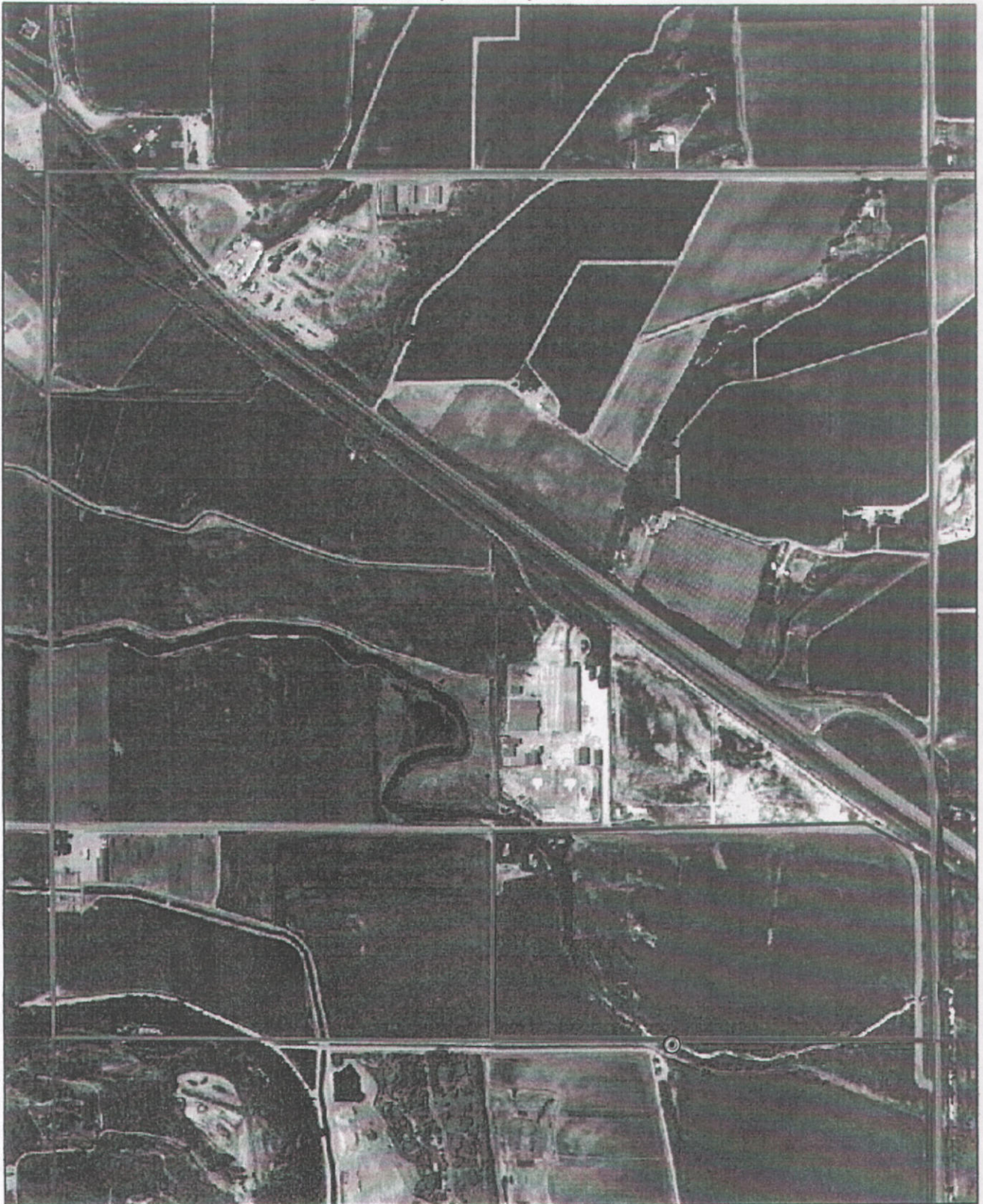


Water Right 63-04641A + B

Section 15, Township 5 North, Range 5 West, Canyon County, Idaho



- Place of Use
- Point of Diversion





SCALE 1:24000

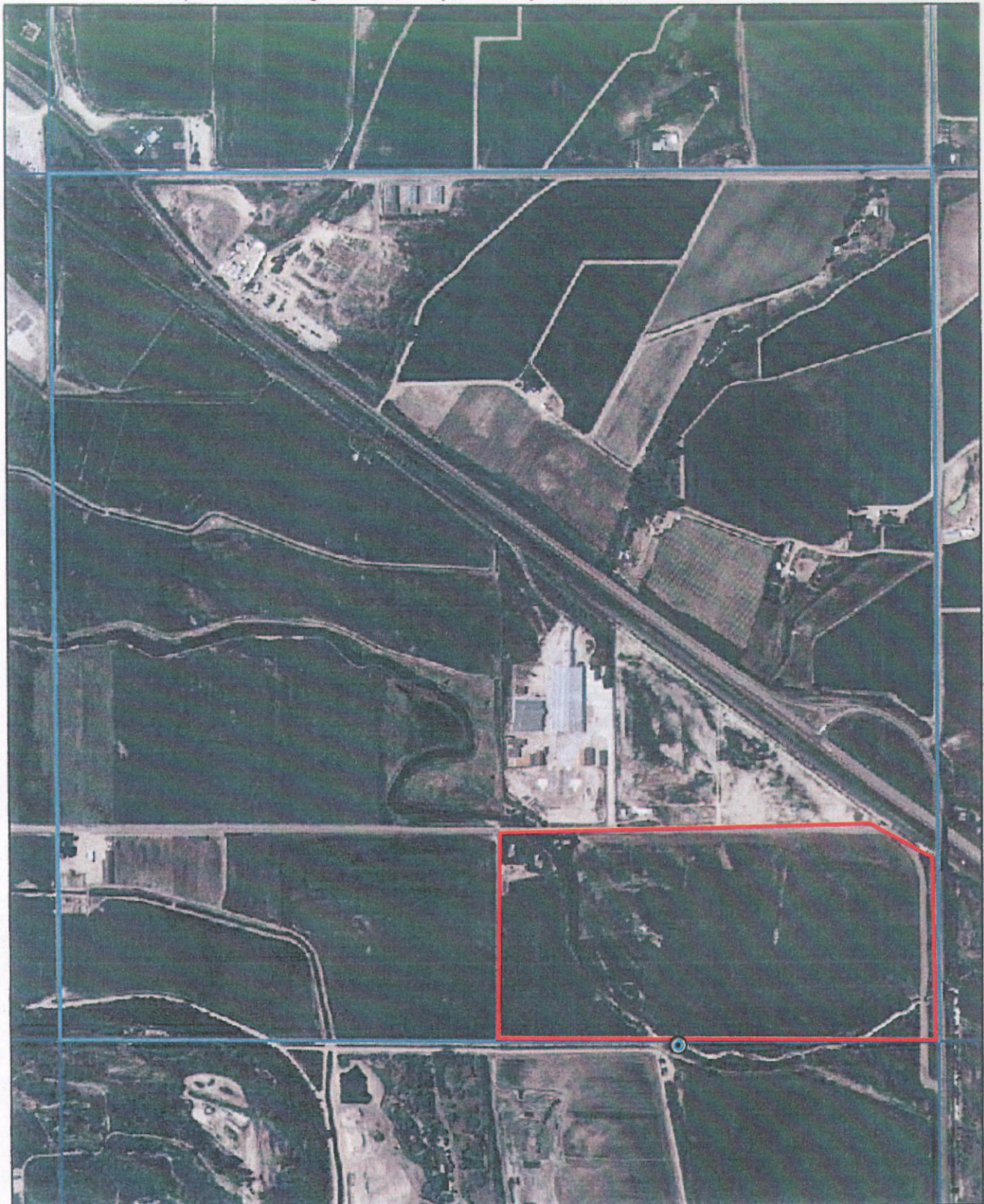
T5N, 5W, S15 5 1/2 SE 1/4

2950000 FEET (OREG)

W53 1981

Water Right 63-04641A and 63-04641B

Section 15, Township 5 North, Range 5 West, Canyon County, Idaho



- Place of Use
- Point of Diversion



SCANNED

SEP 15 2006



Idaho Department of Water Resources

63-4641A

05N 05W S15 & S22



-  POU
-  POD
-  Sections
-  Quarter/Quarter

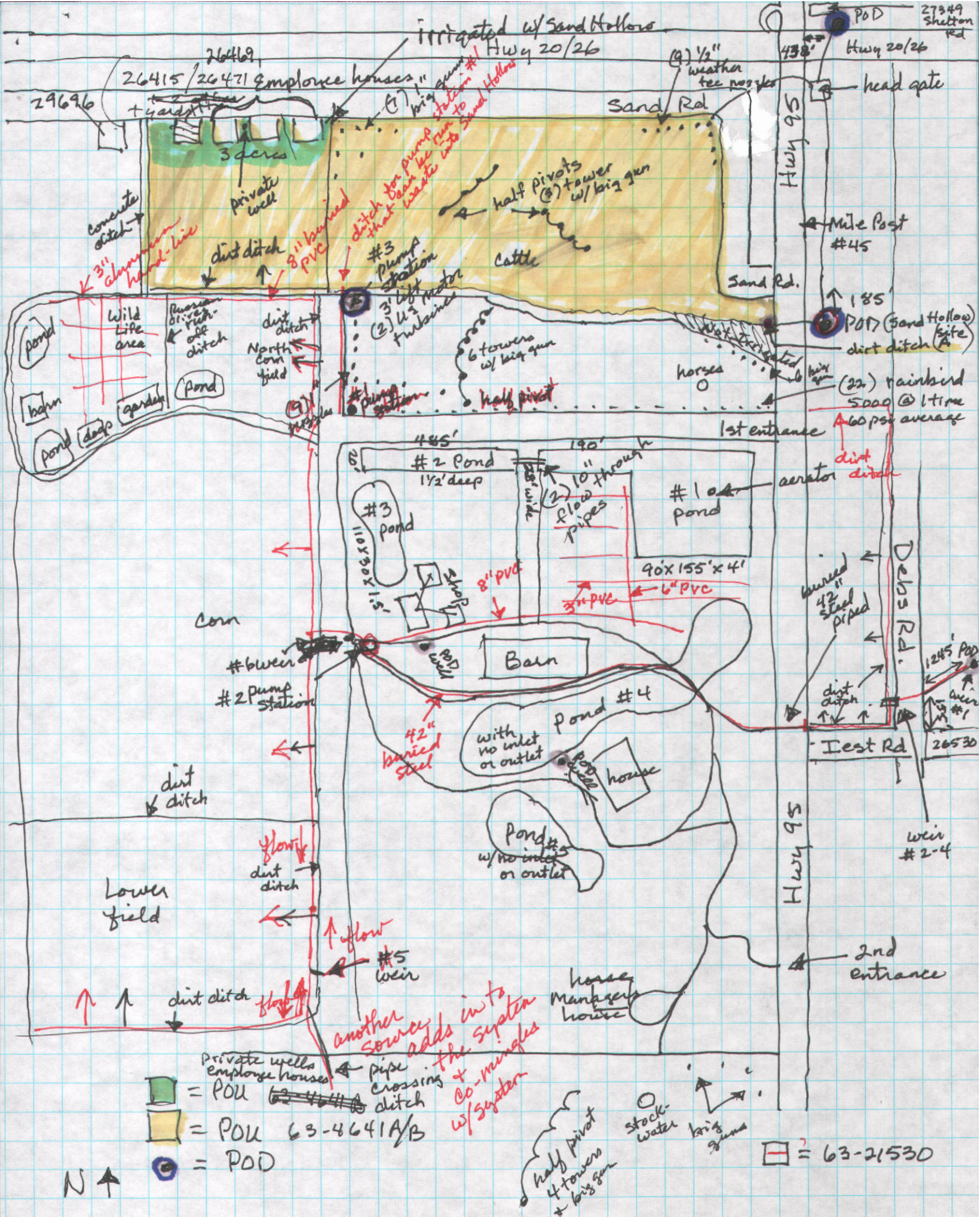
Total Irrigated
Acres: 54.0

400 0 400 Feet

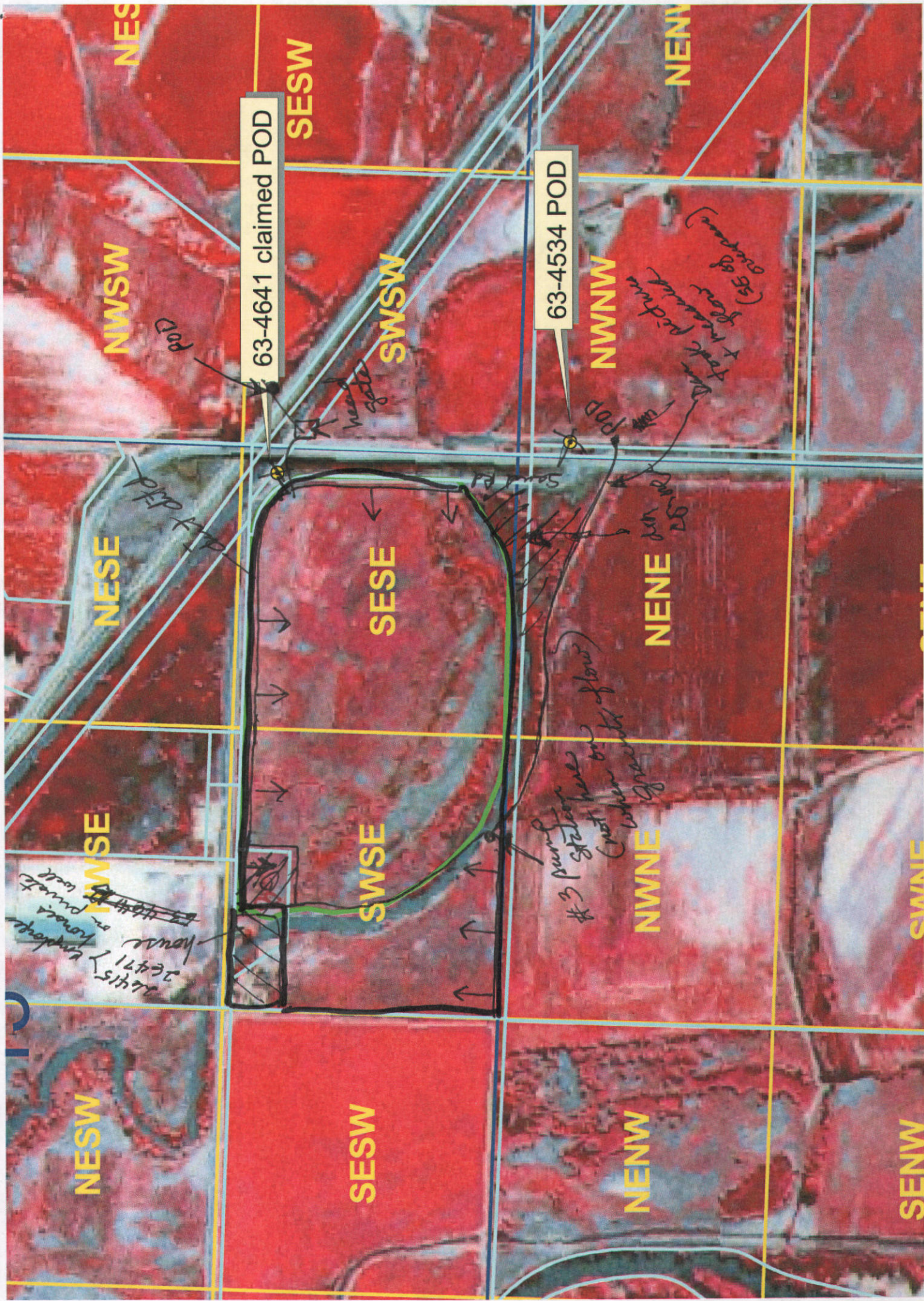


IDWR
Prepared by: Lori Graves
Date: 09-29-06
1986-87 Photography





Tree Top Ranches Map of Systems for 63-4641a, 4641b, 21531, & 21580



9/18/2006 SH

System as it existed in 1987

63-4641 A AND B - 1987 NAPP.



