

RECEIVED
AUG 22 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)
_____)

A. Subcase 67-07005

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Tree Top Ranches, LP

Address: 914 Houston Road

Boise, Idaho 83706

Daytime Phone: (208) 377-0998

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Arthur A. Fairchild

Address: 914 Houston Road

Boise, Idaho 83706

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

1. ☒ **Name and Address**
Should be: Tree Top Ranches, LP
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: Please see Exhibit 1 hereto.
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):**

Please see Exhibit 1 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

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

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

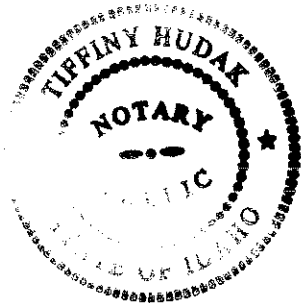
8/21/07

Tiffany Hudak

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/09



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on August 21, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Arthur A. Fairchild

Address: 914 Houston Road
Boise, Idaho 83706

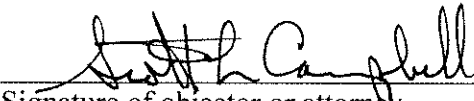
3. Copies to:

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

Tree Top Ranches, LP
914 Houston Road
Boise, Idaho 83706

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

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



Signature of objector or attorney
mailing on Objector's behalf

**EXHIBIT 1 TO
STANDARD FORM 1 – OBJECTION FOR SUBCASE 67-07005**

Claimant Name and Address

The accurate claimant name is Tree Top Ranches, LP. Tree Top Ranches took title to the property via a Warranty Deed recorded with the Washington County, Idaho, Recorder on November 4, 2004, as Instrument No. 195471. See copy of Deed attached hereto as Attachment A.

Purpose of Use and Period of Year

Tree Top Ranches, LP, is objecting to inclusion of the following remark, as such appears under the Purpose and Period of Use element of the Director's Report.

The use of water for irrigation under this right may begin as early as March 15 and may continue as late as October 31, provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Tree Top Ranches, LP, objects to this remark as there is no legal basis for its inclusion as it was not contained as a restriction in the license for this water right.

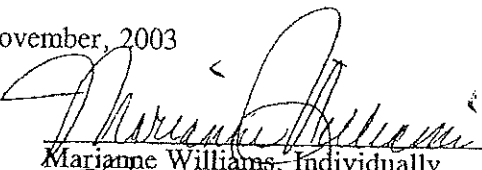
WARRANTY DEED

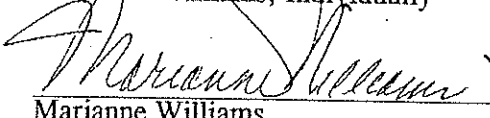
FOR VALUE RECEIVED, FAIRCHILD TREE TOP RANCH, LTD, an Idaho limited partnership and MARIANNE WILLIAMS, Personal Representative of the Estate of Arthur Fairchild, the Grantor, does hereby grant, bargain, sell and convey unto TREE TOP RANCHES, L.P., an Idaho limited partnership, of 914 Houston Road, Boise, Idaho 83706, the Grantee, the following described premises, to-wit:

See **Exhibit "A"** attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances, liens and assessments, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 29th day of November, 2003

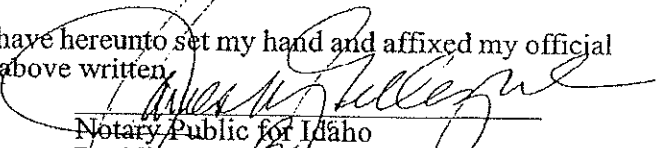

Marianne Williams, Individually


Marianne Williams
Personal Representative of the
Estate of Arthur Fairchild

STATE OF IDAHO)
County of Ada) ss.

