

RECEIVED

JUN 27 2009

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-00650

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, _____ B.M., County of WashingtonAdditional 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 0.50 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.50 (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 67-00649, 67-00651 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.

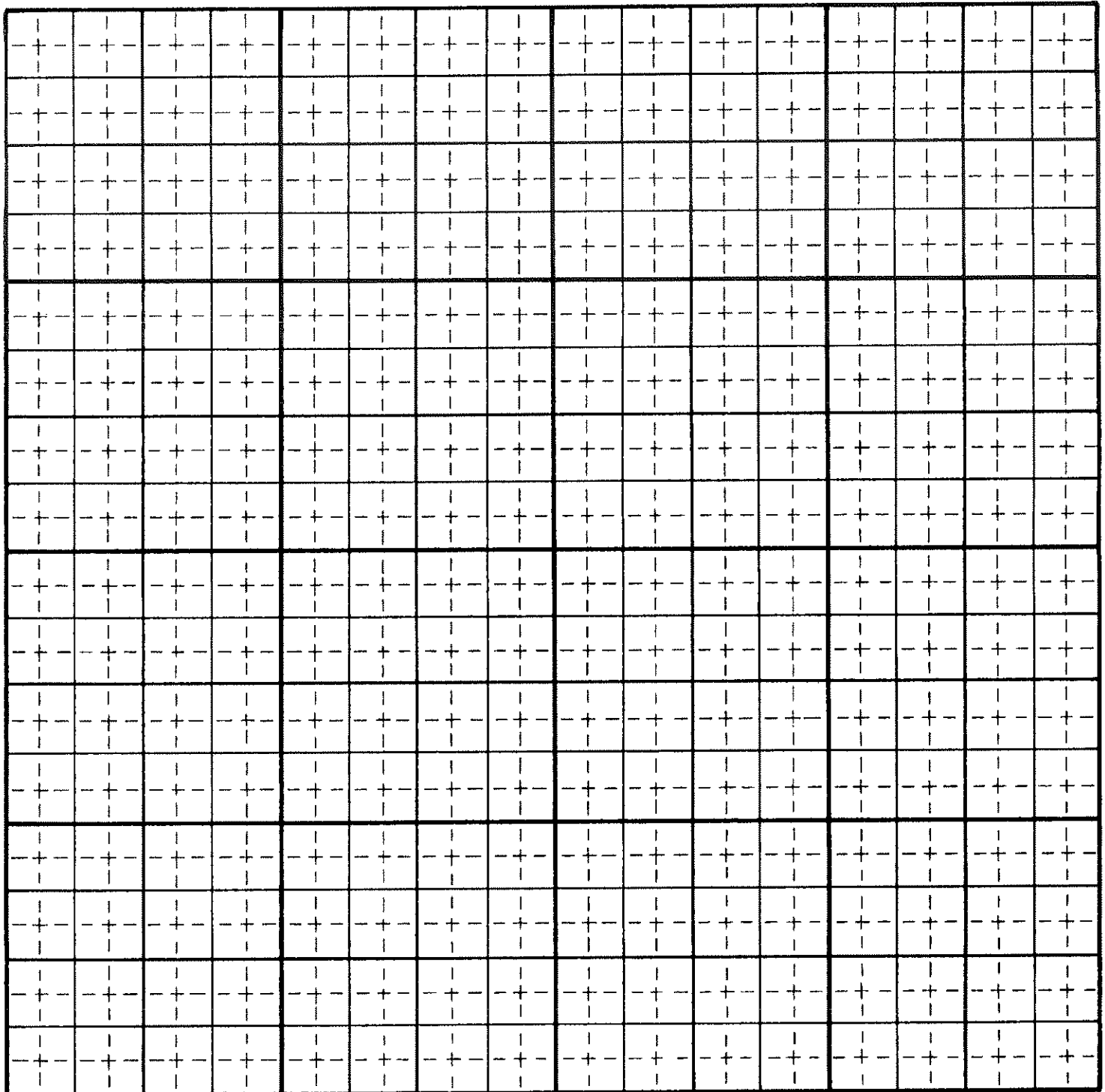
The irrigation system that is used on this property began irrigating the designated place of use prior to November 19, 1987.

Last Name Tree Top Ranches, LP Ident No. 67-00650

BOI_MT2:616334.1

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.



Last Name Tree Top Ranches, LP

Ident No. 67-00650

BOI_MT2:616334.1

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X 67-0650
If applicable provide IDWR Water Right Number _____
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 _____

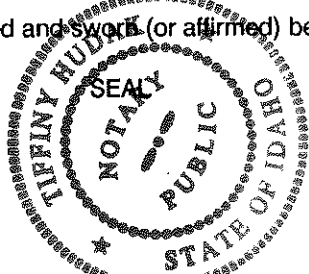
For Organizations: I do solemnly swear or affirm that I am President
Title
of Tree Top Ranches, LP, that I have signed the foregoing
Organization
document in the space below as President of Tree Top Ranches, LP
Title Organization
and that the statements contained in the foregoing document are true and 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 to (or affirmed) before me this June day of 26th 2006
Notary Public [Signature]
Residing at Boise
My Commission Expires 9/16/09



Please Print Name

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 67-00650

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

TUTWILL
Boise
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Twin Falls

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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.

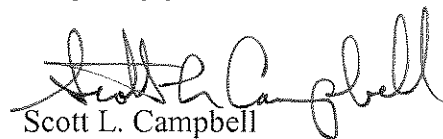
The remainder of the claims are intended to split up water right A67-14107. Previously, Tree Top Ranches submitted a single notice of claim form that included several individual water rights that were decreed by the Washington County district court in 1929 in the *Fairchild v. Warren* case. We are now 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.)