

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 63-33354
Date Received: 5/28/2010
Receipt No: C091621, C091624
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

W & H LIMITED LIABILITY COMPANY Phone: (208) 323-7767
PO BOX 7943
BOISE ID USA 83707

2. Date of Priority: 03/13/1944

3. Source: MEADOWS DRAIN , Trib. to: BOISE RIVER
BALDRIDGE DRAIN BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
05N	05W	27	NE	NW	3	CANYON	
05N	05W	27	NE	NW	3	CANYON	

5. Description of diverting works:

Water is diverted from the drain into Upper Haas Ditch and from Upper Haas Ditch to smaller ditches.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A STOCKWATER	01/01	12/31	1.55	

7. Total Quantity Appropriated is:
1.55 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 200 Beef Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	05W	16	SE	SW		STOCKWATER	
			SW	SE		STOCKWATER	
05N	05W	21	NE	NE	2	STOCKWATER	
			NW	NE	3	STOCKWATER	
			SW	NE	7	STOCKWATER	
			SE	NE	8	STOCKWATER	
			NE	NW	4	STOCKWATER	
			SE	NW	6	STOCKWATER	
			NE	SE	9	STOCKWATER	
			NW	SE		STOCKWATER	
05N	05W	22	NW	NW		STOCKWATER	
			SW	NW	4	STOCKWATER	
			SW	SW		STOCKWATER	
			NW	SW	3	STOCKWATER	

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:

14. Remarks:

Water is diverted from Baldridge and Meadows Drain into a ditch, also known as the Upper Haas Ditch, that carries water to feeder ditches for stockwater, wildlife and irrigation uses. The claimed flow rate includes 1.50 cfs for conveyance losses.

INCIDENTAL STOCKWATER USE DURING THE IRRIGATION SEASON UNDER DECREES 63-172B, 63-202B, 63-2611A, AND 63-2611B. YEAR-ROUND STOCKWATER USE CLAIMED UNDER SRBA BENEFICIAL USE CLAIM 63-33361

There is actually only one POD claimed. The one POD claims a source of both Baldridge Drain and Meadows Drain (csaxton 6-11-10).

15. Basis of Claim: Beneficial Use

SRBA

DIRECTORS REPORT 63-33354

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IWT072

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

Right Number: 63-33354

Name and Address: W & H LIMITED LIABILITY COMPAN
ATTN: GERALD A WALLER
PO BOX 7943
BOISE, ID 83707

Source: UNNAMED DRAIN Tributary: BOISE RIVER

Quantity: .05 CFS

This right and Right No. 63-32910 are limited to a total combined diversion rate of 4.6 cfs.
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Priority Date: 03-13-1944

Diversion Point: T05N R05W S27 LOT 3 (NENW) Within Canyon County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.05 CFS

Place of Use:	Stockwater	Within Canyon County
	T05N R05W S21 LOT 8 (NENE)	LOT 2 (NENE)
	LOT 7 (SWNE)	LOT 8 (SENE)
	LOT 1 (NESE)	LOT 9 (NESE)
	S22 NWNW	LOT 4 (SWNW)
	LOT 3 (NWSW)	

Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

Stockwater use is for 200 beef cattle.
Source is locally known as the Baldrige-Meadows Drain.

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2ND SF5
ADDING COMB. USE
OF 45 AFY FROM
STIPULATION.

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

RIGHT NUMBER: 63-33354

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

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.050 CFS
45.000 AFY

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

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

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 NENW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER in CANYON County

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

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

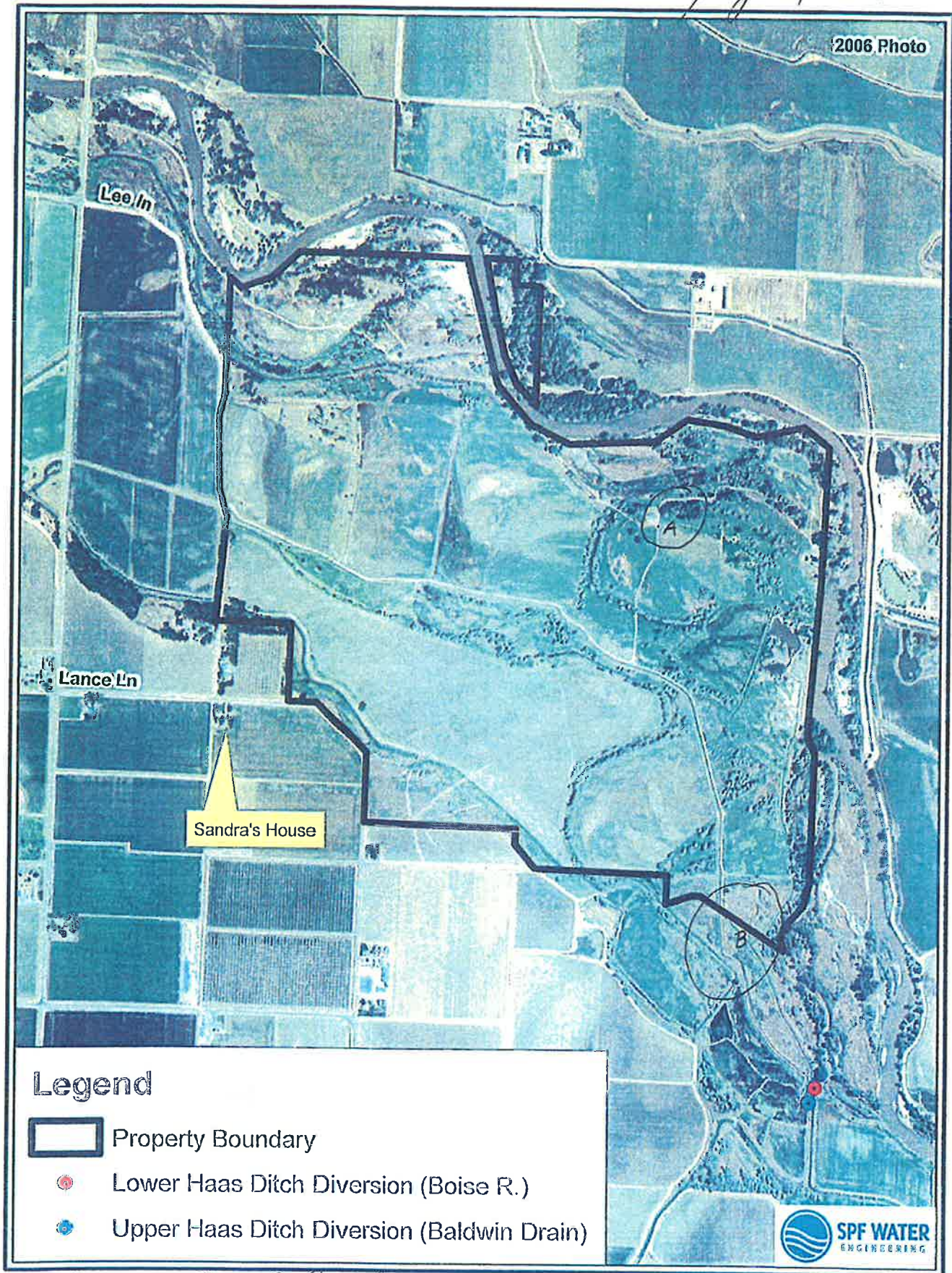
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 200 beef cattle.
Source is locally known as the Baldridge-Mea

MEMO
OK
TESTED
SF5

Yang 7.1.10



A. area of stranded pick-up
B. area of blown up check structure

Shurte, Jan

From: Williams, Ray
Sent: Monday, January 30, 2012 3:30 PM
To: Shurte, Jan
Cc: Spencer, Nick
Subject: FW: 63-32910 and 63-33354 (W & H Development)

Hi, Jan –

Would you be able to prepare draft SF5 recommendations in Word for these water rights, with the insertion of Nick's proposed remarks contained in his 9/27 e-mail below and shoot them to us?

Thanks!

Ray

From: Spencer, Nick
Sent: Monday, October 03, 2011 9:31 AM
To: Shurte, Jan
Cc: Williams, Ray
Subject: RE: 63-32910 and 63-33354 (W & H Development)

Nope. There isn't anything we can do until we hear back from Dana and Mike in response to my e-mail, below, with the language I propose. If, on reflection, they decide to accept the proposed language, we can go ahead with new SF-5s. If they decide not to accept it, they need to tell us why, and what they think the language ought to be. NBS

From: Shurte, Jan
Sent: Monday, October 03, 2011 9:05 AM
To: Spencer, Nick
Subject: FW: 63-32910 and 63-33354 (W & H Development)

Nick – am I supposed to be doing something on these. I do not remember their responses? Don't worry I am working on 63-33516 and Mike Lawrence has not called me for a meeting yet, but he proposed Wednesday. I don't think it will be a problem after speaking with him on Friday. It appears they have a license for the winter time recreation portion of this right. I can look at that file and find out a bunch of information. Jan

From: Spencer, Nick
Sent: Tuesday, September 27, 2011 11:39 AM
To: Michael C Creamer; Dana Hofstetter
Cc: Shurte, Jan; Williams, Ray
Subject: 63-32910 and 63-33354 (W & H Development)

Hi Dana and Mike.