Sand Hollow
+ diversion
head gate

185'
southeast
of stop
sign at
Hwy 95
+ Sand Rd
intersection
(south of
mile post
#45)

09/18/2006

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

N43°45.718'
W116°54.697'



Sand
Hollow
head gate
diverting
flow to
unnamed
drain

N43°45.718'
W116°54.697'



"site A"
unnamed
drain
(where
it starts
on the
west
side
of Hwy 95
185'
South
of
Sand Rd.)

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

N43°45.718'
W116°54.711'



POD:

Pump
Station
#3
on hand
drawn
map



US Motor
25Hp
model F422A

US Motor
40Hp
3phase
BF491

(2) US
Motor Turbine
3' left

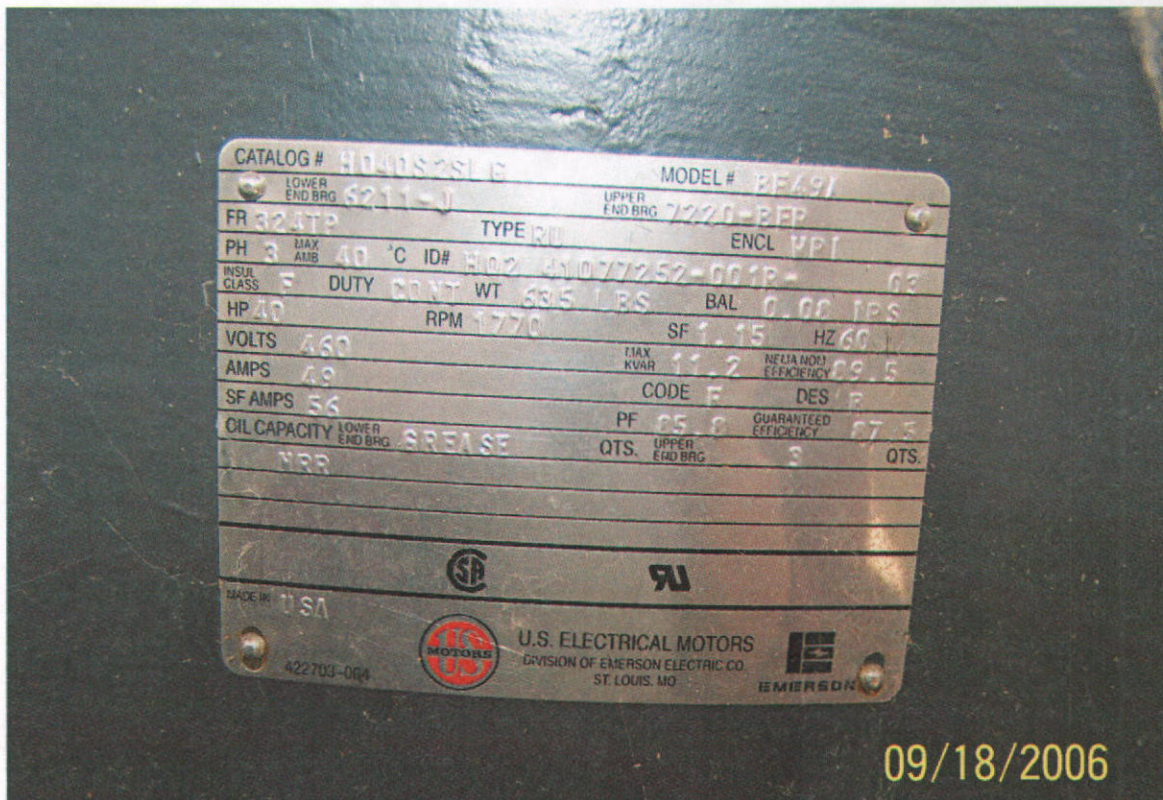
8" discharge
(both)

60 psi
(both) is
what system
run at

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

N43°45.796'
W116°55.100'
Sand Hollow Creek



US Motor
 40 HP
 3phase
 BF491



POU:

- (2) half pivots
- (3) towers each w/ big guns
- (7) 1" big guns NW corner
- (9) 1 1/2" weather tee big guns NE corner

running east to west, unnamed drain w/in 25' of pump station #3

63-4641 A/B
 Tree Top Ranches

9/18/2006 SK

Pou 1



~~63-4641B~~
employees
house
(yards)

63-4641A
+ B acreage
irrigated

09/18/2006



ditch
measured
west
of
pump
station #3.
+ south
of
employee houses

09/18/2006

63-4641 A/B
Tree Top Ranches

9/18/2006 SA



Dirt
Ditch
Measured
West of
pump
station #3
- south of
employee
houses

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

POU:
SWSE
SESE



100 pr.
cattle,
4 bulls.

Stockwater
inclusive
with
irrigation
(no
stock
tanks)
rotate
them
west thru
all the
fields
they own
going
down
Sand Rd.



#1
half pivot
3 towers
w/ big gun

(9) 1 1/2"
weather
tech
nozzles
irrigate NE
corners
(run 2 at
1 time);
(7) 1" big
gun NW
corner

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

#1
half pivot
3 towers
w/ big gun



#2
half pivot
3 towers
w/ big
gun

POU:
SWSE
SESE

09/18/2006



3"
hand-
line
on north
border
(south side
of Sand Rd)
60+ sections
5/32 nozzles
30 sections
run @ 1 time
(1 nozzle
per section)

09/18/2006

63-4641 A/B
Tree Top Ranches

9/18/2006 SH



POU:
NWSWSE

employees
houses
26415,
26471
plus 2
other
house
(yards)



Area
Not
Irrigated
SESESE

63-4641 A/B
Tree Top Ranches

9/18/2006 SH



Control
Valves
located
south of
employees
houses



POU
26471 +
26469
Sand Rd.
employee
houses

POD
10" casing
5" above
gnd. level
ID tag:
A0002146

63-4641 A/B
Tree Top Ranches

N43°45.997'
W116°55.277'



Southeast
of 27349
Shelton Rd

POD

438' east
of Hwy 95
junction
overpass,
on the
north side
of Hwy
20/26

54"
concrete
buried line
under Hwy.
20/26 running
southwest
to
head gate

63-4641 A/B
Tree Top Ranches

09/29/2006

N 43° 45.974'
W 116° 54.618'

Unnamed Drain



head
gate
where
Sand Hollow
+ unnamed
drain
co-mingle



head
gate

63-4641 A/B
Tree Top Ranches

N43°45.966'
W116°54.686'

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-4641A
Date Received: 3/8/1990
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TREE TOP RANCHES LP Phone: (208)377-0998
914 HOUSTON RD
BOISE ID USA 83706

2. Date of Priority: 11/01/1880

3. Source: SAND HOLLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	22	NW NE	CANYON	

5. Description of diverting works:

HEADGATE, PIPELINE, GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1.89	

7. Total Quantity Appropriated is:

1.89 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	05W	15	SW SE	IRRIGATION	20
			SE SE	IRRIGATION	34
				Section Acres	54

Total Acres 54

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765. RDH 11/8/96.

The point of diversion claimed for this water right was established prior to November 19, 1987 and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.

CHANGE IN OWNERSHIP LG 9-22-2006- REVIEWED BY V. MUSIC

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-04641A**
Date Received: 3/ 8/1990
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: LESLIE W HAMILTON
Address: RURAL RT #1
26415 SAND RD
PARMA ID

83660

2. Date of Priority: NOV 1, 1880

3. Source: UNNAMED DRAIN Trib. to: SAND HOLLOW DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	14	NW	SW			CANYON

5. Description of diverting works:
HEADGATE, PIPELINE, GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.890		

7. Total Quantity Appropriated is:
1.890 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	15	SW	SE		IRR	20.0
			SE	SE		IRR	34.0

Section Acres 54.0

10. Place of Use: Continued

Total Acres 54.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765.
RDH 11/8/96.

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04641
Date Received: 3/08/1990
Receipt No: W010765
Received By: JFW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LESLIE W. HAMILTON
Address: RURAL RT. #1; 26415 SAND RD.
PARMA, ID 83660

2. Date of Priority: NOV 01, 1880

3. Source: UNNAMED DRAIN Trib. to: SAND HOLLOW DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	14	NW	SW			CANYON

5. Description of diverting works:
HEADGATE, PIPELINE, GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	15	SW	SE		IRR	23.0
			SE	SE		IRR	34.0
Section Acres							57.0

10. Place of Use: Continued

Total Acres 57.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Leslie W. Hamilton Date: 3-8-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of March 19 90

For: Harris
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 12-8-94

RECEIVED

SEP 14 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 FALLS

CIVIL CASE NUMBER: 39576

Ident. Number A63-04641A

Date Received 9-14-06

Receipt Number

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMAMENDED
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) 377-0998
Mailing Address 914 Houston Road, Boise, ID Zip 83706
2. Date of Priority (Only one (1) per claim) November 1, 1880
3. Source of water supply (a) Sand Hollow Creek Drain, aka Cole Slough Drain
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 5N Range 5W Section 22,
NW 1/4 of NE 1/4 of 1/4, Govt. Lot, 1/4 B.M., County of Canyon
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.
Approximately 75 horsepower pump, pipeline, gravity ditch

RECEIVED

SEP 18 2006

WATER RESOURCES
WESTERN REGION

SCANNED

SEP 15 2006

BOL_MT2:625898.1

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 1.890 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.890 (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	
05N	05W	15															20	34	54

Total number of acres irrigated 54.0

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
A63-04641B or None ()

14. Remarks:

The point of diversion claimed for this water right was established prior to November 19, 1987 and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.

Last Name Tree Top Ranches, LP Ident No. A63-04641A

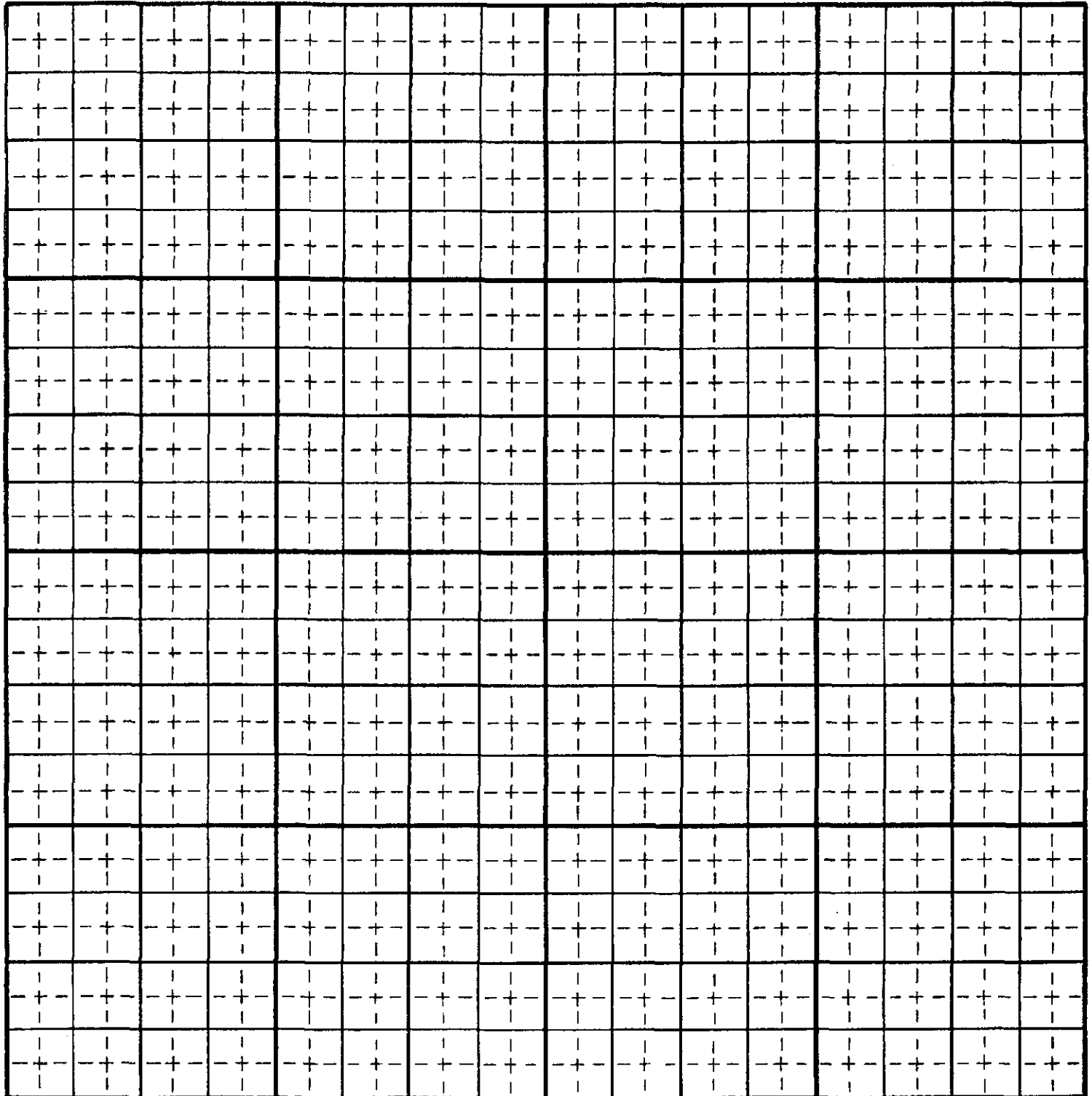
SCANNED

BOI_MT2:625898.1

SEP 15 2006

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. A63-04641A

BOI_MT2:625898.1

SCANNED

SEP 15 2006

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A63-04641A
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 ☒
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.

