

01/08/2013

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

RIGHT NUMBER: 63-2611B

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

SOURCE: MEADOWS AND BALDRIDGE DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 2.280 CFS

PRIORITY DATE: 03/13/1944

POINT OF DIVERSION:

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 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

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

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

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:

<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 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.

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.

1970 priority date -
B37 flowing artesian wells.
Check out the condition that is
put on wildlife str.
Sun Valley Ranch.

**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 _____, 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

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

W & H Dev.

1970 priority - Could recommend.
priority date w/ all the affidavits

6-40's = 240 ac x .15 = 36 ac

POP from Upper & Lower Haas
Ditch - Baldridge &
Meadow Drains.

No Boise River H₂O

Check Hubble analysis
on Haas ditch company
to get flow for the Upper
& Lower ditches.

Check flow for Meadows drain.