I apologize for the last minute confusion. When we first looked at the objection and response in the 63-33354 subcase it looked like a quick and easy fix and we drafted an SF-5 to circulate for signature. However, since Mike informed me that

we didn't get the intent of the parties correctly stated, I have gone back to look at the situation more closely, and have realized there is a problem with what you each propose in the objection and response.

Basically as I understand it you are seeking a combined storage volume limit of 45 AF listed on both 63-33354 and 63-32910. A storage volume limiter works fine for 63-32910 because it has a wildlife storage component. However, 63-33354 is simply a small stockwater right. It has no storage component on it. Therefore I fear that we will create confusion that will cause heartburn for the claimant down the road if we put a combined storage volume limit on a right that does not allow for storage. Therefore I suggest that 63-33354 be left with the existing remark setting a combined diversion rate limit of 4.6 cfs. The remark would read as follows:

This right and right no. 63-32910 are limited to a total combined diversion rate of 4.6 cfs.

Right 63-32910 is the right that provides for diversion to storage and a wildlife storage component. I propose that the following two sentence remark be placed on this right:

This right and right no. 63-33354 are limited to a total combined diversion rate of 4.6 cfs. The storage volume for this right is limited to 45 AF.

I think this language effectuates the intent of the parties, which, as I understand it, is to limit the combined diversion rate of the two rights to 4.6 cfs, and to limit the storage volume of the storage right to 45 AF to insure that the existing storage pond volume cannot be increased.

Is my thinking in this regard out to lunch? Please let me know what you think.

Thanks.

NBS

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Is my thinking in this regard out to lunch? Please let me know what you think.

Thanks.

NBS

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, September 27, 2011 9:59 AM
To: Shurte, Jan
Cc: Williams, Ray
Subject: RE: Message from 2083881200

Hi Jan. I want to talk to Mike Creamer to get a better idea of what in the heck Dana and he agreed to. In looking at 33354 it looks to me to be a run-of-the-mill small stockwater right without any storage component. Therefore a combined use limit that includes a storage volume makes no sense being as there is no right to store water under 33354. It looks to me that the combined quantity limiter should be confined to a combined diversion rate limit. On 32910 I also see no need for a combined diversion volume limiter with 33354 since 33354 doesn't have a storage component on it, and therefore no need for a volume limiter. I guess one can put a remark on 32910 saying that its storage volume limit is 45 AFY, but that simply duplicates the storage quantity listed under the purpose of use. It all makes no sense to me. Do you understand what on earth Dana is trying to accomplish? NBS

From: Shurte, Jan
Sent: Tuesday, September 27, 2011 8:03 AM
To: Spencer, Nick
Cc: Williams, Ray
Subject: RE: Message from 2083881200

Good Morning,

I have no problem stating it as "This right and Right No. 63-33354 are limited to a total combined diversion rate of 4.6 cfs and 45 acre feet of storage." Then, we could take out the total volume from the quantity since it is not required for surface water sources anyway.

I think this would clear up the problem and it would be clear to Departmental staff also. In the old days (like way old) we used to type the "for storage" portion into licenses to differentiate the acre foot per year total volume and the storage volume. This is the same thing except, in this case, we can just leave out the total volume with the remark being the explanation.

What do you think?

Jan

From: Spencer, Nick
Sent: Monday, September 26, 2011 6:06 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: FW: Message from 2083881200

Hi Jan. Do you have any suggestions for how to revise the W & H volume remark? Apparently the volume limiter is supposed to be a storage volume rather than a diversion volume. Let's talk before the status conference tomorrow morning at 11:00. Thanks. NBS

2011003981

RECORDED

2011 JAN 28 PM 12 18

CHRIS V. DIO
CANYON COUNTY RECORDER

RECEIVED
Canyon County
Recorder
FEE \$71.00

AGREEMENT

This Agreement is entered into effective the 21st day of January, 2011 by and between W&H Limited Liability Company, an Idaho limited liability company ("W&H") and Gregory Obendorf and G.O. Investments, LLC a Colorado limited liability company (collectively "Obendorf") to resolve pending disputes between them concerning the use of water and water delivery facilities.

RECITALS

- A. W&H owns real property in Canyon County, Idaho adjacent to the Boise River more particularly described in Exhibit A hereto. ("W&H Property")
- B. W&H has filed certain claims in the Snake River Basin Adjudication ("SRBA"), including Amended Claim No. A63-32910 claiming 4.60 cubic feet per second ("cfs")/45 acre-feet per annum ("AFA") from a drain known locally as the Baldridge and Meadows Drain ("Drain") for year-round wildlife, wildlife storage and stock water purposes with a claimed priority date of January 1, 1970 (the "Wildlife Claim"). W&H also has filed late claims A63-33354 claiming 1.55 cfs from the Drain for stock watering with a claimed priority date of March 13, 1944, and Claim A63-33361 claiming .05 cfs from the Lower Haas Ditch for stock watering with a claimed priority date of March 13, 1944 (the "Stock Water Claims").
- C. W&H also has filed an Application for Permit No. 63-32458 ("W&H Application") with the Idaho Department of Water Resources ("IDWR") seeking to appropriate an additional 4.6 cfs/78.8 AFA of water for year-round wildlife purposes from the Drain with a priority date of September 12, 2006 for delivery to the W&H Property via the Upper Haas Ditch via a headgate and control works located on the Obendorf property ("Upper Haas Headgate").
- D. W&H also holds decreed water right Nos. 63-02611A and 63-02611B, each with a priority date of March 13, 1944 for 2.28 cfs for irrigation purposes diverted and delivered from the Drain via the Upper Haas Headgate and Upper Haas Ditch.
- E. W&H also holds water right Permit 63-12601 with a priority date of August 24, 2000 for 0.2 cfs/20AFA for year-round wildlife purposes diverted and delivered from the Drain via the Upper Haas Headgate and Upper Haas Ditch.
- F. The above-described water rights, including applications for permit, permits, licenses, claims and decrees, belonging to W&H are collectively referred to herein as the "W&H

Water Rights.” W&H also owns shares in the Haas Ditch Company for irrigation from the Lower Haas Ditch that are not the subject of this Agreement.

G. Obendorf owns real property adjacent to the W&H property, more particularly described in Exhibit B hereto (“Obendorf Property”), and has filed an Application for Permit No. 63-32460 with IDWR seeking to appropriate 6 cfs/40 acre-feet of water from the Drain with a priority date of April 5, 2005 for wildlife uses from the Upper Haas Headgate and using the Upper Haas Ditch on the Obendorf Property, and an Application for Permit No. 63-32459 seeking to appropriate 24 cfs from the Boise River with a priority date of April 5, 2005 for delivery through the Lower Haas Ditch for wildlife uses (the “Obendorf Applications”). Obendorf also has other water rights, including without limitation, from the Riverside Irrigation District and the Haas Ditch Company, that are not the subject of this Agreement.

H. Obendorf also desires to obtain a water right for the same purposes and in the same quantity as sought in Application for Permit 63-32460 to be diverted and delivered to storage and wildlife purposes from March 1 through November 15 from the Upper Haas Headgate and using the Upper Haas Ditch on the Obendorf Property. A copy of Obendorf’s proposed new permit application is attached hereto as Exhibit C. Obendorf may also desire to obtain a water right for the same purposes as sought in Application for Permit 63-32459 to be diverted from the Boise River for delivery through the Lower Haas Ditch for wildlife uses from March 1 through November 15.

I. Obendorf also intends filing: 1) a SRBA claim for a water right for wildlife and wildlife storage purposes using water diverted from the “Meadows Drain,” a tributary to the Drain, to be delivered to existing ponds on the Obendorf Property lying south of the Lower Haas Ditch, which water right would not be diverted or delivered from the Upper Haas Headgate or Upper Haas Ditch; 2) a SRBA claim for a water right for irrigation of ten acres of the Obendorf Property lying south of the Lower Haas Ditch using wastewater diverted directly from lands owned by Obendorf lying south and west from the Drain; and 3) a SRBA claim for a water right for irrigation of twelve acres of the Obendorf Property lying on both sides of the Lower Haas Ditch using water from the Drain diverted at the Upper Haas Headgate and delivered through and from the Upper Haas Ditch on the Obendorf Property. Copies of the above-described proposed SRBA Claims are attached hereto as Exhibits D, E and F respectively (the “Obendorf SRBA Claims”).

J. W&H has filed an Objection in the SRBA to IDWR’s recommendation of disallowal of its Wildlife Claim. Obendorf has filed a Response in the SRBA supportive of IDWR’s recommendation of disallowal of the Wildlife Claim and the matter currently is set for trial.

K. W&H has protested the Obendorf Applications and notified IDWR that Obendorf currently has no consent from W&H to use the Upper Haas Headgate or Upper Haas Ditch to deliver water to the Obendorf property. Obendorf has protested W&H’s Application for Permit No. 63-32458 raising as an issue, among other things, that W&H does not have an easement to

use the Upper Haas Headgate and Upper Haas Ditch to deliver the water sought by the Application.