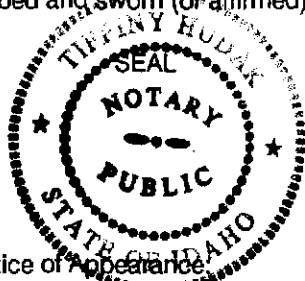
Signature of Claimant (s) [Signature] Date _____
_____ Date _____

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 9/6/06

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day of September, 2006
Notary Public [Signature]
Residing at Boise
My Commission Expires 9/16/06



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, Idaho 83701-0829

Date 9/13/06

Last Name Tree Top Ranches, LP Ident. Number A63-04641A

SCANNED

SEP 15 2006

BOI_MT2:625898.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

SEP 01 2006

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4641A	A63-04641A	☐			☐
63-4641B	A63-04641B	☐			☐
		☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

SEE ATTACHMENT A

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

SEE ATTACHMENT B

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Jerry Kramer, PO Box 370, Parma, Idaho 83660
Curt Christofferson, 26415 Sand Rd., Parma, Idaho 83660
4. New Owner/Claimant(s) Tree Top Ranches, LP
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 914 Houston Road
- City, State and ZIP Code Boise, Idaho 83706
- New Telephone Number (208) 377-0998
5. Date you acquired the property April 22, 1997/April 28, 1997

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) **Larry D. Williams, Partner, Tree Top Ranches, LP**

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Water Right 63-04641A + B

Section 15, Township 5 North, Range 5 West, Canyon County, Idaho



- Place of Use
- Point of Diversion



9913379

LT 2740-90W

(Mw)

WARRANTY DEED

For value received, GERALD L. KRAMER, aka JERRY KRAMER, a single man, dealing with his sole and separate property, of P.O. Box 370, Parma, Idaho 83660, Grantor, does hereby convey, grant, bargain, and sell unto LARRY D. WILLIAMS and MARIANNE WILLIAMS, husband wife, of 914 Houston, Boise, Idaho 83706, Grantees, the following described premises in Canyon County, Idaho, to wit:

See EXHIBIT A, attached hereto and made a part hereof by reference.

TOGETHER With all water, water rights, ditches and rights of way for ditches appurtenant thereto, and together with all tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

To have and to hold said premises, with their appurtenances unto the said Grantees, Grantees' heirs and assigns forever. Grantor does hereby covenant to and with Grantees that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever, subject only to the following encumbrances:

1. Restrictions imposed by law, ordinance or regulation by any governmental entity, department or agency;
2. Restrictions contained in any covenants of record affecting the premises;
3. All rights of way or easements, affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not;
4. Taxes and assessments of all taxes units not yet due and payable, pro rated as of the date of closing;
5. Reservations in patents or state grants or in acts authorizing the issuance thereof;
6. All repayment contracts between irrigation districts within which said premises are situated and any government or agency; and
7. The bonded debt of all taxing units within which said premises are located.

DATE: 4-22-97

Gerald L. Kramer
GRANTOR

STATE OF IDAHO)

: ss.

County of Canyon)

On the 22nd day of April, 1997, before me,
Kimberly A. Compton, a notary public for said state, person-
ally appeared before me, GERALD L. KRAMER, aka JERRY KRAMER,
known or identified to me to be the person whose name is sub-
scribed to the within instrument, who acknowledged to me that he
executed the same.



Kimberly A. Compton
Notary Public for Idaho
Residing at: Calduell
My commission expires: 1-27-99

Exhibit "A"

PARCEL I

The South Half of the Southeast Quarter, Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A parcel of land being on the Westerly side of the centerline of U.S. Highway 95, Project No. F-3311(5) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Southeast corner of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

South 89° 45' 19" West along the South line of the Southeast Quarter of the Southeast Quarter of said Section 15 a distance of 132 feet, more or less, to a point in a line parallel with and 25 feet distant Westerly from the centerline of a proposed County Road Connection Survey as shown on the plans of said U.S. Highway 95 Project No. F-3311(5) Highway Survey and which point bears

South 89° 45' 19" West a distance of 140 feet from Station 349+1248 of said Highway Survey; thence along said parallel line as follows:

North 0° 14' 41" West a distance of 1,013.11 feet to a point opposite Station 13+14.83 of said proposed County Road Connection Survey, which point bears

South 89° 45' 19" West a distance of 140 feet from Station 359+25.59 of said Highway Survey, Northerly, Northwesterly and Westerly along a 293.31-foot-radius curve left 457.96 feet to a point in the Southerly right of way line of an existing County East and West Road, which point bears South 0° 17' 49" West a distance of 25 feet from Station 18+11.82 of said proposed County Road Connection Survey; thence

North 0° 17' 49" East a distance of 25 feet, more or less, to a point in the North line of said Southeast Quarter of the Southeast Quarter; thence

Easterly along said North line a distance of 153 feet, more or less, to point in the Southwesterly right of way line of the Oregon Short Line Railroad; thence

South 54° 28' East along said railroad right of way line a distance of 330 feet, more or less, to a point in the East line of said Southeast Quarter of the Southeast Quarter; thence

Southerly along said East line a distance of 1,133 feet, more or less, to the PLACE OF BEGINNING.

U.S. Highway 95 Station reference: 349+1248 to 360+43.09.

ALSO EXCEPTING THEREFROM the right of way of the Oregon Shortline Railroad.

(continued)

ALSO EXCEPTING THEREFROM

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 140 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 610 feet; thence

South 00° 10' 43" West perpendicular to said North boundary a distance of 253 feet; thence

North 89° 49' 17" West parallel with said North boundary a distance of 423.84 feet; thence

North 36° 10' 00" West a distance of 314.11 feet to the TRUE POINT OF BEGINNING.

PARCEL II

The East Half of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter; the Northeast Quarter; the North Half of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter and Lots 1 and 2, all in Section 22, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho;

AND

The Southwest Quarter of the Northwest Quarter; the West Half of the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A tract of land being on both sides of the centerline of U.S. Highway No. 95, Project No. F-3311(5) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and lying over and across the East Half of the East Half, Section 22, the West Half of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

COMMENCING at the Southeast corner of Section 22, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

South 89° 59' 43" West along the South line of said Section 22 a distance of 42.22 feet to a point in a line parallel with and 50.0 feet Easterly from the centerline of said U.S. Highway 95, Project No. F-3311(5) Highway Survey and being the REAL POINT OF BEGINNING; thence

Northerly along said parallel line being an 8,235.11-foot radius curve left 345 feet, more or less, to a point in the East line of said Section 22; thence

(continued)

991.3379

PC20521

WARRANTY DEED

FOR VALUE RECEIVED Curt D. Christofferson and Jolene I. Christofferson, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto ~~Harry D. Williams and Marianne Williams, husband and wife~~, a married person

the Grantees, whose address is ~~26415 Sand Rd., Parma, ID, 83660~~

914 Houston Rd, Boise, ID 83706
the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1997 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever. Together with all water rights.

DATED: April 28, 1997

Curt D. Christofferson
Curt D. Christofferson

Jolene I. Christofferson
Jolene I. Christofferson

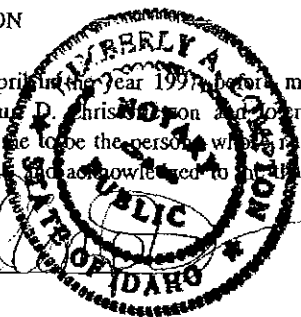
STATE OF IDAHO

COUNTY OF CANYON

On this 28th day of April in the year 1997, before me, a Notary Public, personally appeared Curt D. Christofferson and Jolene I. Christofferson known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at Caldwell

My commission expires 1-27-99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 20521

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 140 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 610 feet; thence

South 00° 10' 43" West perpendicular to said North boundary a distance of 253 feet; thence

North 89° 49' 17" West parallel with said North boundary a distance of 423.84 feet; thence

North 36° 10' 00" West a distance of 314.11 feet to the TRUE POINT OF BEGINNING.

9713456

RECORDED

97 APR 29 PM 3 56

NED J KERR

CANYON CNTY RECORDER

BY *[Signature]* *[Signature]*

PIONEER — CALDWELL

REQUEST

TYPE *[Signature]*

FEE 6.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 22, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Tree Top Ranches LP
914 Houston Road
Boise, ID 83706

Notice of Claim to a Water Right No. 63-4641A, 63-4641B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/08/96 09:42:36
Page 1

Water Right Number - A63-04641 A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
HAMILTON

LESLIE W

1 - RURAL RT #1; 26415 SAND RD
2 -
3 -

City- PARMA State- ID Zip- 83660
Phone - 208-000-0000

Priority Date 11/01/1980 Region 14 WESTERN

Source UNNAMED DRAIN

Point of Diversion

05N 05W 14 NW SW (27) CANYON

Code Description Period From Period To Water Use

01 - IRRIGATION

Total Div. Rate 2,000 1.89 cfs

Diversion Rate 2,000 1.89 cfs

Total Consumptive Use 0.0

Diversion Means - HEADGATE, PIPELINE, GRAVITY DITCH

Non-Irrigation Use -

Other Rights for Same Use -

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM
NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765
RDH 11/8/96

Conditions of Approval
No Conditions of Approval found.

$$\frac{5740}{2 \text{ cfs}} \times \frac{54}{1} = 1.89 \text{ cfs}$$



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 24 1996

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 5 N Range 5 W
Section 15, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

☐ Name and Address of Former
Owner/Claimant(s)(Seller): Donald Asher

☐ New Owner/Claimant
(Purchaser): Curt & John Christopher

☐ New Mailing Address: 26415 Sand Rd
Perma ID 83660

☐ New Telephone Number: () 722 - 7450

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s): John Christopher

Date 6/18/96
Date

☐ Signature of Former
Owner/Claimant(s): _____

Date
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUMENT NO. 9311039

PC07453

WARRANTY DEED

FOR VALUE RECEIVED Donald R. Asher, an unmarried man

the Grantor, does hereby grant, bargain, sell and convey unto Curt D. Christofferson and Jolene I. Christofferson, husband and wife

the Grantees, whose address is 6415 Sand Road, Parma, ID, 83660

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1993 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

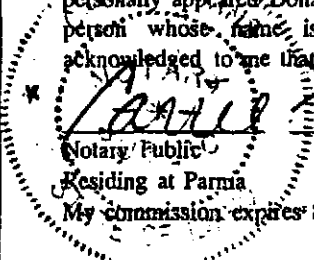
DATED: May 14 , 1993


Donald R. Asher

STATE OF IDAHO

COUNTY OF CANYON

On this 18th day of May in the year 1993, before me, a Notary Public, personally appeared Donald R. Asher known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Parma
My commission expires 8/17/96

RECEIVED

JUN 24 1996

WATER RESOURCES
WESTERN REGION

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 140 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 610 feet; thence

South 00° 10' 43" West perpendicular to said North boundary a distance of 253 feet; thence

North 89° 49' 17" West parallel with said North boundary a distance of 423.84 feet; thence

North 36° 10' 00" West a distance of 314.11 feet to the TRUE POINT OF BEGINNING.

RECEIVED

JUN 24 1996

WATER RESOURCES
WESTERN REGION

9311039

RECORDED

93 MAY 21 PM 4 21

RECEIVED

CANYON CNT. RECORDER
BY *C. Smith*REQUEST PIONEER - CALDWELL
TYPE *Reel* FEB 6

RECEIVED

SEP 04 1996

WATER RESOURCES
WESTERN REGION

CANYON COUNTY ASSESSOR
1115 ALBANY ST. RM. 323
CALDWELL, ID 83605

THIS IS NOT A BILL

IMPORTANT NOTICE-PLEASE READ

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
CALDWELL, ID 83605-3542
PERMIT NO. 4

Phone 454-7431

PARCEL NO. 6R38915-010- -0
UNIFORM 05N05W158560
TAX CODE 138-00 05-18-96

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
RUR RESIDENT TRACT	1.00	13,000
RES TRACT OVER 1 ACR	2.00	10,625
RES IMP-RUR RES TR		33,500
IMP ON RUR TRACT		2,825

1996

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE

TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

TOTAL FULL CASH VALUE
TX 13 IN SWSE

59,950 JUNE 17, 1996
Homeowner Exemption-Yes

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

REGULAR ROLL

SEC 15-5N-5W SE

Mail To:

CHRISTOFFERSON, CURT D
& CHRISTOFFERSON, JOLENE I-H/W

PROPERTY ADDRESS
26415 SAND RD, PA

26415 SAND RD
PARMA

ID 83660

MEMO TO FILE

=====

CLAIM/WR NO: A63-04641/A63-07921
AGENT: RON HOWERTON
DATE: November 8, 1996
REF: OWNERSHIP CHANGE

1. Received the chain of title from Pioneer Title of Canyon County. It shows that the Hamilton property was sold to Donald R. Asher of Parma. Then with a portion sold to Jolene Christofferson as shown on copy attached to ownership change.
2. The parcel sold to Jolene Christofferson was plotted from their warranty deed on meets and bounds and an exception was plotted from Donald R. Asher's warranty deed. By comparing the 63-04641 & 63-07921 water right file maps versus our ortho quads the land is only appurtenant to the A63-04641 claim.
3. I attempted to call Donald R. Asher at last known phone # listed as 722-7135 and the tenant said that Mr. Asher didn't live there and may just have his old phone number. I also called the directory assistance and they didn't have any Donald R. Asher listed in Idaho anymore. Thus, with this information we don't have a phone number or address.
4. The ownership change for a portion of A63-04641 can be completed and since we have no ownership change to Asher from Hamilton nor an address for Asher the "A" portion will have to be left in Hamilton's name. The file shows returned mail and undeliverable to Hamilton, so no need to try and mail the split portion to that name or address.
5. The license isn't appurtenant to the Christofferson's deed thus shall stay in Hamilton's name until further information is available.

*see file
63-4641B for
further doc-
umentation.
by 9/25/04*

COMMUNICATION DOCUMENTATION

Claim No. A63-04641 & A63-07921

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton



DATE

November 7, 1996

CUSTOMER

JOLENE CHRISTOFFERSON

WK # 454-7391

SUBJECT: A63-04641 & A63-07921

1. Called and requested that she send me a copy of the deed that showed the property being transferred from Hamilton to Asher.
2. I suggested that she call the title company and they could fax the warranty deed to me. She said she would try.
3. She also said that they were going to sell the property next year. She said the amount of land was 3 acres they bought.
4. This matches the Warranty deed legal for 3 acres in the SWSE, T5N, R5W, S15. This would split both claims.
5. The original claimant, Hamilton was sent notice about the directors report and we received returned mail for both claims, so it probably means that either Asher or someone else owns the other part of the split.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

May 8, 1996

**KARL J. DREHER
DIRECTOR**

NEW PROPERTY OWNER
RT 1 26415 SAND RD
PARMA ID 83660

RECEIVED

MAY 08 1996

RE: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim Nos. #A63-04641

**WATER RESOURCES
WESTERN REGION**

Dear New Property Owner:

A legal notice mailed recently by IDWR was returned to us by the Post Office. The notice was mailed to an apparent former owner at your address who has or had this property or others in the area.

Before we can modify our records to reflect your new ownership of the property and water rights referenced above, we need Form 42-1409(7) completed and returned. We have enclosed this form for your use.

Please contact this office at 208/327-7862 or call us toll-free at 800/451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region

Enclosure:

Form 42-1409(7)

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

In Re Snake River Basin Adjudication Case)
No. 39576)

Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

55105
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

*A63-04641
O.R.
Call P.O.*

*RECEIVED
TO
RECEIVED
DELIVERED TO ADDRESSEE
BY MAILING SERVICE
DECEASED*

*LESLIE W HAMILTON
RT 1: 26415 SAND RD
PARMA ID 83660*

RECEIVED

APR 20 1995

Department of Water Resources

NOTICE OF FILING DIRECTOR'S REPORT

DIRECTOR'S REPORT

This Director's Report Part II is a report by the Director of the Idaho Department of Water Resources (IDWR). It contains abstracts of claims by the United States and Indian Tribes to "non-consumptive" water rights (such as instream flows) throughout the Snake River Basin. The abstracts summarize the claims without substantively changing the water right as claimed. The Supplemental Director's Report Part II includes abstracts of claims not included in the Director's Report Part II. The supplemental report also includes abstracts of amended claims, which contain changes to claims previously abstracted in the Director's Report Part II.

