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MAR 27 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 26 2008

By _____

Clerk

Deputy Clerk

**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 Nos. 67-2390

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

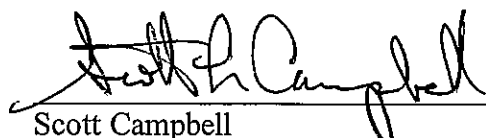
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

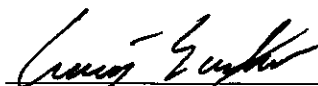
CLAIMANT/OBJECTOR:

Tree Top Ranches LP


Scott Campbell
Attorney for Claimant/Objector

3/19/08
Date

IDWR Concurrence:



Craig Saxton
IDWR Agent

3-21-08

Date



Chris M. Bromley
Deputy Attorney General

2/22/08

Date

11/23/2007

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

RIGHT NUMBER: 67-2390

NAME AND ADDRESS: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SOURCE: UNNAMED STREAM

TRIBUTARY: SAGE CREEK

QUANTITY: 22.750 CFS
3,702.700 AFY

This right when combined with Right No. 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899 shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1968

POINT OF DIVERSION:

T13N R04W S23 NENW Rediversion Within WASHINGTON County
T13N R05W S3 NWNE Lot 2 Injection Within WASHINGTON County
T13N R05W S3 NESE Within WASHINGTON County
T13N R05W S3 NESE Rediversion Within WASHINGTON County
T13N R05W S14 SWNW Within WASHINGTON County
T14N R05W S34 NENE ~~Injection~~ Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DIVERSION TO STORAGE	01/01 12/31	22.750 CFS
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY
IRRIGATION STORAGE	01/01 12/31	3,700.00 AFY
IRRIGATION FROM STORAGE	03/15 10/31	3,700.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE in WASHINGTON County

T13N R04W S11	SESW	0.80	T13N R04W S11	NESE	30.00
T13N R04W S11	SWSE	40.00	T13N R04W S11	SESE	40.00
T13N R04W S12	SWSW	24.00	T13N R04W S12	SESW	16.00
T13N R04W S12	SWSE	9.30	T13N R04W S13	NWNE	40.00
T13N R04W S13	SWNE	38.00	T13N R04W S13	NENW	24.00
T13N R04W S13	NWNW	39.00	T13N R04W S13	SWNW	39.00
T13N R04W S13	SENW	40.00	T13N R04W S13	NESW	30.00
T13N R04W S13	NWSW	40.00	T13N R04W S13	SWSW	35.00

CB LG
SLC

T13N R04W S13	SESW	19.00	T13N R04W S13	NWSE	1.40
T13N R04W S14	NENE	40.00	T13N R04W S14	NWNE	40.00
T13N R04W S14	SWNE	39.00	T13N R04W S14	SENE	37.00
T13N R04W S14	NENW	28.00	T13N R04W S14	SENW	25.00
T13N R04W S14	NESE	39.00	T13N R04W S14	NWSE	8.60
T13N R04W S14	SWSE	6.10	T13N R04W S14	SESE	28.00
T13N R04W S23	NENE	6.60	T13N R04W S24	NENW	4.20
T13N R04W S24	NWNW	20.00			

STOCKWATER same as IRRIGATION FROM STORAGE

827 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 827.0 acres in a single irrigation season. Combined Right Nos.: 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Water is diverted under this right from an unnamed stream into a ditch in the NE¼NE¼ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE¼SE¼ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.

Stockwater use is for 200 range cattle.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

CERTIFICATE OF MAILING

I certify that on 3/24, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

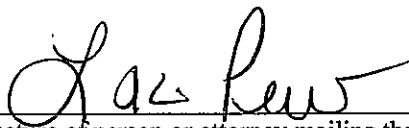
1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Scott Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
P.O. Box 829
Boise, Idaho 83701

IDWR Repository
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form