L. W&H and Obendorf wish to resolve these various disputes between them concerning water use and use of the Upper Haas Headgate and Upper Haas Ditch on terms set forth herein.

M. The general locations of the various drains and ditches are described in Exhibit G hereto.

NOW THEREFOR, in consideration of the recitals, terms, covenants and conditions set forth herein, the parties agree as follows:

1. W&H and Obendorf will enter into a stipulated settlement by way of an SF-5 approved by IDWR allowing entry of a partial decree in the SRBA of the Wildlife Claim providing that the combined diversion rate for wildlife and stock water purposes under the Wildlife Claim and stock water claim A63-33354 is 4.6 cfs/45 AFA, and including language in substantially the following form subordinating the priority of the Wildlife Claim to the priority of Application for Permit No. 63-32460 when there is not a sufficient flow of water in the Drain to fully satisfy both:

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

2. Obendorf shall not object to IDWR's recommendations and the SRBA's approval and partial decree of the Stock Water Claims, provided that W&H will reduce the quantity claimed for stock water under its late claim A63-33354 to 0.05 cfs, which, when combined with the Wildlife Claim, shall be limited to a total diversion rate and volume from the Drain of 4.6 cfs/45 AFA.

3. W&H shall file appropriate documents with IDWR to withdraw its protests to the now pending Obendorf Applications subject to IDWR approval consistent with the terms and conditions herein specified, and agrees not to protest the proposed applications described in Recital H above, including, without limitation, Exhibit C hereto. W&H's protest withdrawals will specifically state that a permit may be issued pursuant to such application for water right No. 63-32460 to Obendorf for 6 cfs/40 acre-feet, with a source of the Drain diverted at Upper Haas Headgate and delivered through the Upper Haas Ditch on the Obendorf Property as provided herein, and such Permit No. 63-32460 and any subsequently issued license of same, may

expressly recognize the subordination of W&H's Wildlife Claim described in Section 1 above to Permit No. 63-32460.

4. Obendorf may file the new application for permit shown in Exhibit C hereto, and provided that any permit issued has a priority date junior to September 12, 2006, W&H will not protest the new application. Obendorf may also file an Application for Permit for a water right for the same purposes as sought in Application for Permit 63-32459 to be diverted from the Boise River for delivery through the Lower Haas Ditch for wildlife uses from March 1 through November 15.

5. Obendorf may file the Obendorf SRBA Claims and, provided such SRBA Claims are recommended in substantial conformance with the elements contained in the attached Exhibits D, E and F, W&H will not object to the Obendorf SRBA Claims.

6. Obendorf will withdraw its protest to the W&H Application, subject to IDWR approval consistent with the terms and conditions herein specified.

7. Obendorf and W&H agree to share equally the cost of design and construction of any new measuring and/or control structure(s) that may be required by IDWR to allow the Watermaster to measure and deliver their respective water rights from the Drain at the Upper Haas Headgate. Upon the request of either party, one or more structures shall be designed and constructed after IDWR consultation, and as applicable, after approval from IDWR and/or U.S. Army Corps of Engineers, to allow W&H and Obendorf to accurately measure and confirm that they each are getting their authorized quantities from the Upper Haas Ditch. If IDWR recommends that accurate measurement can be obtained using only one structure, the parties will share equally in the costs and design of that measurement structure. If separate structures are recommended by IDWR for the parties' respective diversions from the Upper Haas Ditch, then W&H and Obendorf will be solely and individually responsible for designing and constructing all such measurement structures at any points measuring delivery of their individual respective water rights.

8. Obendorf agrees to take appropriate steps as necessary to ensure that the existing roadway by which W&H accesses the Upper Haas Headgate is not made impassable due to flooding or seepage resulting from Obendorf's use of water diverted at the Upper Haas Headgate.

9. Obendorf confirms W&H's existing right-of-way for the Upper Haas Headgate and the Upper Haas Ditch located on the Obendorf Property and W&H's continued right of access thereto for operation, maintenance, repair and replacement of same for delivery of water to the W&H Property under the W&H Water Rights described in this Agreement, and W&H confirms Obendorf's continued right of access to the Upper Haas Headgate and Upper Haas Ditch for the construction, operation, maintenance, repair and replacement of Obendorf's portion of the Upper Haas Headgate and Upper Haas Ditch for delivery of water to the Obendorf Property under the various Obendorf water rights, applications, permits and claims described in this Agreement.

10. W&H and Obendorf shall endeavor in good faith to implement this Agreement and shall not encourage or assist any third party in undertaking any action that either of them would be precluded from taking themselves by way of this Agreement.

11. This Agreement may be recorded by either party or produced by either party in any proceeding before the SRBA or the IDWR to confirm the parties' intent with respect to the processing of the water right claims and applications that are the subject hereof.

12. All of the obligations and covenants contained herein shall be binding on the parties hereto and their respective principals, members, managers, agents, employees, representatives, successors and assigns.

13. Each party will bear their own attorney fees and costs with respect to proceedings regarding the water right applications and/or SRBA claims that are the subject of this Agreement.

14. In the event of a breach of this Agreement by any party, the non-breaching party shall have all remedies available at law or in equity, including injunctive or other equitable relief. In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorneys' and consultants' fees and disbursements, and also including reasonable attorneys' fees and costs and fees associated with any appeal of a judgment.

15. This Agreement may be executed in any number of counterparts for the convenience of the Parties, all of which, when taken together and after execution by all Parties hereto, shall constitute one and the same Agreement

[End of text – separate signature pages follow]

W&H LIMITED LIABILITY COMPANY,
an Idaho limited liability company

By: Gerald A. Waller
Gerald A. Waller, Manager

STATE OF IDAHO)
) ss.
County of Ada)

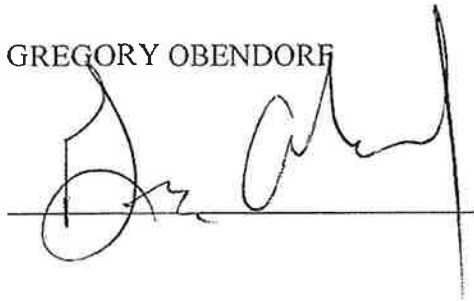
On this 6th day of January, 2011, before me, a Notary Public in and for the State of Idaho, personally appeared Gerald A. Waller, known or identified to me to be one of the members in the limited liability company of W&H Limited Liability Company, LLC and the member or one of the Managers of said limited liability company who subscribed said name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



Katharine Creswell
Notary Public for Idaho
Residing at: Ada County
My commission expires: 3/22/16

GREGORY OBENDORF



STATE OF IDAHO)

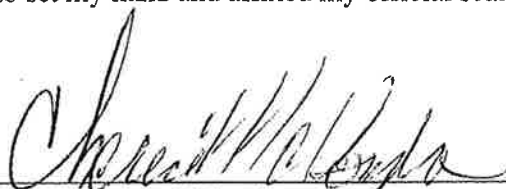
) ss.

County of Canyon)

On this 18th day of January, 2011, before me, the undersigned, a notary public in and for said county and state, personally appeared Gregory Obendorf, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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 Paris
Commission expires 12/02/2011

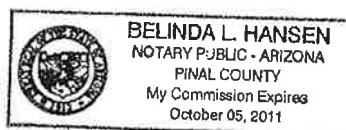
G.O. INVESTMENTS, LLC
a Colorado limited liability company

By: George Ray Obendorf
George Ray Obendorf, Manager

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On this 17 day of January, 2011, before me, a Notary Public in and for the State of ARIZONA, personally appeared George Ray Obendorf, known or identified to me to be one of the members in the limited liability company of G.O. Investments, LLC and the member or one of the Managers of said limited liability company who subscribed said name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



Belinda L. Hansen
Notary Public for ARIZONA
Residing at: Queen Creek, AZ
My commission expires: 10-5-2011

EXHIBIT A
(W&H Property Description)

Parcel I

A tract of land situated in the County of Canyon, State of Idaho to wit:

Beginning at the Northwest corner of Lot 3, Section 21, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and running thence West on the North line of said Section 21, a distance of 1305 feet; thence South 17°10' West 250.0 feet; thence South 3°45' East 565.0 feet; thence South 16°45' East 245.5 feet; thence North 90°0' East 102.2 feet; thence South 68°30' East 295.5 feet; thence South 49°44' East 428.7 feet; thence South 56°10' East 343.0 feet; thence South 67°28' East 335.9 feet to a point 1735.25 feet South of the North $\frac{1}{4}$ corner of Section 21, Township 5 North, Range 5 West of the Boise Meridian; thence South 76°38' East 416.6 feet; thence South 63°07' East 255.3 feet; thence South 82°50' East 132.5 feet; thence North 84°55' East 271.0 feet; thence South 26°45' East 231.3 feet; thence North 89°53' East 176.3 feet; thence North 78°50' East 380.7 feet; thence South 68°25' East 546.0 feet; thence South 73°22' East 486.0 feet; to a point which is North 6°38' East 254.0 feet from the $\frac{1}{4}$ corner between Section 21 and 22, Township 5 North, Range 5 West of the Boise Meridian; thence South 82°58' East 515.5 feet; thence South 81°30' East 413.0 feet to the Southwesterly bank of the Boise River; thence continuing South 81°30' East 375.8 feet to a point on the East side of Lot 4 of Section 22, Township 5 North, Range 5 West of the Boise Meridian 81.3 feet North of the Southeast corner of said Lot 4; thence North along the East side of Lot 4 and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 22 to the North line of said Section 22, thence West along the North line of Section 22 and Section 21, Township 5 North, Range 5 West of the Boise Meridian to the North $\frac{1}{4}$ corner of said Section 21, which is the Northwest corner of Lot 3, Section 21, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, the point of Beginning. (Consisting of 242 acres more or less.)