The Director's Report Part III contains the claims filed for these water rights, and includes both the claim documents and maps. The Supplemental Director's Report Part III includes claims not included in the Director's Report Part III, as well as amended claims which contain changes to claims included in the Director's Report Part III.

Complete copies of Part II of the reports are available for inspections at all offices of IDWR and at the other locations printed on this notice. Complete copies of Part III of the reports are available for inspection at the State Office of IDWR and the SRBA District Court. Copies of all or a portion of the reports are available from the IDWR State Office subject to payments of costs of mailing and/or copying.

OBJECTIONS TO DIRECTOR'S REPORT

You may file an objection to any portion of the Director's Reports with the SRBA District Court. You must use a court approved objection form that is available from IDWR, which contains instructions for filing the objection. All objections must be received by the court on or before October 16, 1995. You must mail a copy of your objection to IDWR and the United States as shown on the objection form. If you are objecting to an abstract of a claim filed by an Indian tribe, you must also mail a copy of the objection to the tribe at the address shown in the report.

RESPONSES TO OBJECTIONS

The United States and the Indian Tribes may, but are not required to file a response to an objection to abstracts of their claims with the SRBA District Court.

PARTIAL DECREE OF UNCONTESTED PORTIONS OF DIRECTOR'S REPORT

Those portions of the Director's Report to which no objections are filed will be decreed by the district court after a hearing to be held at 1:30 p.m., May 21, 1996 at the SRBA Courthouse in Twin Falls.

NOTICE OF FURTHER PROCEEDINGS

You will be mailed a notice of further proceedings on an objection to your water right, your objection, or your response. You will not be mailed notice of other objections or proceedings on other objections.

Notice of other objections and responses to other objections will be included on a monthly docket sheet distributed by the SRBA District Court. A subscription to the docket sheet may be obtained from the court for a small annual fee (\$7.50 for the calendar year 1995).

IDWR has filed or will file Director's Reports for all other claims within the Snake River Basin, one for each of the reporting areas in the Snake River Basin. Notice of the filing of these reports, and of further proceedings on these reports, will also be included in the docket sheet.

You may be affected by orders and decrees entered by the court in proceedings on other objections and proceeding on other reports. It is very important that you subscribe to the docket sheet if you wish to stay informed of these other proceedings. For further information as to documents filed with the court and hearings scheduled before the court in the SRBA, you must inquire at the SRBA District Court.

FURTHER INFORMATION

The court has adopted procedures for the post-report phase of the SRBA, which are set forth in the order of the court entitled "SRBA Administrative Order No. 1." A copy of this order can be obtained from the State Office of IDWR or the SRBA District Court.

If you have questions about the SRBA, please call any office of IDWR listed in this notice. If you have questions concerning your rights and responsibilities as a claimant in the SRBA, please consult your attorney.

R. KEITH HIGGINSON

Director, Idaho Department of Water Resource

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

SCANNED

SEP 15 2006

BOI_MT2:603021.1

Water Right 63-04641A and 63-04641B

Section 15, Township 5 North, Range 5 West, Canyon County, Idaho



— Place of Use
● Point of Diversion



SCANNED

SEP 15 2006

RECEIVED

AUG 21 2007

Department of Water Resources
Adjudication Bureau

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 63-04641B

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Greg Obendorf.
Address: 26496 Deb Lane
Parma, Idaho 83660
Daytime Phone: (208) 722-6451

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

D. I am responding to the objections to the following elements. (Please check the appropriate box(es))

1. ☐ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
10. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss:
County of Ada)

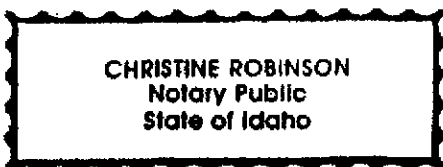
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 20, 2007



Christine Robinson
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 6/14/2013

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on August 20, 2007, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

3. One copy to the party who filed the objection. at the following address:

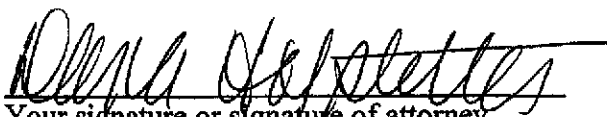
Name: Scott Campbell
Address: Moffatt Thomas
P.O. Box 829
Boise, Idaho 83701

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449


Your signature or signature of attorney
mailing on your behalf

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 63-04641A
(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

PO Box 829, Boise, Idaho 83701

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

Name: Tree Top Ranches, LP

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: _____
2. ☒ **Source**
Should be: Tributary should be Boise River
3. ☒ **Quantity**
Should be: 1.89 cfs
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: Quantity should be 1.89 cfs
8. ☒ **Period of Year**
Should be: Quantity should be 1.89 cfs
9. ☒ **Place of Use**
Should be: Please see attachment 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 attachment 2 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

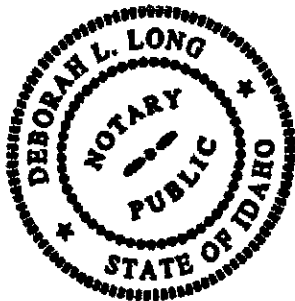
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: June 19, 2007



Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07

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 June 19, 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:

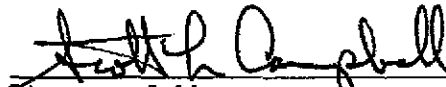
Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

3 Copies to:

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

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

**ATTACHMENT 1 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-04641A**

The Director's Report incorrectly identifies the place of use for irrigation of lands under this water right. The correct, historic place of use is as follows:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>1/4 of</u>	<u>1/4</u>	<u>Lot</u>	<u>Acres Claimed</u>
5N	5W	15	SE	SE		34
			SW	SE		20
					Total	54

**ATTACHMENT 2 TO
STANDARD FORM 1 - OBJECTION
SUBCASE 63-04641A**

Reasons Supporting Objection(s)

Source:

The tributary to Sand Hollow Creek is incorrectly listed as the Snake River. The correct tributary is the Boise River.

Quantity:

The claimed quantity of 1.89 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Tree Top Ranches, LP, and its predecessors.

Purpose of Use and Period of Year:

The claimed quantity of 1.89 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Tree Top Ranches, LP, and its predecessors.

Place of Use:

The place of use described in the Director's Report does not accurately describe the lands historically irrigated under this water right.

Other Provisions Necessary for Definition or Administration of this Water Right:

There is no legal basis for the inclusion of the following remark:

This right remains subject to the right of the original appropriator, in good faith and in compliance with the state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

NOTICE OF ERROR
REPLY

09/29/2006
RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4641A

TREE TOP RANCHES LP

914 HOUSTON RD

BOISE ID 83706

Telephone Number: (208) 377-0998

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity; Purpose and Period of Use

2. Describe the changes you wish to make in the proposed recommendation:

Quantity: Increase the total quantity of water to the claimed amount of 1.890 cfs.

Purpose and Period of Use: Increase the quantity to the claimed amount of 1.890 cfs.

3. Give a brief explanation as to why you disagree with these portions:

Quantity: There is no basis for the reduction in the total quantity of water.

Purpose and Period of Use: There is no basis for the reduction in the total quantity of water.

____ I AGREE with this proposed recommendation: no changes need to be made.

Date: 10/31/06

SIGNATURE: Scott L. Campbell

Please print your name: Scott L. Campbell, attorney of record for Tree Top Ranches, LP

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

Recommended all the acres claimed @ 1"/acre.
Soil analysis not included
acres sprinkler irrigated in 1/2 pivot

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

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. Hush
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
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Mercalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

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

October 30, 2006

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

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705

Re: Water Right Nos. 63-4641A, 63-4641B, 63-4534B, 63-21530 and 63-21580
MTBR&F File No. 22567.0

Dear Sir or Madam:

Enclosed please find the original Notice of Error Reply form for each of the following water rights: 63-4641A, 63-4641B, 63-4534B, 63-21530 and 63-21580. We are submitting the enclosed Notices on behalf of our clients, Tree Top Ranches, LP, and Larry and Marianne Williams. A copy of each form is also enclosed. Please receive stamp the copies and return them in the enclosed self-addressed, stamped envelope. ✓ *SC*

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh
Enclosures

cc: Larry Williams (w/encls.)

12/10/2006

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

RIGHT NUMBER: 63-4641A
NAME AND ADDRESS: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SOURCE: SAND HOLLOW CREEK
UNNAMED DRAIN
TRIBUTARY: SNAKE RIVER
TRIBUTARY: SAND HOLLOW CREEK

QUANTITY: 1.080 CFS
PRIORITY DATE: 03/01/1935

POINT OF
DIVERSION: T05N R05W S14 SWSW Within CANYON County
T05N R05W S15 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.080 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S15	SWSE	20.50	T05N R05W S15	SESE	32.50
T05N R05W S22	NENE	0.80	T05N R05W S22	NWNE	0.20

54 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641B, 63-7921.

Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.

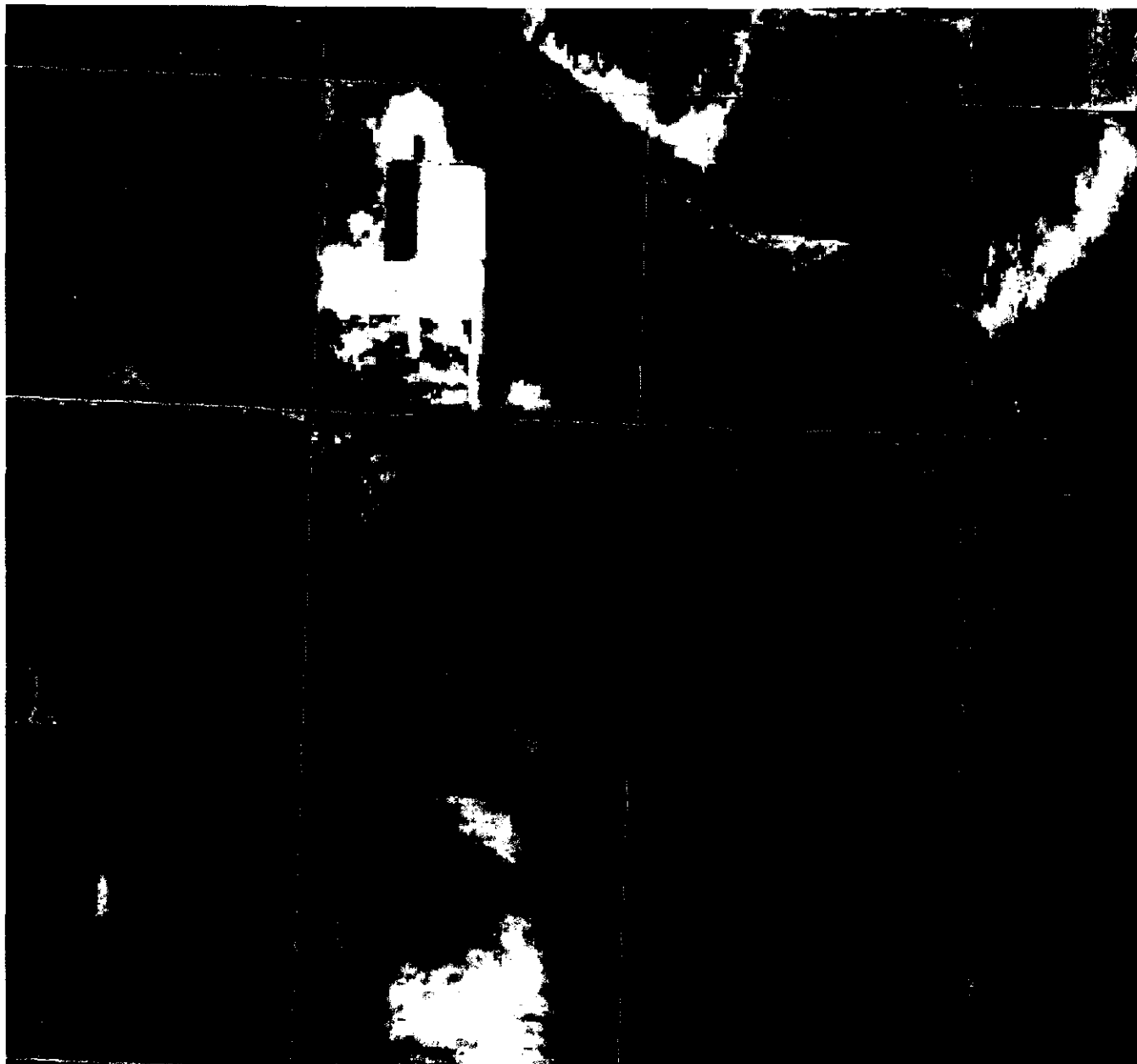
Right No. 63-4641B is also diverted through point of diversion in the SWSW S14 described above.



Idaho Department of Water Resources

63-4641A

05N 05W S15 & S22



-  POU
-  POD
-  Sections
Quarter/Quarter

Total Irrigated
Acres: 54.0

400 0 400 Feet



IDWR
Prepared by: Lori Graves
Date: 09-29-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4641A V1

WATER RIGHT NUMBER: 63-4641A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LESLIE W HAMILTON 26415 SAND RD PARMA, ID 83660
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 03/01/1935

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND HOLLOW CREEK	SNAKE RIVER
UNNAMED DRAIN	SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.080 CFS	
	<u>Total Diversion:</u>	1.080 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4SW1/4	Sec. 14, Twp 05N, Rge 05W, B.M.
CANYON County		
SAND HOLLOW CREEK	SW1/4SE1/4	Sec. 15, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	15															20.5	32.5	53.0
05N	05W	22	.8	.2															1.0

Total Acres: 54

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4641A V1

Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641B, 63-7921.
2. C18 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.
3. B01 Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.
4. F05 Right No. 63-4641B is also diverted through point of diversion in the SWSW S14 described above.

