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JUN 27 2006

DEPARTMENT OF  
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-00647

Date Received

Receipt Number

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAWAttorney: Scott L. Campbell  
Moffatt, Thomas, Barrett,  
Rock & Fields, Chartered  
P. O. Box 829  
Boise, Idaho 83701-0829  
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Tree Top Ranches, LP Phone ( 208 ) 377-0998Mailing Address 914 Houston Road, Boise, ID Zip 837062. Date of Priority (Only one (1) per claim) June 1, 19133. Source of water supply (a) Sage Creek  
which is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 13N Range 04W Section 23,  
NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, Washington B.M., County of Washington

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., 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.Earthen dam in Sage Creek diverts water into an unnamed, earthen gravity flow transfer ditch to Fairchild Reservoir #2.  
Water is then diverted from Fairchild Reservoir #2 via pumps to a pressurized system to individual pivots or wheel lines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/31 amount 0.30 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.30 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. 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.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 13N | 04W | 11  |        |       |       |       |        |       |       |       |        |       | 0.8   | 30    |        | 40    | 40    |       | 110.8  |
| 13N | 04W | 12  |        |       |       |       |        |       |       |       |        |       | 24    | 16    |        | 9.3   |       |       | 49.3   |
| 13N | 04W | 13  |        | 40    | 38    |       | 24     | 39    | 39    | 40    | 30     | 40    | 35    | 19    |        | 1.4   |       |       | 345.4  |
| 13N | 04W | 14  | 40     | 40    | 39    | 37    | 28     |       |       | 25    |        |       |       |       | 39     | 8.6   | 6.1   | 28    | 290.7  |
| 13N | 04W | 23  | 6.6    |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       | 6.6    |
| 13N | 04W | 24  |        |       |       |       | 4.2    | 20    |       |       |        |       |       |       |        |       |       |       | 24.2   |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 827.0

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

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
67-00638, 67-00639, 67-00644 through 67-00646, 67-00648 through 67-00653, 67-02390, 67-07732, 67-07899, and 67-02302 or None (☐)

14. Remarks:

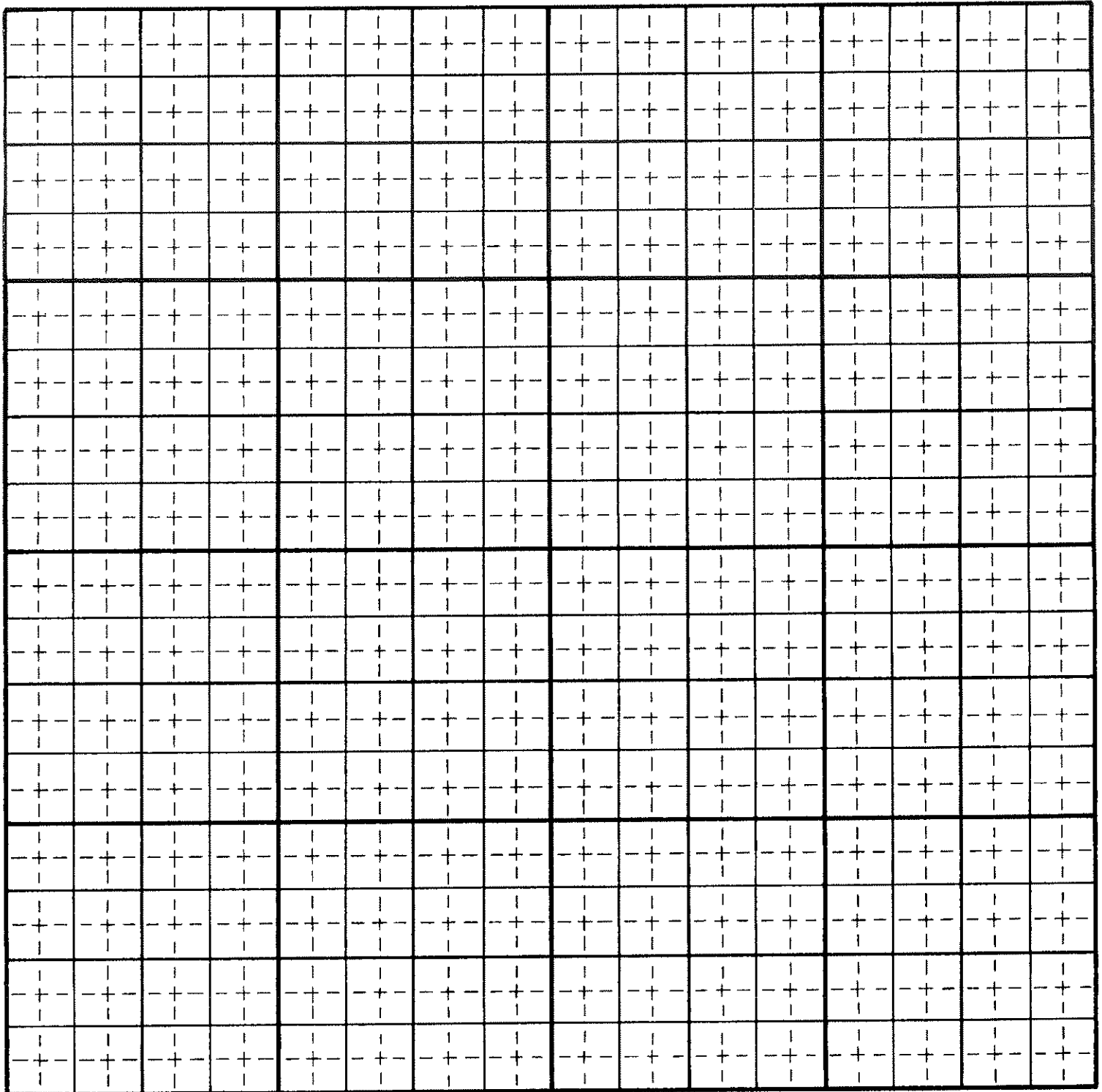
Claimant files this claim and several other associated claims to split up the "umbrella" claim, assigned water right no. A67-14107, into a separate claim for each respective water right. By way of explanation, Tree Top Ranches, LP previously submitted one notice of claim for water rights 67-00638, 67-00639, and 67-00644 through 67-00653.