Parcel II

Beginning at a point 20.0 feet East of the Northwest corner of the Southwest Quarter of Lot Six of Section Twenty-one, Township Five North, Range Five West of the Boise Meridian, thence North $2^{\circ} 55'$ East 645.0 feet; thence North $2^{\circ} 10'$ West 252.0 feet; thence North $16^{\circ} 45'$ West 12.5 feet; thence North $90^{\circ} 0'$ East, 102.2 feet; thence South $68^{\circ} 30'$ East 295.5 feet; thence South $49^{\circ} 44'$ East 428.7 feet; thence South $56^{\circ} 10'$ East 343.0 feet; thence South $67^{\circ} 28'$ East 335.9 feet to a point 1735.25 feet South of the quarter corner on the North side of said Section Twenty-one; thence South $76^{\circ} 38'$ East 416.6 feet; thence South $63^{\circ} 07'$ East 255.3 feet; thence South $82^{\circ} 50'$ East 132.5 feet; thence North $84^{\circ} 55'$ East 271.0 feet; thence South $26^{\circ} 45'$ East 231.3 feet; thence North $89^{\circ} 52'$ East 176.3 feet; thence North $78^{\circ} 50'$ East 380.7 feet; thence South $68^{\circ} 25'$ East 546.0 feet; thence South $73^{\circ} 22'$ East 486.0 feet to a point North $6^{\circ} 38'$ East 254.0 feet from the Quarter corner between Section Twenty-one and Twenty-two, Township Five North, Range Five West of the Boise Meridian; thence South $82^{\circ} 58'$ East 515.5 feet; thence South $81^{\circ} 30'$ East 413.0 feet to the Southwesterly bank of the Boise River; thence continuing South $81^{\circ} 30'$ East 375.8 feet to a point on the East side of Lot Four of Section Twenty-two, Township Five North, Range Five West of the Boise Meridian, 81.3 feet North of the Southeast corner of said Lot Four; thence South along the east side of Lot Four and Lot Three, Section Twenty-two, Township Five North, Range Five West of the Boise Meridian, to the Southeast corner of Lot Three (Northwest Quarter of the Southwest Quarter) of Section Twenty-two, Township Five North, Range Five West of the Boise Meridian; thence West along the South line of Lot Three of Section Twenty-two, and Lot Nine of Section Twenty-one, Township Five North, Range Five West

(continued on next page)

of the Boise Meridian, to a point 180.0 feet East of the Southwest corner of Lot Nine (Northeast Quarter of the Southeast Quarter) of Section Twenty-one, Township Five North, Range Five West of the Boise Meridian; thence Northwesterly 269.1 feet to a point 200.0 feet North of the said Southwest corner of Lot Nine; thence North 130.0 feet; thence West 1324.6 feet parallel to the center line of Section Twenty-one; thence North 991.5 feet to the center of Section Twenty-one; Township Five North, Range Five West of the Boise Meridian; thence 663.4 feet West along the center line of said Section Twenty-one; thence North 660 feet; thence West 640 feet to the point of beginning;

Parcel III

The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING from said Southwest Quarter of the Southeast Quarter:

BEGINNING at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 16; running thence due

South 210 feet; thence due

West 210 feet; thence due

North 210 feet; thence due

East 210 feet to the POINT OF BEGINNING.

(The end of Exhibit A)

EXHIBIT B
(Obendorf Property Description)

Lot 10 of Sec. 21, and Lot 5 of Sec. 22, and Lot 4 of Sec. 27 and the NE¼ of the NE¼ of Sec. 28;

ALSO a strip of land of uniform width off the entire South side of the NW¼ of the SE¼ of Sec. 21, said strip of land containing 10 acres;

ALSO, a tract of land in the SW corner of Lot 9 of Sec. 21, described as follows, to-wit:
Commencing at the SW corner of said Lot 9, running thence East along the South side of said Lot 9, 180 feet, thence in a NWrly direction to a point on the West line of said Lot 9, 200 feet North of the SW corner of said lot, thence South along the West line of said Lot 9 to the SW corner of said lot, the point of beginning,

ALL of the above described land being in Twp. 5 N, R 5 W B.M.;

EXCEPTING therefrom the lands conveyed to the United States of America by deed recorded in Book 76 of Deeds, at page 535, records of Canyon County, Idaho, to which reference is hereby made, AND SUBJECT to the rights acquired by agreement recorded in Book 4 of Bonds and Agreements, at page 29, records of Canyon County, Idaho, to which reference is hereby made.

EXHIBIT C
(Obendorf Permit Application)

FORM 202 03/10 Print forms as a 2 page, single-sided document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

1. Name of applicant(s) G. O. Investments, LLC Phone 208-482-7397
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 24034 Batt Corner Road City Parma

State ID Zip 83660 Email: _____

2. Source of water supply Unnamed Drain which is a tributary of Boise River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5N	5W	27	4	NE	NW	NW	Canyon	Unnamed Drain	

4. Water will be used for the following purposes:

Amount 6.0 cfs for Wildlife purposes from 2/29 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount 6.0 cfs for Diversion to Storage purposes from 2/29 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount 40.0 af for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 6.0 cubic feet per second (cfs) and/or (b) 40.0 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Checkbox, pipe

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. Five ponds covering a total of 10 acres with an average depth of 4 feet are planned for wildlife

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	22											Lt 5						
													W						
		27						Lt 4											
								W											

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 63-32460

10. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Source also known as Baldrige and Meadows Drain. This application covers the remainder of the year not covered on application 63-32460 for the uses described above.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant _____

Signature of Applicant _____

Print Name (and title, if applicable) _____

Print Name (and title, if applicable) _____

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

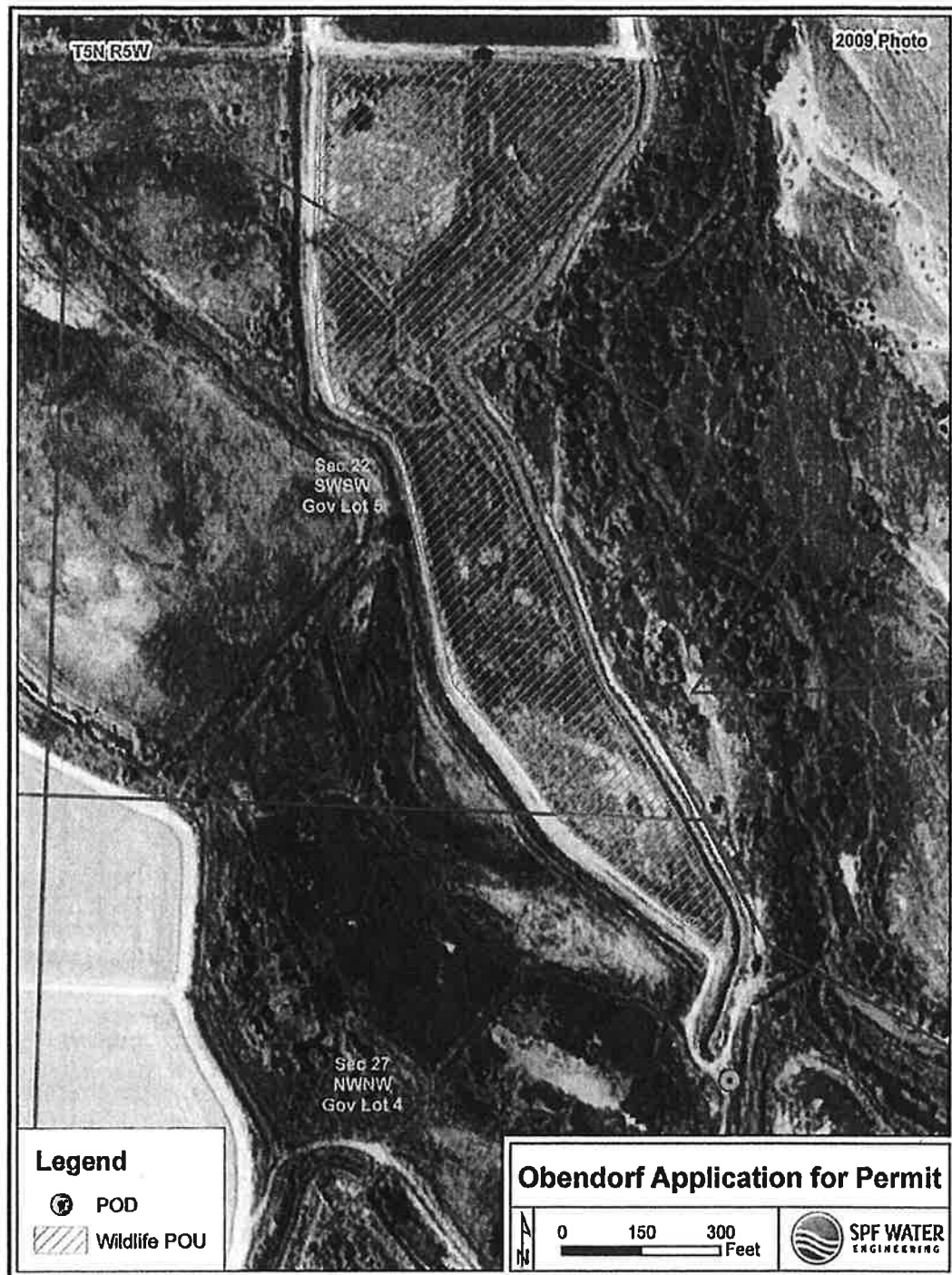


EXHIBIT D
(Obendorf SRBA Claim - wildlife ponds)