Remarks:

Comments:

1. Igraves 9/25/2006 Parcel No.
Comment: Irrigation is within Parcel No. R3891500000.
2. Igraves 9/25/2006 Overlaps
Comment: Right 63-7921 is for separate acres on the west side of the creek and shares the SWSE p/d. Right 63-4641B is for separate acres in the SWSE and shares the same irrigation system as A63-4641A.
3. Igraves 9/25/2006 P/Ds
Comment: The original claim lists one p/d on an unnamed drain in the NWSW S14. The SRBA field exam confirmed that this diversion exists and is actually located in the SWSW S14. An amended claim was filed 7/14/2006 changing the p/d to Sand Hollow Creek Drain in the NWNE S22. The SRBA field exam confirmed that the amended diversion exists and is actually in the SWSE S15 as licensed on right 63-7921. This p/d has been recommended as an accomplished transfer because the application map for license 63-7921 submitted in 1979 indicated both p/ds. The original p/d was also recommended based on the SRBA field exam findings.
4. Igraves 9/25/2006 Source
Comment: For the SWSW S14 p/d, the original claim listed unnamed drain tributary to Sand Hollow Drain. Based on the topo map, the tributary has been clarified to Sand Hollow Creek. For the SWSE p/d, the amended claim lists Sand Hollow Creek Drain tributary to the Boise River. Based on the topo map, source has been clarified to Sand Hollow Creek tributary to the Snake River.
5. Igraves 9/29/2006 Flow Rate
Comment: The SWSE S15 p/d was measured at 1.53 cfs in 1979 for license 63-7921. The SWSW S14 p/d was measured at 7.23 cfs during the SRBA field exam. Recommended acres are limited to .02 cfs/acre.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4641A V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

Adjudication Claim Report 63-4641A

WATER RIGHT NUMBER: 63-4641A

add Scott Campbell as
attorney of record

per exams +
topo - all
comments

Tributary
~~SAKE~~
BOISE RIVER

BOISE RIVER
Sand Hollow Cr

From	To
------	----

Diversion Rate

Annual Volume

~~4/01 to 10/3~~~~1890 CFS~~

1.08

Total Diversion:

~~1,890~~ CFS

1.08

SW SE

~~NY 114 NE 1/4~~

15
Sec. 22. Twp 05N. Rge 05W. B.M. — *License 63-7921*

50.1542

Sec 14 per SKBA exam

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
05N	05W	15																20.0	34.0	-54.0	53
																		20.5	32.5		

Total Acres: 54

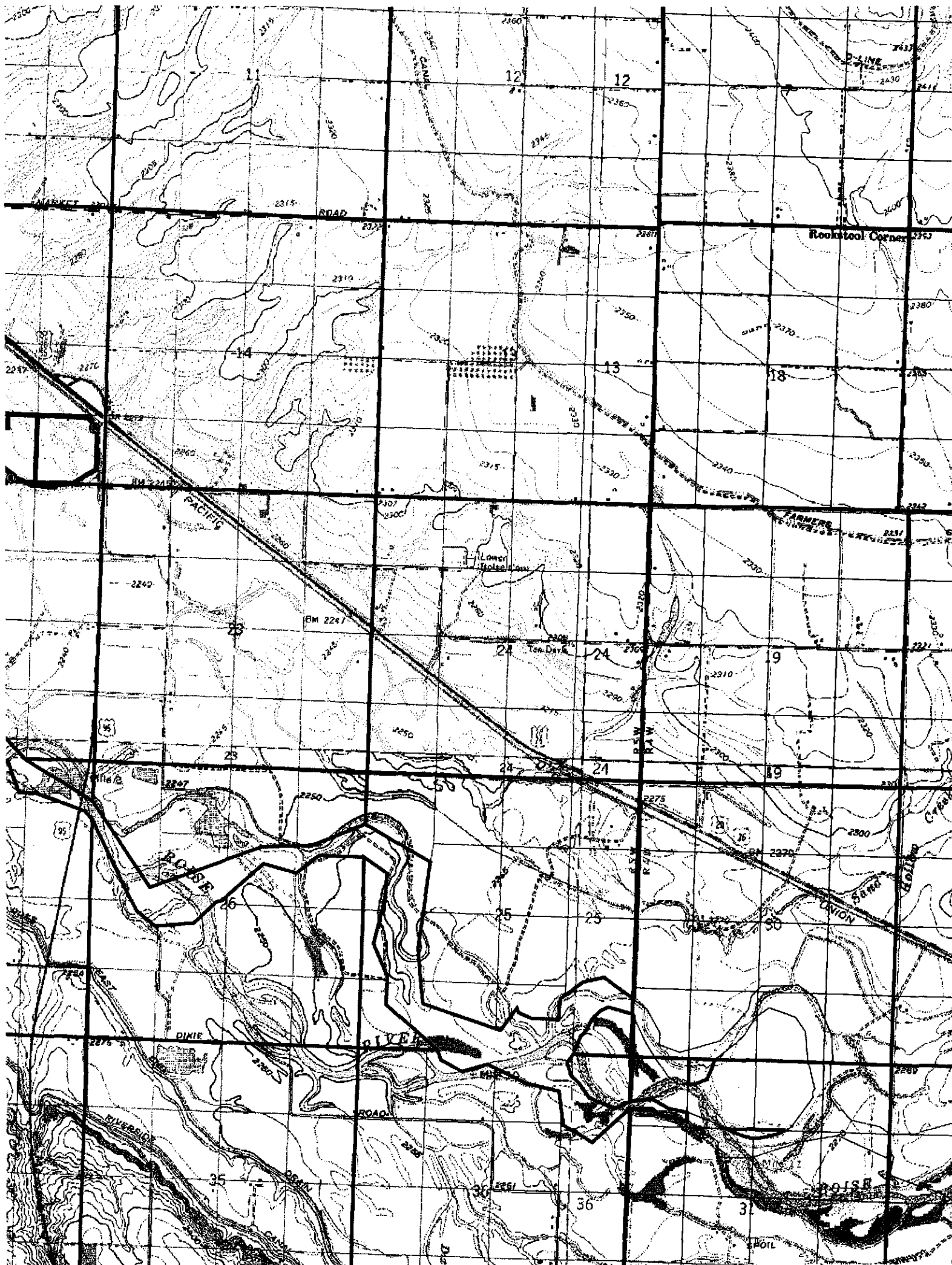
Conditions of Approval:

1. The point of diversion claimed for this water right was established prior to November 19, 1987 and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.
2. CHANGE IN OWNERSHIP LG 9-22-2006- REVIEWED BY V. MUSIC
3. THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765 RDH 11/8/96.

Dates and Other Information:

Claim Received Date: 3/8/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

bdd F05 - shared P/D in
 SW SW S14
 F06 - shared P/D in
 SWSE S15
 B01 - SWSE source
 AKA



WATER RIGHT LICENSE

THIS IS TO CERTIFY, that LESLIE W. HAMILTON

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 0.32 cfs and	72 acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____
	(month dates inclusive)		

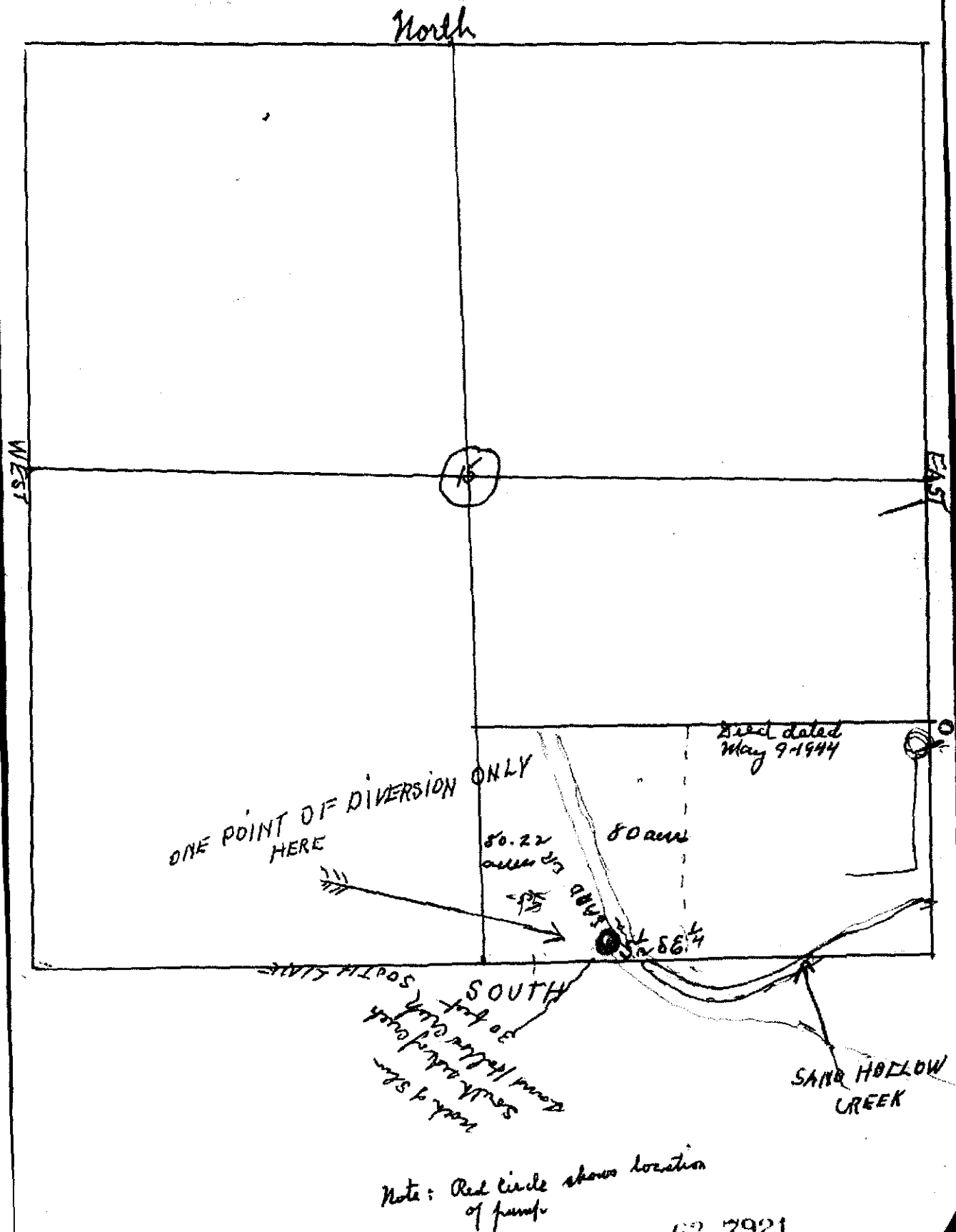
Description and location of place of use:

Twp.	Range	NEW								NWA				SWW				Totals
		NEW	NWA	SWW	SEW	NEW	NWA	SWW	SEW	NEW	NWA	SWW	SEW	NEW	NWA	SWW	SEW	
5N	5W	15																16

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of December 19 79.

Director

Section 15, Township 5 North, Range 5 West of B.M.



DATE OF EXAM 6/7/79

ACREAGE

Found 16
Recommended 16

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = .32 c.f.s. V = 720 AF/Ann. from 4/1 to 11/1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: SAND HOLLOW CREEK
twp. 5N N/S, Rge 5W E/W, B.M., Sec. 15, Sub. SW $\frac{1}{4}$ SE $\frac{1}{4}$ CANYON County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Total Q measured 1.53 cfs Method of measurement Cipolletti Weir

Total Q recommended .32 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 720 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

DIRECTLY MEASURED 4.5 INCHES ON CIPOLLETTI WEIR WITH CREST LENGTH = 1.5'
FLOW TAKEN FROM TABLE 4, P. 25, WATER MEASUREMENT ALLEGATION NO. 552,
d. of I. = 1.53 cfs

SYSTEM DESCRIPTION:

10hp MOTOR WITH PUMP, 8" PIPE DISCHARGES INTO WEIR BOX. DITCHES
TO CONVEY WATER TO FIELDS IRRIGATE.

REMARKS:

63-7691 CLAIM COVERS THE REST OF E.W. HAMILTON'S PROPERTY.
THIS POINT OF DIVISION HE MADE APP. 63-7921 DAILY IRRIGATES THE
16 ACRES IN SWSE, SEC. 15, T. 5N, R. 5W.

Examiner's Signature Charles W. Boyer Date 6/14/79

Checked by W. H. H. H. Date 11 June 79

Approved by _____ Date _____

Identification No. _____

Application No. 63-7921

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT **APPROVED**

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Leslie W. Hamilton
post office address Rural Route No. 1, Parma, Idaho.
2. Source of water supply Sand Hollow Creek which is a tributary of Boise River
3. a. Location of point of diversion is South 1/4 of SW 1/4 of Section 15 Township 5 North Range 5 West B.M. Canyon County; additional points of diversion if any: 30 feet North of the South Line of Section 15, Township 5 North, Range 5 West of the Boise Meridian, and about 600 feet East from the Southwest Corner of the SW 1/4 of the said Section 15, aforesaid
b. If water is not consumed, it will be discharged into Sand Hollow Creek at a point in said 1/4 of Section 15 Township 5 North Range 5 West B.M. _____
4. Water will be used for the following purposes: each year
Amount two second feet for irrigation purpose from April 1st to November 1 (both dates inclusive)
Amount all for irrigation purpose from See above dates (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
a. Two Second feet cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. One four inch 10 H. P. Motor pump operating the same with gasoline, but expect later on to install an electric motor, with the necessary pump.
No storage dam no reservoir
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ Present Total for all purposes about \$1200.00
8. Description of proposed uses: Pump \$485.00; Engine (Motor) \$325.00; Pipe, etc \$400.00
a. If water is not for irrigation: _____ It is for irrigation
(1) Give the place of use of water: About 18 acres West of Sand Hollow Creek in the SW 1/4 of the Township 5 North Range 5 West of the Boise Meridian.
(2) Amount of power to be generated: None hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____
Not for watering livestock
(4) Name of municipality to be served: No municipal purpose, or number of families to be supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

[illegible]

c. Describe any other water rights used for the same purposes as described above.

none on that side of Sand Hollow Creek

9. a. Who owns the property at the point of diversion Lester W. Hamilton

b. Who owns the land to be irrigated or place of use Jackie W. Hamilton

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. none

10. Remarks

Proposed Priority 1-29-1974

Received by WJ Date 1-28-74 Time 2:00 PM
 Preliminary check by RMH Fee \$ 35.00
 Received by WJ Date 1-31-74 Permit # 13621
 Publication prepared by WJ Date 1-31-74
 Published in Idaho Observer
 Publication dates 2-7 & 2-14-74
 Publication approved WJ Date 2-19-74
 Priority reduced to _____ Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by WJ

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7921, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 79.
- c. Other: (1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
(2) The maximum volume per year shall not exceed 360 acre feet or 4.5 acre feet per acre per year.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20 day of May, 19 74.

