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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 67-07070

(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: Lauren G. Mallory and Joanne M. Mallory

Address: 2840 Hopper Road

Midvale, Idaho 83645

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: Please see Exhibit 1 hereto.
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: Please see Exhibit 1 hereto.
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, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

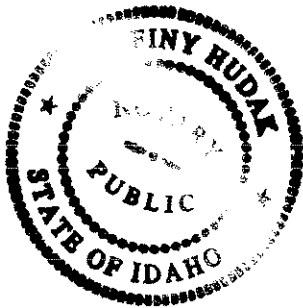
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 8/21/07

T. H. 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: Lauren G. Mallory and Joanne M. Mallory
Address: 2840 Hopper Road
Midvale, Idaho 83645

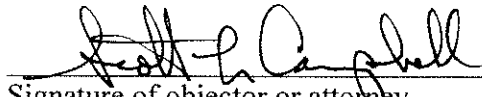
3. Copies to:

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 67-07070**

Claimant Name and Address

The accurate claimant name is Tree Top Ranches, LP. Tree Top Ranches took title to the property via a Quitclaim Deed recorded with the Washington County, Idaho, Recorder on August 19, 1999, as Instrument No. 177345. See copy of Deed attached hereto as Attachment A.

Quantity

Tree Top Ranches, LP, is objecting to inclusion of the following remarks, as they appear under the Quantity element of the Director's Report.

Right Nos. 67-7070 and 67-7066 are limited to a total combined annual diversion volume of 136 AF.

Right Nos. 67-7070 and 67-7066 are limited to a total combined diversion rate of .82 cfs.

Tree Top Ranches, LP, objects to these remarks as there is no legal basis for their inclusion, as neither were contained as restrictions in the license for this water right.

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 15 and after October 15 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.

Place of Use

Tree Top Ranches, LP, is objecting to inclusion of the following remark, as it appears under the Place of Use element of the Director's Report.

Right Nos. 67-7070 and 67-7066 are limited to the irrigation of a combined total of 41 acres in a single irrigation season.

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.

After Recording
Return to:

JoAnn C. Butler
Spink & Butler
P.O. Box 639
Boise, ID 83701

INSTRUMENT NO. 177345
PAGE 1 OF 3

INSTRUMENT NO. 177345
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
SPINK & BUTLER
35 Min. past EIGHT o'clock A. M
This 19TH day of AUGUST 1999
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$9.00
By Sharon Widner Deputy
BOX 639, BOISE, ID 83701

Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

FOR RECORDING INFORMATION

QUITCLAIM DEED

FOR VALUE RECEIVED Marianne and Larry Williams, husband and wife, GRANTORS, do hereby CONVEY, RELEASE, REMISE and FOREVER QUITCLAIM unto Tree Top Ranches L.P., GRANTEE, an Idaho limited partnership whose current mailing address is: 914 Houston Road, Boise, Idaho 83706, the real property located in Washington County, State of Idaho, more particularly described in Exhibit A, attached hereto and made a part hereof, together with their appurtenances.

Dated: 8/17/99

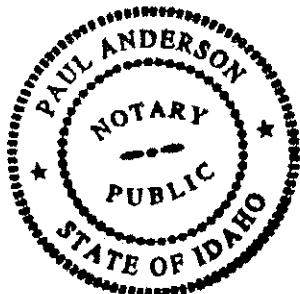
Larry Williams

Marianne Williams

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of AUGUST, 1999, before me, a Notary Public in and for said State, personally appeared LARRY WILLIAMS and MARIANNE WILLIAMS, husband and wife, known to me to be the persons who signed the within and foregoing document and acknowledged to me that they executed the same.

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



Paul Anderson
Notary Public for Idaho
Residing at BOISE
My commission expires: 7/16/05

EXHIBIT A

PARCEL I
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST OF BOISE MERIDIAN:

Section 30: N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and all that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying West of the center of Spring Creek; ALSO, a tract of land described as follows: Commencing at the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 10 rods; thence South 70 rods; thence West 8 rods; thence South 10 rods, to the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 18 rods to the southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North to the Place of Beginning.

EXCEPTING THEREFROM a parcel of land situated within Section 30, Township 14 North, Range 3 West, Boise Meridian, more particularly described as follows:

Beginning at the East $\frac{1}{4}$ corner of Section 30, T.14N., R3W., B.M.;

Thence west a distance of 514 feet, more or less, to the TRUE POINT OF BEGINNING, marked with an iron pin set in the center of an existing County Road known as Hopper Road;

Thence continuing west along the centerline of said Hopper Road a distance of 646 feet;

Thence north, parallel to the east line of the NE $\frac{1}{4}$ of said Section 30, a distance of 337.2 feet;

Thence east a distance of 646 feet;

Thence south, parallel to the east line of said NE $\frac{1}{4}$ a distance of 337.2 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO the right-of-way of said Hopper Road along the south side of the above-described parcel of land.

AND

PARCEL II
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN:

Section 29: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

AND

PARCEL III
LAND IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 14 NORTH, RANGE 3 WEST, BOISE MERIDIAN:

Section 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$