SRBA Form No.42-1409-1 (Internet 2/09)

**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 _____
Date Received: _____
Receipt No: _____
Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) G. O. Investments, LLC Phone (208) 482-7397
Mailing Address 24034 Batt Corner Road, Parma, Idaho ZIP 83660
Street or Box City State
2. Date of Priority (Only one (1) per claim) March 14, 1944
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Meadows Drain
which is tributary to (b) Boise River

4. a. Location of Point of Diversion is: Township 5N, Range 5W, Section 27,
NW, 1/4 of NW, 1/4 Govt. Lot 4, BM., County of Canyon

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Ponds cover about 12 acres at an average depth of 2 feet.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Wildlife purposes from 1/1 to 12/31 amount 2.5 or _____

For Diversion to Storage purposes from 1/1 to 12/31 amount 2.5 or _____

For Wildlife Storage purposes from 1/1 to 12/31 amount _____ or 24.0

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.5 (cfs) and/or (b) 24.0 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	22											Lt 5						
													W						
		27						Lt 4											
								W											

Parcel (PIN) no(s). _____

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Canyon

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

13. Remarks: Meadows Drain is a drain that flows through the SESE Section 28, T5N, R5W to a confluence with the "Baldridge and Meadows Drain". The confluence of the two drains is located near the boundary of the SENWNW, Section 27 and the SWNENW, Section 27, T5N, R5W. The point of diversion for this claim is upstream of the confluence of the two drains.

Last Name G. O. Investments, LLC

Identification No. _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.



14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

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

Number of attachments: 1 Aerial Photo

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Manager _____ of G. O. Investments, LLC _____
Title Organization

that I have signed the foregoing document in the space below as

Manager _____ of G. O. Investments, LLC _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Dana L. Hofstetter, Hofstetter Law Office, LLC, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address Hofstetter Law Office, LLC _____

608 West Franklin Street, Boise, ID 83702 _____

EXHIBIT E
Obendorf SRBA Claim - irrigation)

SRBA Form No.42-1409-1 (Internet 2/09)

**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 _____

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) G. O. Investments, LLC Phone (208) 482-7397

Mailing Address 24034 Balt Corner Road, Parma, Idaho ZIP 83660

Street or Box _____ City _____ State _____

2. Date of Priority (Only one (1) per claim) March 1, 1940
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) Waste water

which is tributary to (b) Boise River

4. a. Location of Point of Diversion is: Township 5N, Range 5W, Section 21

SE, 1/4 of SE, 1/4 Govt. Lot 10, BM., County of Canyon

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Waste water collection pond, concrete ditch

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 1.0 or _____

For Diversion to Storage purposes from 3/1 to 11/15 amount 1.0 or _____

For Irrigation Storage purposes from 3/1 to 11/15 amount _____ or 15

For Diversion from Storage purposes from 3/1 to 11/15 amount 1.0 or _____

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) 15 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	27						Lt 4											
								5											5
		21																stg	

Parcel (PIN) no(s) _____

Total number of acres irrigated 5

10. In which county (ies) are lands listed above as place of use located? Canyon

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

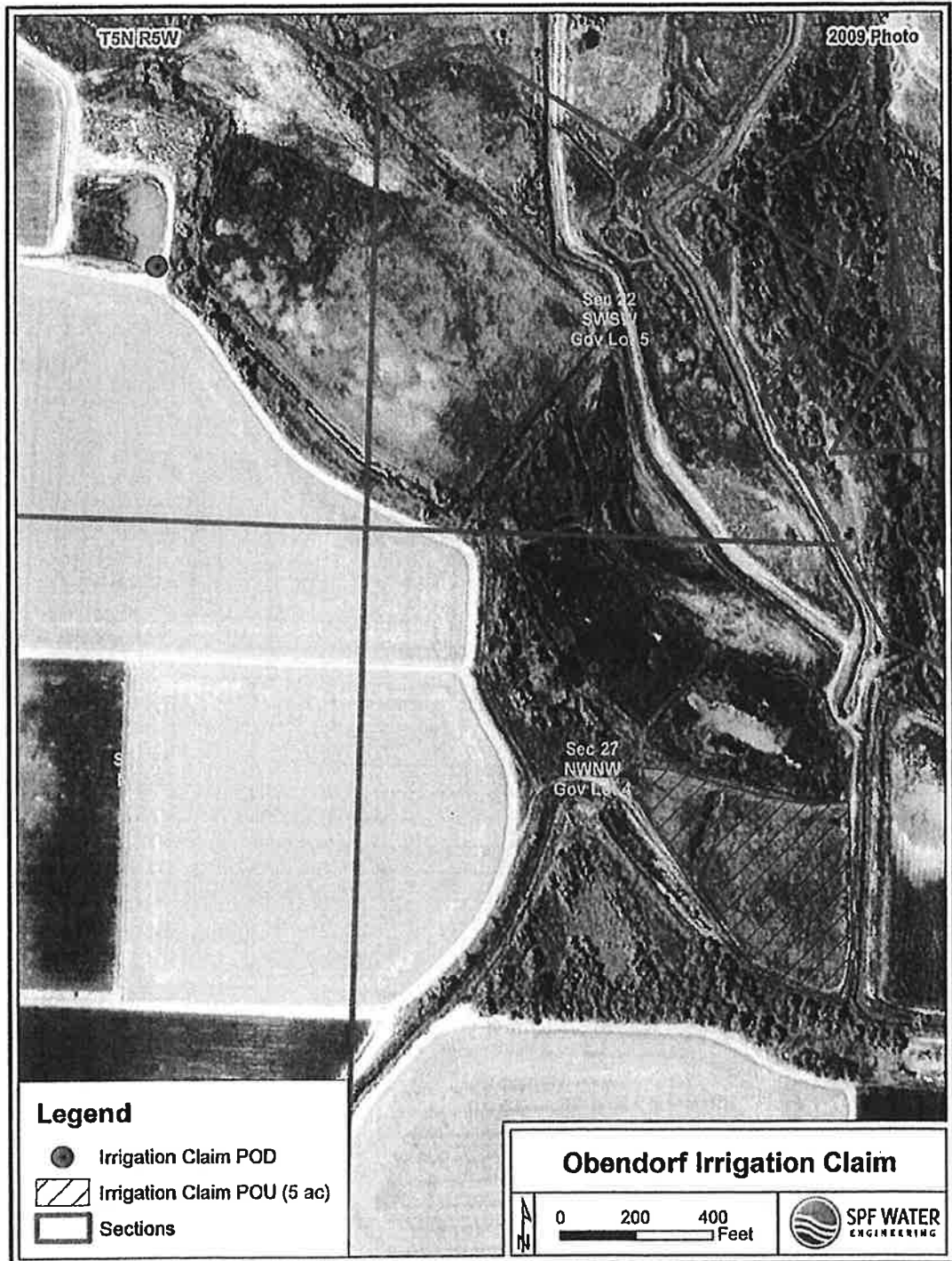
12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

13. Remarks: Source of water is waste water from Riverside Irrigation District irrigated lands owned by the claimant that are located west of the place of use and point of diversion for this claim.