R. Keith Higin
 Director

72000

Form No. 243
7/78

Claim No. 63-4641

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Leslie W. Hamilton

(Name of Claimant)
Rural Rt. #1, Parma, Idaho Telephone No. 722-5810
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) November 1, 1880

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Drain tributary to Sand Hollow Drain

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.0</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>10/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 14 Twp. 5N Rge. 5W B.M., County of Canyon

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities; be as specific as possible. Describe any changes in the system and give the date of the change. headgate with pipeline into gravity ditch

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NEX				NWX				SWX				SEX				TOTAL
			NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	
5N	5W	15															23	34	57

No. of acres 57

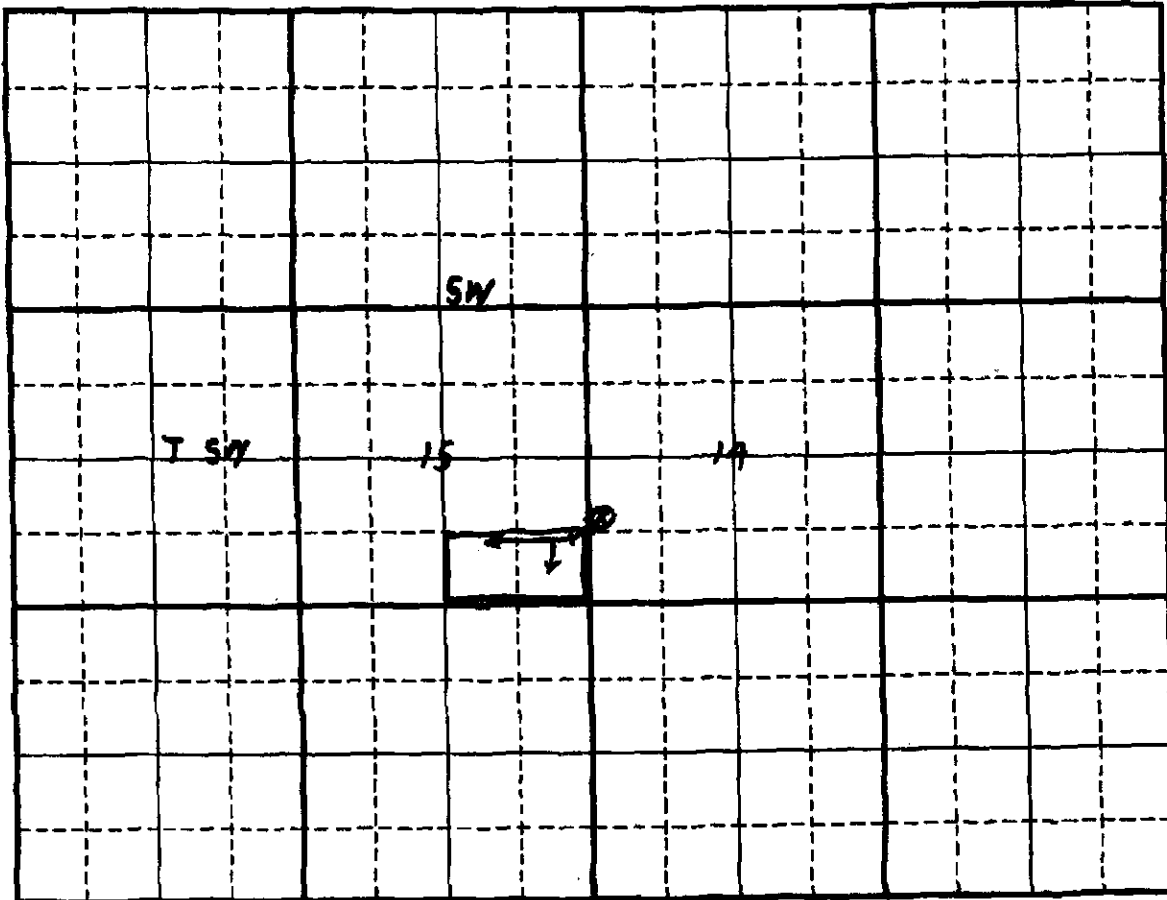
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Leslie W. Hamilton
(Claimant)

Sworn to before me this 19th day of March, 1979.

Kathryn A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by CK CWB Date 3/19/79 Exception filed by:
Prelim. check by _____ Date _____
\$20.00 fee received by 20.00 Date 3/19 # 12600
Published in News Tribune
Dates 3/29 & 4/5/79

Forwarded to
claimant by:

Date

KK

4/19/79

Field Exam Date 9/18/2006+ 9/29/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

OCT 13 2006

Prior to Field Exam

WATER RESOURCES
WESTERN REGION

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-4641A/BOwner: Tree Top Ranches LP Phone No. (208) 377-0998Current Address: PO Box 8126 Boise, ID 83707☐ No change NAME IS THE SAME☒ NEW OWNER representative + Tree Top Ranches LP, Larry or Marianne Williams☐ No change Address☒ NEW ADDRESS owner: PO Box 8126 Boise, ID 83707 (208) 377-0998☒ How long owned property? early 1990'sAccompanied by: Kelly Gore, Ranch Manager (208) 573-4960

PRIORITY DATE

Physical address: 29696 Sand Rd, Parma, Id. 83660☒ No change – Complete evidence submitted or not necessary☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.☐ Priority date is acceptable/within mandatory filing dates?Priority date, per claimant, is: 11/1/1880

(If priority date, based on your exam, seems questionable, explain below.)

Source: Unnamed Drain Sand Hollow Creek
Sand Hollow Creek Tributary to Snake River☐ No Change – SAME SOURCE☐ Source found is different than claimed: * see comment by Lgraves 9/29/2006

POINT OF DIVERSION

☐ No change * see 9/25/2006 comment by Lgraves☐ POD found is different than claimed: _____☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SW	SE	15	5N	SW	Canyon	N43°45.796'W116°55.100'
			SW	SW	14	5N	SW	Canyon	N43°45.974'W116°54.618'

Sand Hollow
pump station #3
unnamed drain

Description of diverting works

* see attachment

OVERLAP REVIEW

Other water rights with the same point of diversion: * see 9/25/06 legaves comments

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

* see 9/25/2006 legaves comments

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount CFS

Use From To Amount CFS

Use From To Amount CFS

* change dates in season to 3/1-11/15
(corrected 10/2/06)

Allow
Amounts
on 10/2/2006
Adj. Recom.
Report

TOTAL VOLUME - Groundwater only

N/A

☐ Incomplete on claim, the total is, Amount CFS AFA

☐ Changes found, the new total is, Amount CFS AFA

☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes Stock # 100 pr. cattle, 4 bulls

Types Additional comments: rotate around pastures,
moving them west from
Hwy 95 + going west down
Sand Rd

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
No changes																			

Overlap with other water rights: * see 9/25/2006 comments from Lgraves

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

* see 9/25/2006 comments from Lgraves

Delivery System Narrative: * see attachment

Pump station # 3 (as drawn on map):

	Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
grey →	N43°45.796'	US Motor	25	F422A	turbine	8"
black →	W116°55.100'	US Motor	40	BF491	turbine	8"

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Supplemental water: None

Acres
was
already
recalculated
& is correct
on 10/2/06
Adj. Rec.
Report

Contact: Scott Campbell (attorney) w/ Tiffany Hudak (paralegal)
Moffett Thomas Barrett, Rock, Fields, Chld., 101 S. Capital Blvd, 10th floor
PO Box 829, Boise, Id 83701 (208) 385-5435 (direct line) or 345-2600.

Directions: I-84, Hwy 20/26 Parma/Notes off ramp,
south on Hwy 95, Sand Rd first right after coming down
the overpass, entrance to Tree Top Ranch is first
entrance on right after Sand Rd.

POD (pump station #3): after entering 1st entrance, continue
west, turn north & pump station is at the end before you
run into Sand Hollow POU fields

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

north west & northeast of pump station #3.

POD (unnamed drain) on north side of Hwy 20/26
438' east of the Hwy 95/Hwy 20/26
junction POU: piped to (2)

DATE EXAM CONDUCTED:

10/13/2006

FIELD EXAMINER:

Judy Hemenway

1/2 pivots (same
field as POU from
pump station #3)

63-4641A/B Tree Top Ranches

Date of Inspection: 9/18/06 & 9/29/06

Inspector: Sandy Hemenway

Description of Diverting Works:

1987 System:

Sand Hollow, was pumped from where station #3 now exists, open discharged to dirt ditches (new manager did not know size of pumps previously utilized with the system).

Unnamed Drain diverts into a 54" concrete buried pipe that runs southwest under Hwy 20/26 and under the railroad tracks to a concrete head gate/control box.

Current System:

Sand Hollow/Pump Station #3 (named that on the hand drawn map), (1)-25Hp US Motor turbine pump, (1)-40Hp US Motor turbine pump, both 8" discharge, both run at 60psi, both 3' lift from wet well/collection area below the two pumps.

Unnamed Drain: same as 1987 system, no changes.

Delivery System Narrative:

1987 System:

From Sand Hollow pumps, open discharged to dirt ditches running on the south boarder running east and west (gravity flow south to north in the southwest corner), dirt ditches continuing to the southeast corner then turning north (gravity flow east to west), in northeast corner dirt ditches turning and running east to west on the north boarder (gravity flow north to south). Wheel line was also used in a couple of places.

Unnamed Drain: from head gate/control box, buried 54" concrete pipe southwest and open discharged to dirt ditch running on the north boarder east to west (gravity flow north to south), dirt ditch running from north to south on the east boarder (gravity flow east to west), then running along the south boarder east to west (gravity flow south to north in the southwest corner).

Current System:

Sand Hollow/Pump Station #3 (was upgraded in spring 2006, and half pivots were installed). 10" buried PVC runs north through the middle of the (2)-1/2 pivots (both 3 towers with end gun) to the north boarder (supplies flow for hand line that runs east and west on the north boarder, and 7 big guns located in the northwest corner, and 9 big guns located in the northeast corner). Open discharge to dirt ditch in the southwest corner (gravity flow south to north)

Unnamed Drain: can utilize the same system as indicated above (1987), or the piped system to the (2) 1/2 pivots (manager was not sure of the size buried pipe to the 1/2 pivots).

NOTE: 26415 Sand Rd is still irrigated with this irrigation system. 26471 & 26469 Sand Rd have a private well for internal/external use.

Tree Top Ranches, LP 63-4641a / 4641b

Inspection Date: 9/18/2006

Inspector: Sand Hemenway #45

Ditch Measurement Site A (SW of POD south of Mile Post)

Orange Peel $H = 15" = 1.25'$ $W = 5'$

$Q = VA = 2.25 \text{ ft/sec} \times 6.25 \text{ ft}^2 = 14.06 \text{ cfs}$ ditch capacity from POD

$V = 9 \text{ ft} / 4 \text{ sec} = 2.25 \text{ ft/sec}$

$A = H \times W = 1.25' \times 5' = 6.25 \text{ ft}^2$

Pump Station #3 (2) half pivots, (9) $1\frac{1}{2}"$ weather tech. nozzles in corner
3' lift, 8" discharge (both), 60 psi (both)
(2) US Motor Turbines
(grey) 25 HP model # F422A
(blk) 40 HP 3 phase

Ditch Measurement (field south of employee houses)

Orange Peel $H = 22" = 1.83'$ $W = 4'$

$Q = VA = 2.16 \text{ ft/sec} \times 7.32 \text{ ft}^2 = 15.81 \text{ cfs}$ capacity of ditch

$V = 8.6 \text{ ft} / 4 \text{ sec} = 2.16 \text{ ft/sec}$

$A = H \times W = 1.83' \times 4' = 7.32 \text{ ft}^2$

(some waste water also runs into this ditch)

Half Pivots

(2) half Pivots w/ 3 towers each + Big Gun on end
100 gpm/tower + 150 gpm average end gun
 $300 + 150 = 450 \text{ gpm} \times 0.00223 = 1.00 \text{ cfs}$ each

Sprinkler System

(9) $1\frac{1}{2}"$ weather tec nozzles at NE corner
2 run at one time

(7) 1" rainbirds nozzles at NW corner
2 run at one time

POD: SWSW S14 N43°45.974' W116°54.618'

located 438' east of Hwy 95 / Hwy 20/26 junction, north side of Hwy 20/26

$V = 5' / 3 \text{ sec} = 1.67' / \text{sec}$

$A = 4' W \times 1.08' D = 4.33 \text{ ft}^2$

$Q = VA = 1.67 \text{ ft/sec} \times 4.33 \text{ ft}^2 = \boxed{7.23 \text{ cfs}}$

54" Concrete buried pipe = 79.52 max. pipe capacity



System as it existed in 1987

63-4641 A AND B - 1987 NAPP.



4641838
63-464 1/2 2004 AERIAL . THE B PORTION CLAIMED 3 ACRES IRRIGATED BUT THE ENTIRE LOT IS LESS THAN 3 ACRES.
ONLY ABOUT 1.5 - 2 ACRES IRRIGABLE AND IS INCLUDED IN THE 54 ACRES OF B. *Current System* 9/18/06 SH



Sand Hollow
+ diversion
head gate

185'
Southeast
of stop
sign at
Hwy 95
+ Sand Rd
intersection
(South of
mile post
#45)

09/18/2006

63-4641 A/B
Tree Top Ranches

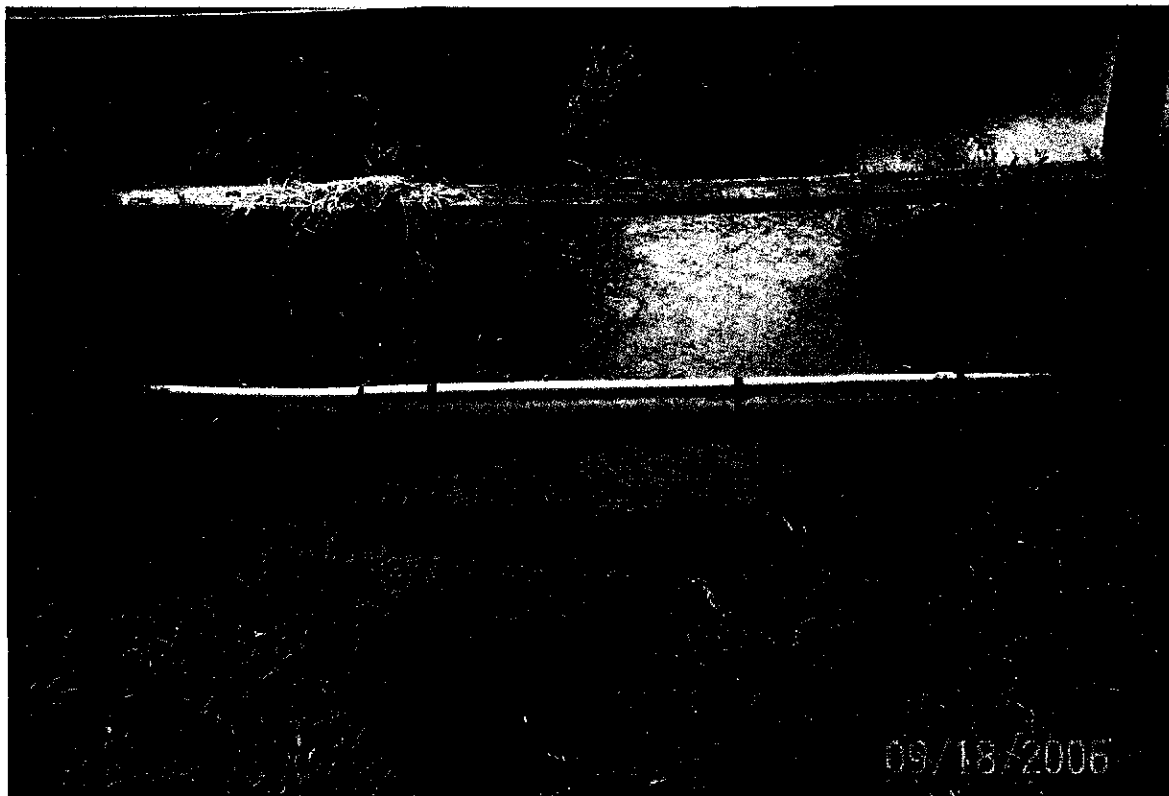
9/18/2006 SH

N43°45.718'
W116°54.697'



Sand
Hollow
head gate
diverting
flow to
unnamed
drain

N43°45.718',
W116°54.697'



"site A"
unnamed
drain
(where
it starts
on the
west
side
of Hwy 95
185'
South
of
Sand Rd.)

