BOISE, ID 83701
Phone: 208-342-5000

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

**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

Case No. 39576

)
)
)
)
)
)
)

Subcase No.: 63-2611A

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

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

IDWR CONCURRENCE

Vicky Music, Sr. Water Resource Agent

Date

IDWR CONCURRENCE

Nick Spencer, Deputy Attorney General

Date

CERTIFICATE OF SERVICE

I certify that on _____, 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