On this 29th day of November, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared MARIANNE WILLIAMS, Personal Representative of the Estate of Arthur Fairchild, known or identified to me to be the Personal Representative of the Estate of Arthur Fairchild, whose name is subscribed to the within instrument and acknowledged to me that she 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: Boise

My commission expires: 4-1-06

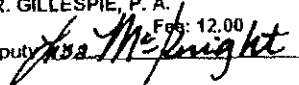
Instrument # 195471

WEISER, WASHINGTON, IDAHO

2004-11-04 08:45:00 No. of Pages: 4

Recorded for: JAMES R. GILLESPIE, P. A.

SHARON WIDNER

Ex-Officio Recorder Deputy 

Index to: DEED

WARRANTY DEED

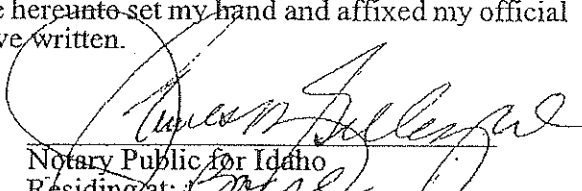
STATE OF IDAHO

County of Ada

) ss.

On this 29th day of November, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared MARIANNE WILLIAMS, individually, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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: Boise

My commission expires: 4-1-06

WARRANTY DEED

EXHIBIT "A"

IN TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN,
WASHINGTON COUNTY, IDAHO:

- Section 2: SW1/4 (160 acres)
- Section 3: SW1/4 W1/2SE Lots 6-7 (300.80 acres)
- Section 4: E1/2SE (80 acres)
- Section 10: NW1/4 W1/2NE N1/2SW NWSE LOTS 1, 2, 3 (451.04 acres)
- Section 11: E1/2SW (80 acres)
- Section 11: SWSE E1/2SE (120 acres)
- Section 12: S1/2SW SWSE (120 acres)
- Section 13: S1/2NWNW N1/2SWNW (40 acres)
- Section 13: E1/2NWS1/2SWNW N1/2NWNW W1/2NE (200 acres) (house/mill)
- Section 13: SWSW TN-9 (64 acres)
- Section 13: N1/2SW; TN-3 (80.94 acres)
- Section 14: NESE; NENE; SENE; W1/2NE; NWSE (236.82 acres)
- Section 14: E1/2NW (80 acres)
- Section 14: SWSE; NESW; S1/2SW (160 acres)
- Section 14: SESE (40 acres)
- Section 15: LOT 4 SWSE (73.71 acres)
- Section 22: LOT 1 NWNW (74.36 acres)
- Section 22: Lot 2 (34.80 acres)
- Section 22: N 30.45 acres of LOT 3 (30.45 acres)
- Section 23: SE 5 AC OF SWNW; SE 35 AC OF SENW; SE 5 AC OF NENW;
NWSW N OF OLD HWY; NESW; S1/2NWSESW; NESESW;
S1/2SESW; NWNW; SWNE W OF OLD HWY (222 acres)
- Section 23: NW 5 AC OF SENW; NW 35 AC OF SWNW; NWNW; NW 35 AC
OF NENW; SWNE E OF OLD HWY (123 acres)
- Section 24: NWNW TN-4 (70 acres)

IN TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN,
WASHINGTON COUNTY, IDAHO:

- Section 29: SENE E1/2SE (120 acres)
- Section 29: S1/2SW NESW W1/2SE (200 acres)

IN TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN,
WASHINGTON COUNTY, IDAHO:

- Section 10: SE 5.12 AC OF SESE (5.12 acres)

Exhibit "A" to WARRANTY DEED -1-

Section 11: SW 10.96 AC OF SWSW (10.96 acres)
Section 14: NW 86.50 AC OF W1/2 (86.50 acres)
Section 15: 27.95 AC OF E1/2NE1/4 (27.95 acres)

IN TOWNSHIP 14 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN,
WASHINGTON COUNTY, IDAHO:

Section 32: S 40 AC OF NE1/4; S 20 AC OF E1/2NW; NESW; NWSE (140 acres)
Section 33: S 20 A W1/2NW SW1/4 W1/2SE SESE (300 acres)
Section 34: SWSW (40 acres)

Together with all water, water rights, ditch and reservoir rights and all federal and state grazing rights and permits, fences, buildings, improvements and fixtures.