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

N43°45.718',
W116°54.711'



POD:

Pump
Station
#3
on hand
drawn
map



US Motor
25 Hp
model F422

US Motor
40 Hp
3 phase
BF491

(2) US
Motor Turbine
3' lift

8" discharge
(both)

60 psi
(both) is
what system
run at

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

N43°45.796'
W116°55.100'
Sand Hollow Creek

Pou 1



~~63-4641B~~
employees
house
(yards)

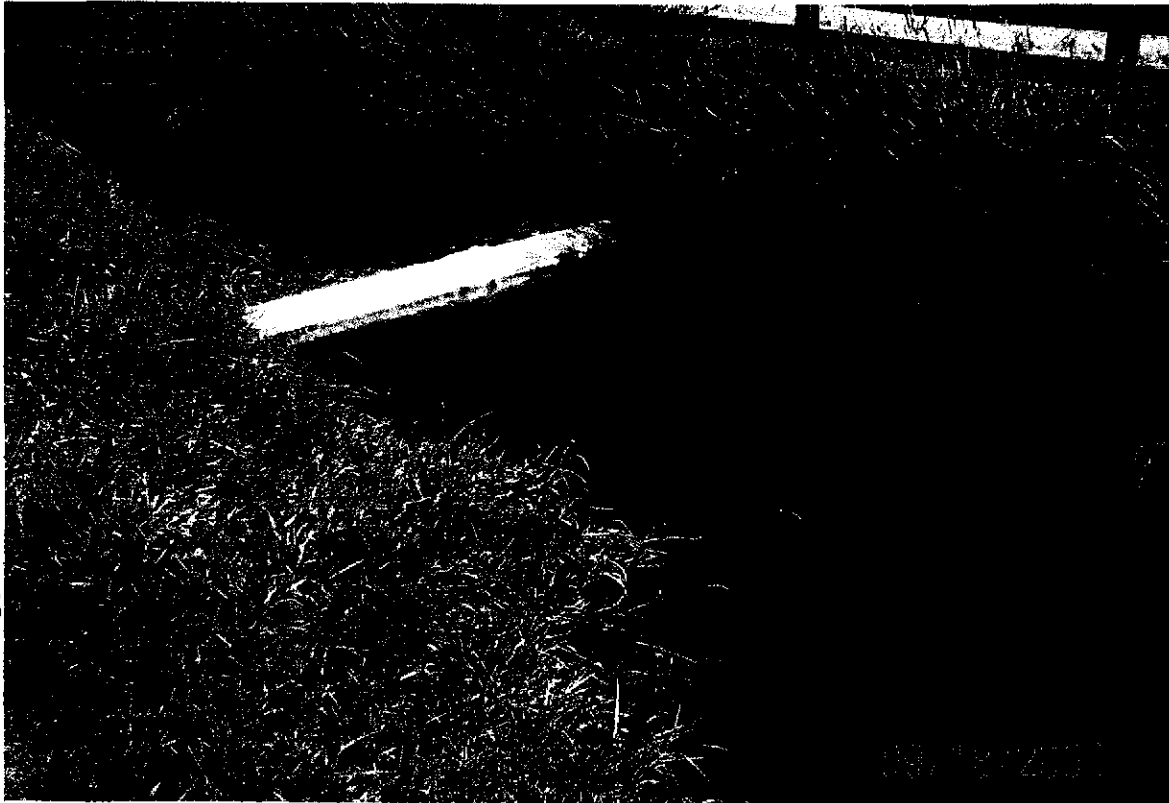
63-4641A
+ B acreage
irrigated



ditch
measured
west
of
pump
station #3
+ south
of
employee houses

63-4641 A/B
Tree Top Ranches

9/18/2006 SH



Dirt
Ditch
Measured
West of
pump
station #3
- South of
employee
houses

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

POU:
SWSE
SESE



100 pr.
cattle,
4 bulls.

Stockwater
inclusive
with
irrigation
(no
stock
tanks)
rotate
them
west thru
all the
fields
they own
going
down
Sand Rd.



#1
half pivot
3 towers
w/ big gun
(9) 1 1/2"
weather
tech
nozzles
irrigate NE
corners
(run 2 at
1 time);
(7) 1" big
gun NW
corner

63-4641 A/B
Tree Top Ranches

9/18/2006 SH

#1
half pivot
3 towers
w/ big gun

#2
half pivot
3 towers
w/ big
gun

POU:
SWSE
SESE

09/18/2006



3"
hand-
line
on north
hoarder
(south side
of Sand Rd)
60+ sections
5/32 nozzles
30 sections
run @ 1 time
(1 nozzle
per section)

09/18/2006

63-4641 A/B
Tree Top Ranches

9/18/2006 SA



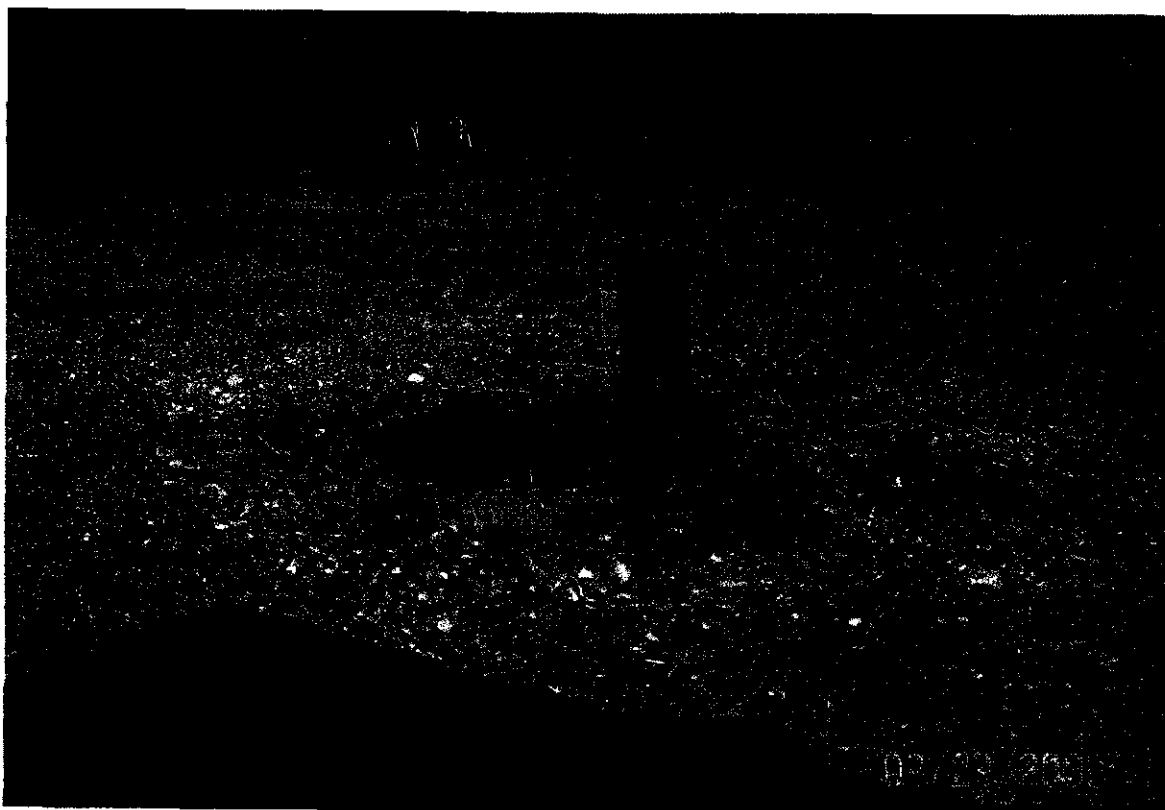
POU:
 NWSWSE
 employees
 houses
 26415,
 26471
 plus 2
 other
 house
 (yards)



Area
 Not
 Irrigated
 SESESE

63-4641 A/B
 Tree Top Ranches

9/18/2006 SH



Control
Valves
located
South of
employees
houses



POU
26471 +
26469
Sand Rd.
employee
houses

POD
10" casing
5" above
gd. level
ID tag:
A0002146

63-4641 A/B
Tree Top Ranches

N43°45.997'
W116°55.277'

Southeast
of 27349
Shelton Rd

POD

438' east
of Hwy 95
junction
overpass,
on the
north side
of Hwy
20/26



54"
concrete
buried line
under Hwy.
20/26 running
southwest
to
head gate

63-4641 A/B
Tree Top Ranches

N 43° 45.974'
W 116° 54.618'

Unnamed Drain



head
gate

where
Sand Hollow
+ unnamed
drain
co-mingle



head
gate

63-4641 A/B
Tree Top Ranches

N43°45.966'
W116°54.686'

Monday 10am
Sept 18

MEMORANDUM TO SUBCONTRACTOR

TO: SANDY HEMENWAY
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: 63-4641 A & B
DATE: 9/12/2006
CC: CLAIM FILE

These are beneficial use claims. It appears that the claim was split and 3 acres sold and claimed as the B portion. The A portion is for 54 acres. Both claims are now owned by Treetop Ranches. A change of ownership has been filed. The site address is: 26471 Sand Rd, Parma ID. It is southwest of the intersection of Hwy 95 S., and Hwy 20-26. Your contact is claimant's attorney, Scott Campbell or his paralegal, Tiffany Hudak at 345-2000.

Please:

✓ 1 - verify the acres irrigated in 1987 on the 1987 aerial.

2 - GPS the location of the pod. Take flow measurements and calculate flow if the pod is as claimed in section 14. If it is the pod in section 15 adjacent to Hwy 95 - we already have those measurements. Describe diversion and delivery system to claimed pou.

✓ 3 - the pod located on a map included with the change of ownership shows the pod actually in the NENE S 22. If this is the current location of the POD, when did it change? *It's still NWNW, only lower/further south than where shown on map*
4 - label pod, delivery system, etc on the attached 2004 aerial.

Thanks.

VLM

*employee
houses*

Questions for Tree Top Ranches: (answered by Kelly Yore/Ranch Manager (208)
573-4960, per 9/29/06 phone conversation)

+ 10/13/06 SA

Sec 22 SENE

8/21/98 D0007530 100gpm
static 4' depth 120'
6" casing

63-21580 Ground water sources:

- 1) What Hp are the submersible pumps? House 1.5, Shop 1.5
- 2) Average pressure system ran at? House 30, Shop 30
- 3) Motor/pump make? House Gould, Shop Gould
- 4) Discharge size from well? House 1 1/4", Shop 1 1/4"
- 5) When was POD/ground water sources locations changed from where they were listed on the application (i.e. over by the barn area now)? House _____ Shop _____. Since Adamson Pump drilled both of these wells.
- 6) Were the original wells abandoned, or where are they now?
- 7) What is the size of the pipe from the house and shop wells that go to the stock tanks? 1 1/4"

D0007461 200gpm (Sec 22 NENE)
10' static, 124' deep
6" casing 2/26/99

D0007590
200gpm, 3' static
179' deep, 6" casing

10/1/98
well adj.
Sand Rd.
Sec 22 SENE

**** Answers for 63-21580 were obtained by calling Adamson Pump at (208) 466-6439, and speaking with: L/M 10/12/06

63-21530

- 1) Where does the water go from the dirt ditch that irrigates the field on Debs Rd. and Iest Rd (at the north end)? Drain or Sand Hollow
- 2) Where does the water that supplies the north corn field and wild life habitat area go? Inlet into the ponds, then outlet to the river.
- 3) Where does the water to the 1" Rainbird nozzles in the NE corner north of entrance #1 come from? #3 pump station
- 4) What water source is used to fill the ponds near the wild life habitat area? Run-off
- 5) How do the ponds at entrance #1 get filled (pond #1, #2, #3)? What are their sources? Piped from water coming west off of Iest Rd; #3 is piped from pond #2
- 6) Where does pump station #1 get its water supply? Ditch running N&S and ends in drain by #3 station
- 7) Does the horse manager have a private well, or what is his water source? Not sure
- 8) The wild life habitate area has 3" handline that comes off of 6" buried PVC, 40 sections, 40' sections, 5/32" nozzles, 3 lines run at one time. How many sections make up the 3 lines? How many lines total are there? 20
- 9) How is the pasture south of the house, and west of the horse manager's house irrigated? Pump station #2 What source? Piped from Iest Rd.

63-4641A/B gravity & wheel line prior to pivot (pivots installed ^{spring} 2006)

- 1) What is the average pressure for the pumps at the pump station #3 that supplies the (2)-half pivots in the far north field (on Sand Rd)? The gauges both indicated 9 pressure at the time of inspection. 60 psi
- 2) Is there another POD on the NE corner of Sands Rd? Where does it come from and where does it go? For the 2 pivots, not used currently but not abandoned, buried pipe under the railroad tracks
- 3) What size discharge on pump station #3? 8" both
- 4) Where is the well that supplies internal/external water for the employee homes? Private well behind shrubs by entrance

line from head gate (unnamed drain) 54" pipe discharged to dirt ditch

- 5) Size hand line on north boarder (3"), number of sections (60+) nozzle size (5/32"), pressure (unknown), number run at one time (1/2-----1 nozzle per section).

Music, Vicky

From: Hemenway, Sandy
Sent: Thursday, September 14, 2006 9:13 AM
To: Music, Vicky
Subject: FW: Tree Top Ranches claims nos. 63-4641A & B, 63-21530 and 63-21580



Map.gif

Here's the copy you requested.....s

-----Original Message-----

From: Tiffany Hudak [mailto:TMH@moffatt.com]
Sent: Wednesday, September 13, 2006 4:14 PM
To: Music, Vicky
Cc: Hemenway, Sandy; Scott Campbell; lwilliams@treetopranches.com
Subject: Re: Tree Top Ranches claims nos. 63-4641A & B, 63-21530 and 63-21580

Vicky:

The purpose of this email is to confirm the date, time, and location of the site visit to Tree Top Ranches for purposes of conducting a field examination for water right nos. 63-4641A & B, 63-21530 and 63-21580. The site visit is set for Monday, September 18, 2006, at 10:00 am. Please note that you and/or Sandy will be meeting with Kelly Yore, the Ranch Manager. Scott Campbell will not attend this site visit. I've attached a map showing the location of Tree Top Ranches. Please note that the entrance to the Ranch is located right off of Hwy 95, just south of the 20/26 and 95 junction. You can enter the Ranch at the first gate, then follow the signs to the shop.

If you need further information, please let me know.

Sincerely, Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, ID 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)
tmh@moffatt.com

>>> "Music, Vicky" <Vicky.Music@idwr.idaho.gov> 9/13/2006 3:39 PM >>>
Tiffany -

I received your voice mail re the field exams for the above claims. Monday, September 18, 2006 at 10:00 AM is fine. Sandy Hemenway will be conducting the field exams. I may be there too if my schedule allows. Please let me know if it is Kelly Yore who will be accompanying her and an address where Sandy is to meet him. Thanks.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

NOTICE: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

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Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

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

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SEP 14 2006

DEPARTMENT OF
WATER RESOURCES

September 13, 2006

Boise
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SEP 18 2006

WATER RESOURCES
WESTERN REGION

Misty Mount
Idaho Department of Water Resources
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: Amended SRBA Claim for Water Right Nos. 63-04641A and 63-04641B
MTBR&F File No. 22567.0

Dear Misty:

Enclosed for filing please find an original and one copy of an Amended Snake River Basin Adjudication Notice of Claim for each of water right nos. 63-04641A and 63-04641B. Please file the originals, receive-stamp the copies, and return the copies to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Larry Williams (w/encl.)

SCANNED

SEP 15 2006

BOI_M2:626216.1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

VIA FACSIMILE - 1 page

September 13, 2006

Tiffany M. Hudak
Paralegal
Moffatt Thomas.
101 S. Capitol Blvd., 10th Floor
Boise, Idaho 83701-0829
Facsimile No. (208) 385-5384

385-5435

RE: FIELD EXAMS

Snake River Basin Claim Nos.: A63-4641A and B, 63-21530 and 63-21580

Dear Tiffany:

This letter is in response to your correspondence, dated September 6, 2006. The claims referenced above are the remaining Tree Top Ranches claims for which a field exam is needed, unless they have acquired additional properties with appurtenant rights or claims of which we are not aware.