Last Name G. O. Investments, LLC

Identification No. _____



14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

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

Number of attachments: 1 Aerial Photo

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Manager _____ of G. O. Investments, LLC _____
Title Organization

that I have signed the foregoing document in the space below as

Manager _____ of G. O. Investments, LLC _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Dana L. Hofstetter, Hofstetter Law Office, LLC, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address Hofstetter Law Office, LLC

608 West Franklin Street, Boise, ID 83702

Last Name _____ Identification No. _____

EXHIBIT F
(SRBA Irrigation Claim from Upper Haas)

SRBA Form No.42-1409-1 (Internet 2/09)

**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 _____
Date Received: _____
Receipt No: _____
Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) G. O. Investments, LLC Phone (208) 482-7397
Mailing Address 24034 Batt Corner Road, Parma, Idaho ZIP 83660

Street or Box City State
2. Date of Priority (Only one (1) per claim) March 14, 1944

Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other () (a) Baldrige and Meadows Drain
which is tributary to (b) Boise River
4. a. Location of Point of Diversion is: Township 5N, Range 5W, Section 27
NW, 1/4 of NW, 1/4 Govt. Lot 4, BM., County of Canyon
Parcel (PIN) no. _____
Additional points of diversion if any: _____
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., County of _____
ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 1.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	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																L10	
																		1	1
		22											L 5						
													11						11

Parcel (PIN) no(s). _____

Total number of acres irrigated 12

10. In which county (ies) are lands listed above as place of use located? Canyon

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

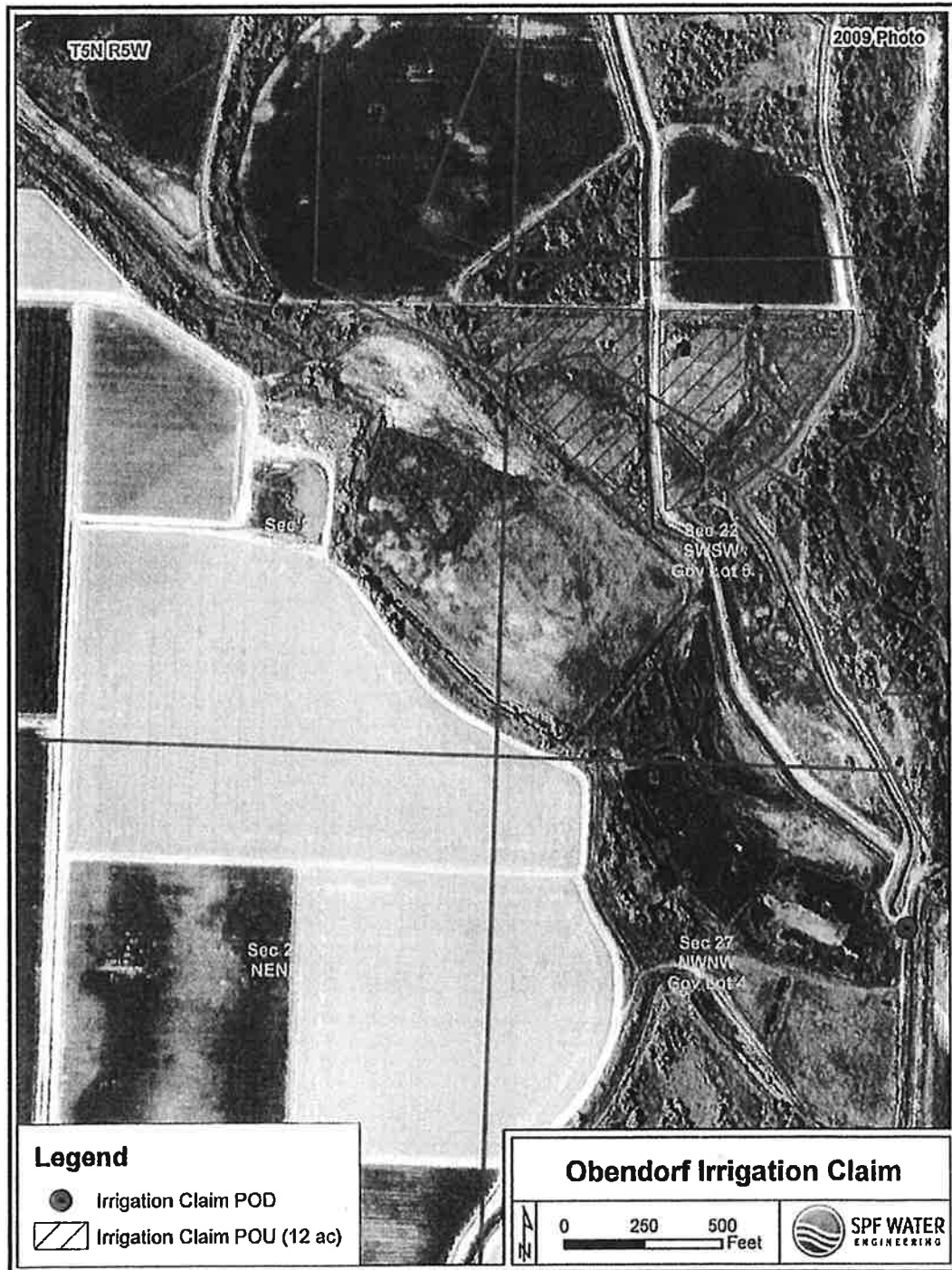
12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

13. Remarks: This claim includes 0.4 cfs for conveyance loss between the point of diversion and the field headgate.

Last Name G. O. Investments, LLC

Identification No. _____



14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

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

Number of attachments: 1 Aerial Photo

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Manager _____ of G. O. Investments, LLC _____,
Title Organization

that I have signed the foregoing document in the space below as

Manager _____ of G. O. Investments, LLC _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Dana L. Hofstetter, Hofstetter Law Office, LLC, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

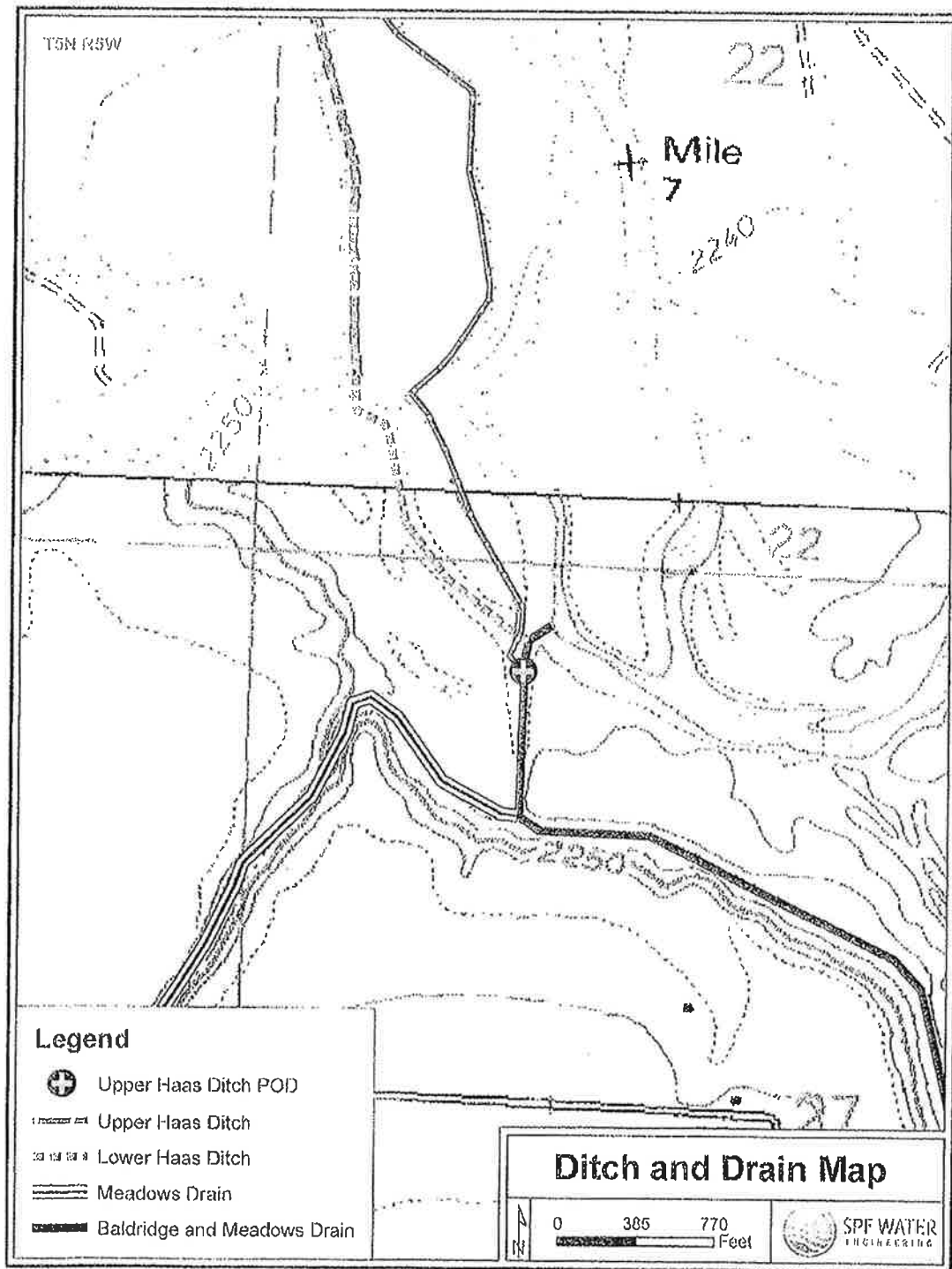
Signature _____ Date _____

Address Hofstetter Law Office, LLC

608 West Franklin Street, Boise, ID 83702

Last Name _____ Identification No. _____

EXHIBIT G
(Ditch and Drain General Location Map)



UPDATED
POD & POL

05/23/2011

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

RIGHT NUMBER: 63-33354

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

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.050 CFS

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

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

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

T05N R05W S27 NENW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER in CANYON County

T05N R05W S16	SESW	T05N R05W S16	SWSE
T05N R05W S21 Lot 2	NENE	T05N R05W S21 Lot 3	NWNE
T05N R05W S21 Lot 7	SWNE	T05N R05W S21 Lot 8	SENE
T05N R05W S21 Lot 4	NENW	T05N R05W S21 Lot 6	SENW
T05N R05W S21 Lot 9	NESE	T05N R05W S21	NWSE
T05N R05W S22	NWNW	T05N R05W S22 Lot 4	SWNW
T05N R05W S22 Lot 3	NWSW	T05N R05W S22	SWSW

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is locally known as the Baldrige-Meadows Drain.