The irrigation system that is used on this property began irrigating the designated place of use prior to November 19, 1987.

Last Name Tree Top Ranches, LP Ident No. 67-00647

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile Please see attached map.



15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X  
If applicable provide IDWR Water Right Number 67-0647  
Court Washington County Case Number 2961 Decree Date May 16, 1929  
Plaintiff vs Defendant Benjamin R. Fairchild, et al. v. John Warren, et al.

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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

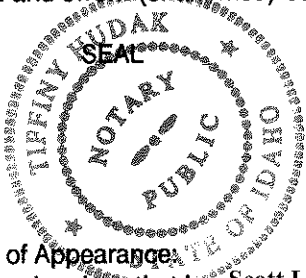
Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am President  
of Tree Top Ranches, LP Title \_\_\_\_\_, that I have signed the foregoing  
document in the space below as President Title \_\_\_\_\_ of Tree Top Ranches, LP Organization \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]  
Title and Organization Larry D. Williams, President, Tree Top Ranches, LP Date 6-26-06

State of Idaho/or \_\_\_\_\_ )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 26th day of June, 2006  
Notary Public [Signature]  
Residing at Boise  
My Commission Expires 9/16/09



17. Notice of Appearance  
Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on 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 [Signature]  
Address P.O. Box 829, Boise, ID 83701-0829  
Date 6/26/06

Last Name Tree Top Ranches, LP Ident. Number 67-00647

## LIST OF PARTNERS OF TREE TOP RANCHES, L.P.

### **General Partner**

LDW, Inc.  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

### **Limited Partners**

Larry Williams  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

Marianne Williams  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

Williams Industries, Inc.  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

TOWNSHIP 13N, RANGE 4W, WASHINGTON COUNTY



&  
or

# Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
John S. Simko  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen  
Gerald T. Husch  
Scott L. Campbell  
Robert B. Burns

Michael E. Thomas  
Patricia M. Olsson  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill  
David P. Gardner  
John O. Fitzgerald, II  
Julian E. Gabiola  
Angela Schaer Kaufmann  
Michael W. McGreaham  
Paul D. McFarlane  
Kimberly D. Evans Ross  
Jon A. Stenquist

Tyler J. Henderson  
Jason G. Murray  
Mark C. Peterson  
Andrew J. Waldera  
Tyler J. Anderson  
Dylan B. Lawrence  
Russell G. Metcalf  
Benjamin C. Ritchie  
Robert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel*

*Willis C. Moffatt, 1907-1980*  
*Kirk R. Helvie, 1956-2003*

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DEPARTMENT OF  
WATER RESOURCES

Boise  
Idaho Falls  
Pocatello  
Twin Falls

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

June 27, 2006  
*via Hand Delivery*

David R. Tuthill, Jr. *DR* → *Craig Saxton*  
Administrator  
Resource Protection Bureau  
Idaho Department of Water Resources  
322 E. Front Street  
Idaho Water Center  
Boise, ID 83702

**Re: Submission of Notices of Claims**  
MTBR&F File No. 22-567.00

Dear Dave:

Enclosed with this letter are notices of claim and filing fees for the following water rights: 67-00638, 67-00639, 67-00644 through 67-00653, and A67-02302. I am submitting these claims on behalf of my client, Tree Top Ranches, L.P. Please direct any correspondence regarding these claims to my attention.

The claim for water right A67-02302 is actually an amended claim. IDWR licensed this water right on January 30, 1979. Originally, this right included a maximum diversion rate of 5.54 cfs and a 277-acre place of use. However, it appears that the prior owner of the ranch previously underclaimed this right for a maximum diversion rate of 0.20 cfs and a 10-acre place of use. Accordingly, we are submitting the enclosed amended claim in order to ensure that Tree Top Ranches receives its full water right.

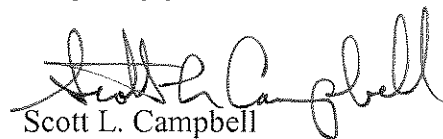
The remainder of the claims are intended to split up water right A67-14107. Previously, Tree Top Ranches submitted a single notice of claim form that included several individual water rights that were decreed by the Washington County district court in 1929 in the *Fairchild v. Warren* case. We are now submitting a claim for each individual water right in order to split up this "umbrella" claim. I note that IDWR records reflect this "umbrella" claim to also include water rights 67-00640 through 67-00643, which were also decreed in *Fairchild v. Warren*. However, we have not submitted notices of claim for those water rights because it does not appear at this time that Tree Top Ranches owns those water rights.

David R. Tuthill, Jr.  
June 27, 2006  
Page 2

I also note that the place of use for some of these claims may differ from the place of use currently reflected in IDWR records. Tree Top Ranches believes that these water rights have been used to irrigate the 827-acre place of use identified in these claims since well before November 19, 1987, and, accordingly, that it has accomplished a transfer of the place of use in accordance with Idaho Code Section 42-1425.

If you have any questions or concerns about any of these claims, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,



Scott L. Campbell

SLC/tmh  
Enclosures  
cc: Larry Williams (w/o encls.)