Your letter suggested that Dan Nelson conduct these exams because he conducted the 63-4534 field exam. However, Dan will not be available to conduct these exams, nor is it necessary. The claims in need of field exams are for totally different places of use and points of diversion, as well as different sources and additional uses. If we find that any of the points of diversion of the surface water claims have been changed to that of 63-4534, we can dispense with measuring the ditch and use Dan's calculations, but will still need to examine the delivery system specific to the claims.

Sandy Hemenway and/or I will conduct the field exams. Please provide me with some available dates for the exams and the on-site contact person for the exams. Contact me directly at (208) 334-2190 if you have questions regarding this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/ Western Region

* * * Memory TX Result Report (Sep. 13. 2006 9:51AM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Sep. 13. 2006 9:51AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
5886 Memory TX	93855435	P. 1	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RESCH
GovernorKARI L. DREHER
DirectorVIA FACSIMILE - 1 page

September 13, 2006

Tiffany M. Hudak
Paralegal

Moffatt Thomas

101 S. Capitol Blvd., 10th Floor

Boise, Idaho 83701-0829

Facsimile No. (208) 385-5564

RE: FIELD EXAMS

Snake River Basin Claims Nos.: A63-4641A and B, 63-21530 and 63-21580

Dear Tiffany:

This letter is in response to your correspondence, dated September 6, 2006. The claims referenced above are the remaining Tree Top Ranches claims for which a field exam is needed, unless they have acquired additional properties with appurtenant rights or claims of which we are not aware.

Your letter suggested that Dan Nelson conduct these exams because he conducted the 63-4534 field exam. However, Dan will not be available to conduct these exams, nor is it necessary. The claims in need of field exams are for totally different places of use and points of diversion, as well as different sources and additional uses. If we find that any of the points of diversion of the surface water claims have been changed to that of 63-4534, we can dispense with measuring the ditch and use Dan's calculations, but will still need to examine the delivery system specific to the claims.

Sandy Hemenway and/or I will conduct the field exams. Please provide me with some available dates for the exams and the on-site contact person for the exams. Contact me directly at (208) 334-2190 if you have questions regarding this matter.

Sincerely,

Vicky L. Must
 Senior Water Resource Agent
 Adjudication Bureau/ Western Region

MEMORANDUM TO SUBCONTRACTOR

TO: SANDY HEMENWAY
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: 63-4641 A & B
DATE: 9/12/2006
CC: CLAIM FILE

These are beneficial use claims. It appears that the claim was split and 3 acres sold and claimed as the B portion. The A portion is for 54 acres. Both claims are now owned by Treetop Ranches. A change of ownership has been filed. The site address is: 26471 Sand Rd, Parma ID. It is southwest of the intersection of Hwy 95 S., and Hwy 20-26. Your contact is claimant's attorney, Scott Campbell or his paralegal, Tiffany Hudak at 345-2000.

Please:

1 – verify the acres irrigated in 1987 on the 1987 aerial.

2 –GPS the location of the pod. Take flow measurements and calculate flow if the pod is as claimed in section 14. If it is the pod in section 15 adjacent to Hwy 95 – we already have those measurements. Describe diversion and delivery system to claimed pou.

3 – the pod located on a map included with the change of ownership shows the pod actually in the NENE S 22. If this is the current location of the POD, when did it change?

4 – label pod, delivery system, etc on the attached 2004 aerial.

Thanks.

VLM

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SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

September 8, 2006

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Sally Sherman
Technical Records Specialist
Idaho Department of Water Resources
State Office, Adjudication Bureau
PO Box 83720
Boise, Idaho 83720-0098

Re: Water Right 63-4641A
MTBR&F File No. 22567.0

Dear Sally:

We are in receipt of your letter dated September 6, 2006, concerning the above-referenced water right. Please note that we submitted a change of water right ownership form, along with the supporting documents, to the Western Region office on August 31, 2006. Therefore, I am enclosing for processing the copies of Scott Campbell's letter dated August 31, 2006 (returned with your September 6th letter and containing hand-written notes), wherein he requests that all future notices, correspondence, pleadings, filings or other communication concerning the above-referenced water right be directed to Mr. Campbell at the above-identified address.

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Larry Williams (w/encl.)

SCANNED

SEP 14 2006

BOI_MT2:626400.1

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DEPARTMENT OF
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August 31, 2006

Sally Sherman
Technical Records Specialist
Idaho Department of Water Resources
Adjudication Bureau
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: **Water Right 63-04641A** —
MTBR&F File No. 22567.0

*belongs to
Leslie W. Hamilton,
not Tree Top/WMS.
—m 9-6-06*

Dear Sally:

This firm represents Larry and Marianne Williams and Tree Top Ranches LP with respect to certain water rights issues. The purpose of this correspondence is to request that all future notices, correspondence, pleadings, filings or other communication concerning the above-referenced water right be directed to the undersigned at the above-identified address.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh

cc: Larry Williams

SCANNED

SEP - 6 2006

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September 6, 2006
via Facsimile

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Vicky Music
Sr. Water Resource Agent
Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705

Re: Water Rights 63-4641A and 63-4641B
MTBR&F File No. 22567.0

Dear Vicky:

In response to your letter to Tree Top Ranches dated August 24, 2006, and your letter to me dated August 31, 2006, regarding the above-referenced water rights, we are enclosing a copy of the Affidavit of Sam Smyser, dated September 5, 2006, concerning irrigation of the subject property. In your letter, you request evidence to establish the claimed priority date for these water rights. As you will note from the Affidavit, Mr. Smyser has observed irrigation of the subject property since at least 1935.

Your August 24th correspondence also identifies that a change in water right ownership is necessary for these water rights. Please note that we submitted a change in water right ownership, together with the supporting documents, to the Department on or about August 31, 2006.

Finally, in response to your August 31st correspondence, you identify the need for a field examination of water rights 63-4641A and 63-4641B. I presume the Department will also require a field examination of water rights 63-21530 and 63-21580, which are also beneficial use water rights. Perhaps we can schedule one field examination for all of these water rights? Dan Nelson with the Department's Western Region office recently conducted a field examination concerning water right 63-4534. Because Mr. Nelson is familiar with the property and has met the Tree Top Ranches' manager, Kelly Yore, perhaps he can conduct the field examinations of these remaining water rights.

Vicky Music
September 6, 2006
Page 2

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany M. Hudak". The signature is fluid and cursive, with the first name "Tiffany" being more prominent.

Tiffany M. Hudak
Paralegal
tmh@moffatt.com

/tmh

cc: Larry Williams (via Facsimile)

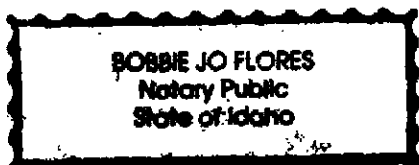
AFFIDAVIT OF SAM SMYSER

STATE OF IDAHO)

County of Canyon) ss.

SAM SMYSER, being first duly sworn upon oath, deposes and says:

1. I make this affidavit based upon personal information.
2. I was born on October 9, 1922, in Caldwell, Idaho. I have resided in the vicinity of Parma, Canyon County, Idaho, continuously since 1928.
3. I have been involved with irrigated agriculture my entire life and am familiar with the various irrigation methods and practices.
4. I have been familiar, since 1935, with the irrigation conducted on the real property currently owned by Tree Top Ranches, LP (Larry and Marianne Williams), which property is located in the South Half of the Southeast Quarter of Section 15, all within Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho (the "Property").
5. Portions of the Property was previously owned by Jerry Kramer and Curt Christofferson, prior to purchase of the Property by Tree Top Ranches, LP.
6. I personally observed annual irrigation of the Property using water from the Sand Hollow Creek, or an unnamed tributary thereto, since at least 1935.

DATED this 5th day of September, 2006.Sam Smyser
Sam SmyserSUBSCRIBED AND SWORN to before me this 5th day of September, 2006.Bobbie Jo Flores
NOTARY PUBLIC FOR IDAHO
Residing at Parma, ID
My Commission Expires 8-9-09

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
208 385 5384 Fax
208 385 5435 Direct**FACSIMILE****From:** Tiffiny M. Hudak
Paralegal**Date:** September 6, 2006**Re:** Water Rights 63-4641A and 63-4641B**File No.:** 22567.0**Number of pages being transmitted including the cover page: 4**
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voice No.
To:	Vicky Music	Idaho Department of Water Resources	334-2348	334-2190
CC:	Larry Williams	Treetop Ranches	377-1049	890-1962

Message:

Please see attached letter.

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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SEP 01 2006

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WESTERN REGION

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Idaho Falls
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August 31, 2006

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Lori Graves
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

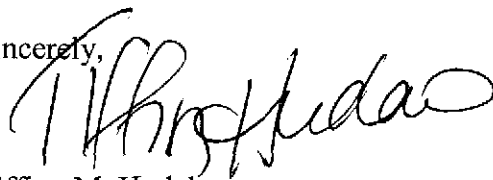
Re: Water Rights 63-04641A and 63-04641B
MTBR&F File No. 22567.0

Dear Lori:

Enclosed please find an original and one copy of the change of water right ownership form and supporting documentation for the above-referenced water rights. Please file the original, receive-stamp the copy, and return the copy in the enclosed self-addressed, stamped envelope. ✓DB

Please note that we are in the process of obtaining evidence to support the claimed priority date for water rights 63-04641A and 63-04641B, and should be able to provide you with such evidence in the near future. Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Larry Williams



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

VIA FACSIMILE - 1 page

August 31, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Tiffany M. Hudak
Paralegal
Moffatt Thomas.
101 S. Capitol Blvd., 10th Floor
Boise, Idaho 83701-0829
Facsimile No. (208) 385-5384

RE: EVIDENCE OF PRIORITY AND FIELD EXAM
Snake River Basin Claim No.(s): A63-4641A and B

Dear Tiffany:

This letter is in response to your correspondence, dated August 28, 2006. The claims were entered in our database with a "temporary" rather than an "active" status, and as such, were not available for viewing by the public. The status has recently been changed and you should be able to view the claims on the IDWR website.

In addition to the evidence of priority, IDWR must conduct a field exam to verify the elements of these statutory claims. We customarily do not schedule these until after we receive the evidence of priority. Hence, the letter to your client did not mention the field exam. Please provide the name and phone number of a contact person with whom the Department can schedule the exam as soon as possible.

Your letter stated that you will not be able to submit evidence of priority by September 1, 2006, for the claims referenced above. The IDWR internal deadline for recommendations is September 22, 2006. If I do not receive all of the information I have requested prior to September 22, 2006, I will recommend the claims as disallowed in the Preliminary Director's Report. Your client will still have the Notice of Error time period in which they can submit the evidence of priority and schedule a field exam. If I still do not receive the information by October 31, 2006, the expiration of the Notice of Error time period, I will recommend them as disallowed in the Basin 63 Part 3 Director's Report. Your client will then have to file objections to change the recommendation.

Please contact me directly at (208) 334-2190 if you have questions regarding this matter.

Sincerely,

Vicky E. Music
Senior Water Resource Agent
Adjudication Bureau/ Western Region

* * * Memory TX Result Report (Aug. 31. 2006 9:25AM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Aug. 31. 2006 9:24AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
5741	Memory TX	93855384	P. 1	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5882 - (208) 334-2190
FAX (208) 334-2348

VIA FACSIMILE - 1 page
August 31, 2006

JAMES E. RISCO
Governor
KARL J. BREWER
Director

Tiffany M. Hudak
Paralegal
Moffitt Thomas
101 S. Capitol Blvd., 10th Floor
Boise, Idaho 83701-0829
Facsimile No. (208) 385-5384

RE: EVIDENCE OF PRIORITY AND FIELD EXAM
Snake River Basin Claim No.(s): A63-4641A and B

Dear Tiffany:

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Please contact me directly at (208) 334-2190 if you have questions regarding this matter.

Sincerely,

Vicky L. Munsie
Vicky L. Munsie
Senior Water Resource Agent
Adjudication Bureau/Western Region

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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Tyler J. Anderson
Dylan B. Lawrence
Russell G. Mercalf
Benjamin C. RitchieRobert B. Bakes, *of counsel*
Morgan W. Richards, *of counsel*Willis C. Moffatt, 1907-1990
Kirk R. Helvie, 1956-2003August 28, 2006
*via Facsimile*Vicky Music
Sr. Water Resource Agent
Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705Re: **Water Rights 63-4641A and 63-4641B**
MTBR&F File No. 22567.0

Dear Vicky:

This firm represents the Tree Top Ranches, LP, with respect to its water rights matters. We are in receipt of your letter to Tree Top Ranches dated August 24, 2006, which was postmarked August 25, 2006, and received by Tree Top Ranches on August 28, 2006. Your August 24th correspondence concerns the above-referenced water right and requests evidence to establish the claimed priority date for these water rights be submitted by September 1, 2006. At the outset, please note that five (5) days is not a sufficient amount of time to properly investigate this matter and provide the Department with the requested information. Although we will endeavor to provide the Department with the requested information as soon as possible, we will most likely not meet the September 1st deadline.

In addition, we note that your correspondence concerns a split of water right 63-4641. In reviewing the Department's online database, we could not locate any water rights with the "A" and "B" split suffix. Any additional information you could provide concerning the "A" and "B" split of water right 63-4641 would be appreciated.

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,


Tiffany M. Hudak
Paralegal

/tmh

cc: Larry Williams (*via Facsimile*)

BOI_MT2:626300.1

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
208 385 5384 Fax
208 385 5435 Direct**FACSIMILE****From:** Tiffany M. Hudak
Paralegal**Date:** August 28, 2006**Re:** Water Rights 63-4641A and 63-4641B**File No.:** 22567.0**Number of pages being transmitted including the cover page: 2**
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voice No.
To:	Vicky Music	Idaho Department of Water Resources Western Region Office, Adjudication Bureau	334-2348	334-2190
CC:	Larry Williams	Treetop Ranches	377-1049	890-1962

Message:

Please see attached letter.

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

TREETOP RANCHES
P O BOX 8126
BOISE, ID 83707

RE: EVIDENCE OF PRIORITY AND CHANGE OF OWNERSHIP -
Snake River Basin Adjudication Claim No(s): A63-4641A AND A63-4641B

Dear TREETOP RANCHES,

In the past, LESLIE HAMILTON submitted the above referenced claims during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer-generated printout of the claims for your reference. LESLIE HAMILTON indicated, when this claim was filed, that the water rights were based on a "Statutory Claim" to the use of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-outs. These claims has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of this priority date is submitted, or we do not hear from you by September 1, 2006, this claim may not be recommended to the SRBA court for decree. This could jeopardize your water use under these rights if water availability problems arise in the future.

Additionally, Idaho law requires that an owner file a change of ownership for a water right or claim to a right within 120 days of a property transaction. Enclosed is a change of ownership form. Please complete and return it to me with the proof of priority.

Please call me as soon as possible to let me know if you may not be able to submit proof of priority or if you have any questions not covered by this letter and the enclosed pamphlet.

Respectfully Submitted,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet, Notices of Claim Report A63-4641A & B, and Change of Ownership form