Stockwater use is for 200 beef cattle.

T5N R5W

2009 Photo

16

15

21

22

Legend

-  Stockwater Place of Use (modified)
-  Stockwater Place of Use (claimed)
-  Point of Diversion
-  Upper Haas Ditch System
-  Sections
-  Section QtrQtr Lines

W & H Partnership, LLC
Claim 63-33354



0 750 1,500
Feet



SPF WATER
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 & Baldrige 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 the Department of Reclamation of Idaho and entered of record in Volume 7
 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 ¼ 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:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	5 W.	21	NE ¼ NE ¼	35	25 ✓
			SW ¼ NE ¼	40	40 ✓
			SE ¼ NE ¼	40	40 ✓
			SE ¼ NW ¼	30	25 ✓
			NE ¼ SE ¼	40	30 ✓
			NW ¼ SE ¼	30	15 ✓
		22	NW ¼ NW ¼	35	20 ✓
			SW ¼ NW ¼	37	30 ✓
			NW ¼ SW ¼	35	30 ✓
		Number of acres actually irrigated			255

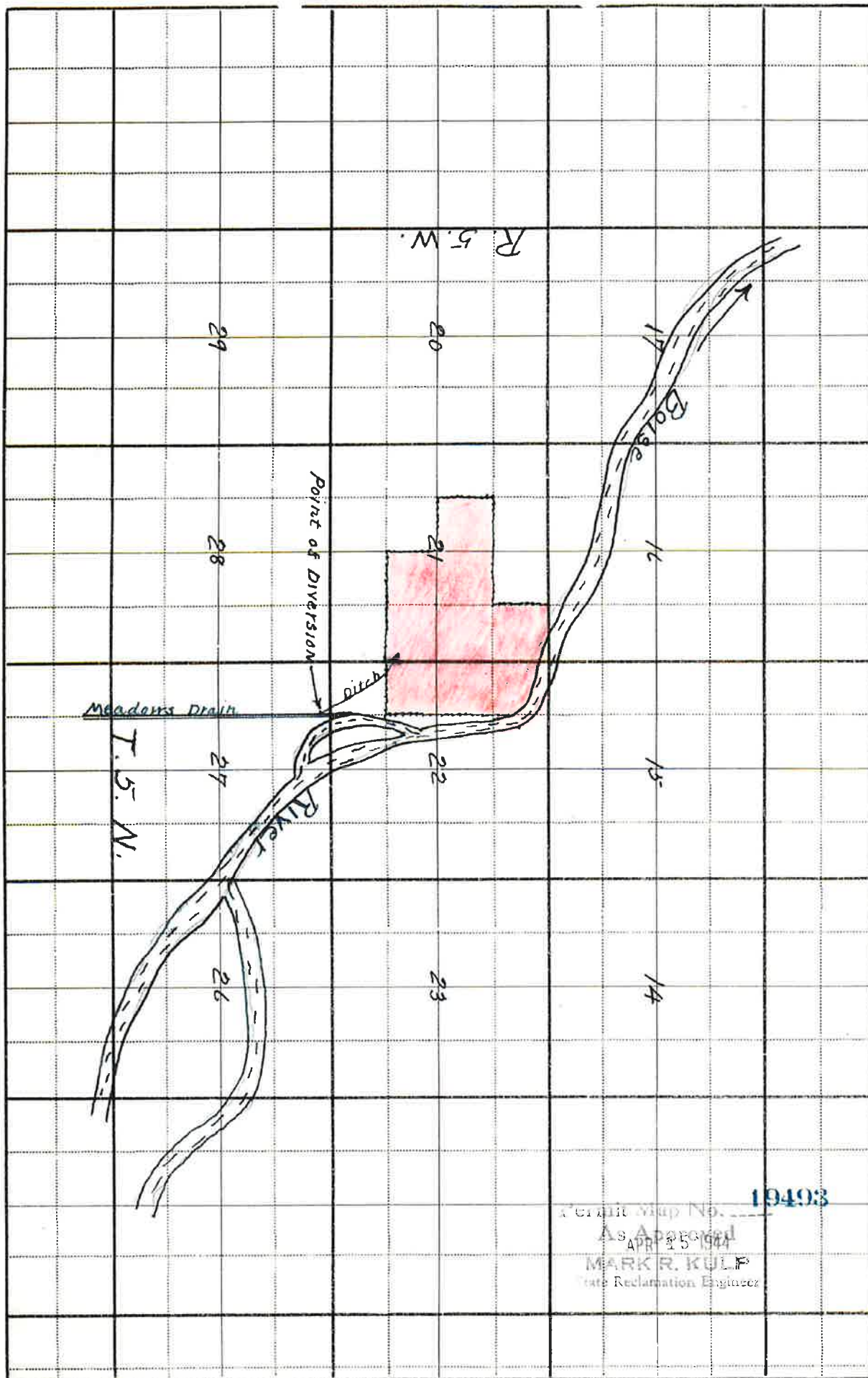
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

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

MARK R. KULP

State Reclamation Engineer

(SEAL)



For new filing

CONSENT

We, the undersigned, Commissioners 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

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

CHARLOTTIE D. ALLEN Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. March 13, 1944

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19493
Recorded in Book 70 Page 19493 Approved April 15, 1944
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before Completed
The whole of said work to be completed on or before July 15, 1944
Beneficial use of water appropriated in accordance herewith, to be made on or before July 15, 1944

Witness my hand this 15th day of April, 1944

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSSEN, Governor of the State of Idaho, and GEO. H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th day of April, 1944.
COUNTERSIGNED: STATE OF IDAHO

(SEAL) By GEO. H. CURTIS, Secretary of State, By C. A. BOTTOLFSSEN, Governor

Remarks: That from the time water for this land was first appropriated and used from the Boise River until a few years ago, it was carried through what was known as the "Jammon Ditch." Since the construction of the drainage canals in that territory above and East of this farm, it has been impossible to use the "Jammon Ditch, and the said water right # 70 has been diverted 14 from the Boise River for the past several years through what is known as the Haas Canal. This canal is not high enough (Continued

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N.	5 W.	21 22	35		40	40			30		35				40	30			215 107
Total Number of Acres to be Irrigated -																			322

Remarks (Continued) to irrigate all of the lands of this farm as described herein except during the time of high water in the Boise River. Therefore, it has been necessary to divert water from the Meadows Drain about 200 feet south of the point where it empties into the Boise River and delivered to the lands described herein through a ditch higher in elevation than the Haas Canal. That in order to irrigate it all from the Haas Canal during the low water period in the Boise River, it would be necessary to maintain a very high and expensive dam across the river and also high checks in the Haas Canal, which were tried for a few years but proved ruinous to the land by causing the alkali to raise to the surface. Therefore, this filing is made, not to take the place of the decreed right from the river, but merely to supplement it during the low water period of the Boise River.

CONSENT

We, the undersigned, Commissioners 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 Charlotte 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 1320 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 Charlotte D. Allen, her heirs, executors, administrators, successors and assigns, upon the following described lands in Canyon County, Idaho, to-wit: The NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4, SE 1/4 of the NE 1/4, SE 1/4 of the NW 1/4, NE 1/4 of the SE 1/4 and NW 1/4 of the SE 1/4, all in Section 21, Twp. 5 North, Range 5 West of the Boise Meridian, containing 215 acres. And, The NW 1/4 of the NW 1/4, SE 1/4 of the NW 1/4; and NW 1/4 of the SW 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-33354

WATER RIGHT NUMBER: 63-33354

Owner Type Name and Address
 Current Owner W & H LIMITED LIABILITY COMPANY
 PO BOX 7943
 BOISE, ID 83707
 (208) 323-7767

Priority Date: 03/13/1944
 Basis: Beneficial Use
 Status: Temporary

Source Tributary
 BALDRIDGE DRAIN BOISE RIVER
 MEADOWS DRAIN BOISE RIVER

Beneficial Use From To Diver
 STOCKWATER 01/01 to 12/31

Total Diversion:

Location of Point(s) of Diversion

MEADOWS DRAIN L4 (NE1/4NW1/4) 05W, B.M.
 CANYON County
 BALDRIDGE DRAIN L4 (NE1/4NW1/4) 05W, B.M.
 CANYON County

Place of Use

STOCKWATER

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	16												X			X		
05N	05W	21	X L 2	X L 3	X L 7	X L 8	X L 4			X L 6					X L 9	X			
05N	05W	22						X	X L 4		X L 3	X							

Conditions of Approval:

1. There is actually only one POD claimed. The one POD claims a source of both Baldridge Drain and Meadows Drain (csaxton 6-11-10).
2. INCIDENTAL STOCKWATER USE DURING THE IRRIGATION SEASON UNDER DECREES 63-172B, 63-202B, 63-2611A, AND 63-2611B. YEAR-ROUND STOCKWATER USE CLAIMED UNDER SRBA BENEFICIAL USE CLAIM 63-33361

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-33354

3. Water is diverted from Baldrige and Meadows Drain into a ditch, also known as the Upper Haas Ditch, that carries water to feeder ditches for stockwater, wildlife and irrigation uses. The claimed flow rate includes 1.50 cfs for conveyance losses.

Remarks:

Comments:

1. cfritsch 4/9/2010 8:11:26 AM POD
Comment: Updated Shape

Water Supply Bank:

Shurte, Jan

From: Lori Graves [LGraves@spfwater.com]
Sent: Friday, November 27, 2009 1:40 PM
To: Shurte, Jan
Cc: jaw@rmph.net; Terry Scanlan
Subject: Wintertime Water Availability, Claim 63-32910
Attachments: Topo Map and Photos.pdf

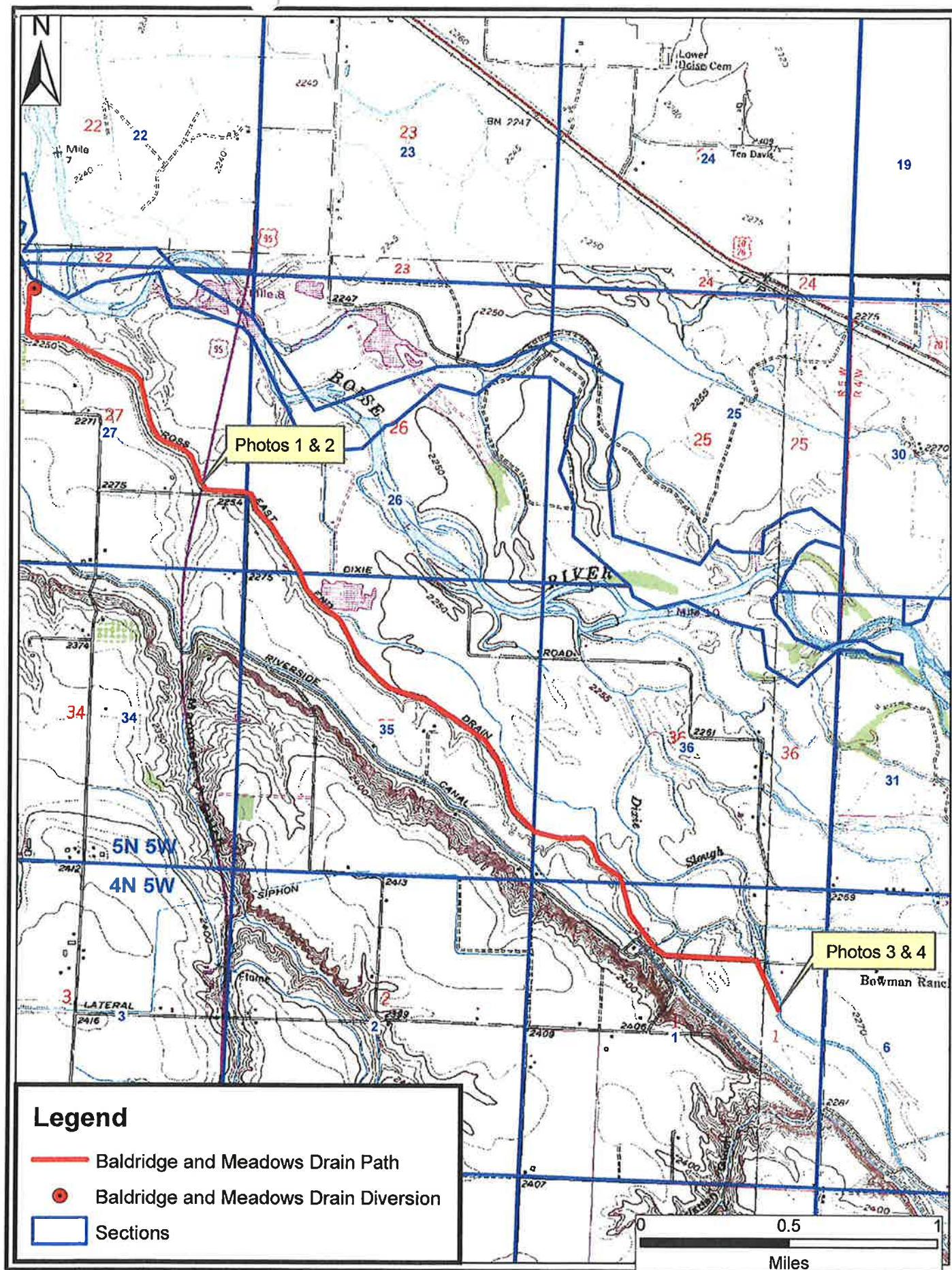
Jan,

Thank you for meeting with us Wednesday. In response to your question about wintertime water availability for the wildlife uses described on SRBA claim 63-32910, attached are photos and a topo map indicating the photo locations from a site investigation I conducted January 25, 2008. The investigation provided information needed to resolve objections filed by Riverside Irrigation District on claims 63-2611A & B (now decrees) regarding source issues.

As described on SRBA claim 63-32910, the wildlife pond areas have historically been supplied water from the Upper Haas Ditch that's diverted from Baldrige and Meadows Drain. The attached topo map shows that Baldrige and Meadows Drain is actually called the Ross East End Drain which originates from Dixie Slough. The drain route from Dixie Slough to the Upper Haas Ditch claimed point of diversion is highlighted red on the topo map. At the time of my investigation, I found the drain flowing with plenty of water on a 20-degree winter day with little snow melt occurring.

Please let me know if you have any questions Jan. Thanks again.

Lori Graves
Water Rights Specialist
300 E. Mallard, Ste 350
Boise, ID 83706
208.383.4140 x219
fax 208.383.4156
e-mail lgraves@spfwater.com
www.spfwater.com



BALDRIDGE AND MEADOWS DRAIN INVESTIGATION
Friday, January 25, 2008



**Photo 1: Hwy 95 Culvert for Baldridge and Meadows Drain
T5N R5W S27 NESE (facing south)**



**Photo 2: Baldridge and Meadows Drain flowing northwest to W & H diversion
T5N R5W S27 NESE (facing west)**

Dixie Slough



Baldrige and
Meadows Drain

Photo 3: Baldrige and Meadows Drain point of diversion from Dixie Slough
T4N R5W S1 SENE (facing southeast)

Dixie Slough



Baldrige and
Meadows Drain

Photo 4: Dixie Slough and Baldrige and Meadows Drain
T4N R5W S1 SENE (facing south)

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, June 10, 2010 1:09 PM
To: 'Lori Graves'
Subject: RE: Motion to file late claim 63-33354: W&H Limited Liability Co

Hmmmm.....well, I guess we leave it as is. I see that a SF5 was submitted for 63-3611B that specifically changed the recommendation from 63-2611B from two POD's listing the sources as being from Baldrige Drain and Meadows Drain separately, to one point of diversion where the source is Baldrige Drain and Meadows Drain as one source. But you already knew that ☺.

Anyway, nevermind. Sorry for the bother.

Thanks,
c

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Wednesday, June 09, 2010 8:31 AM
To: Saxton, Craig
Subject: RE: Motion to file late claim 63-33354: W&H Limited Liability Co

Craig,

Congratulations. That's the best news. I read that when a household is dominated by women all you need to do is build lots of bathrooms.

I was unsure how to list the source for claim 63-33354. Take a look at decrees 63-2611A & B that are for the same "single" p/d and let me know how you think the source should be described. Thanks PaPa Craig.

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Tuesday, June 08, 2010 3:45 PM
To: Lori Graves
Subject: Motion to file late claim 63-33354: W&H Limited Liability Co

Hey Lori,

How are you doing? 6 weeks till my second daughter is born ☺

I am looking at late claim 63-33354 for W&H Limited Liability Co. The written claim (attached) shows two sources and one point of diversion. The map only shows one point of diversion.

So I am wondering if there is one or two points of diversion. If there is only one point of diversion, then what do we want to call the source. According to the USGS, to me, it looks like an unnamed drain/stream or maybe the Ross East End Drain? We could say that it is locally known as

Let me know what you think.

Thanks,
c

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: HALLKIDGE MAIN AND MEADOWS DRAIN TRIBUTARY: BOISE RIVER
MEADOWS DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION: T05N R05W S27 NW1/4 Within CANYON County

T05N R05W S27 NW1/4 Within CANYON County

T05N R05W S27 Lot 3 NW1/4 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	2.280 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S21 Lot 1 SW1/4	20.00	T05N R05W S21 Lot 8 SE1/4	13.00
T05N R05W S21 Lot 6 SE1/4	16.00	T05N R05W S21 Lot 9 NW1/4	10.00
T05N R05W S21 NW1/4	12.00	T05N R05W S22 Lot 4 SW1/4	1.00
T05N R05W S22 Lot 3 NW1/4	22.00		
114 ACRES TOTAL			

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

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

SF5 - Amended Director's Report