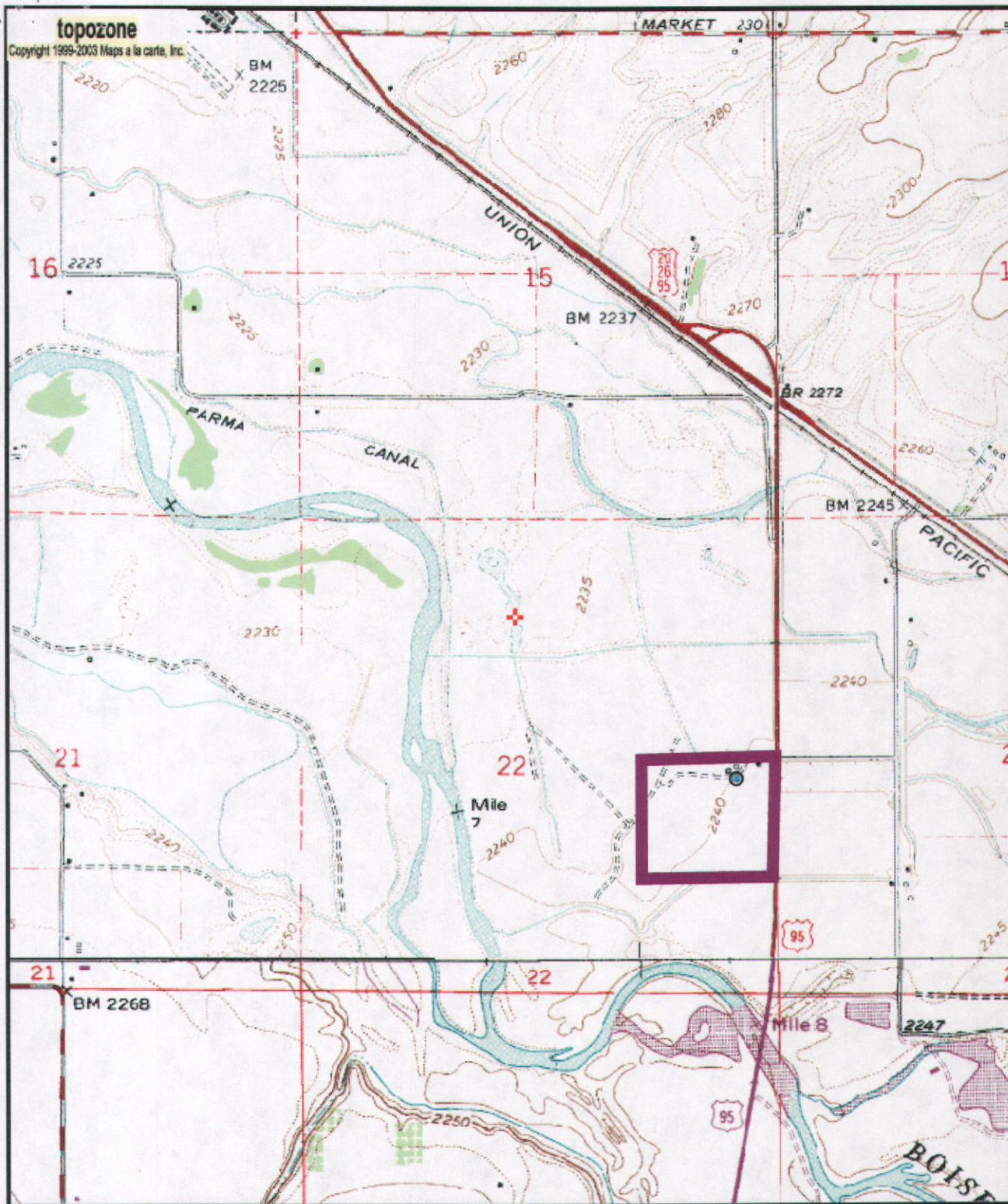




Map center is UTM 11 506196E 4845259N (WGS84/NAD83)

**Parma** quadrangle

Projection is UTM Zone 11 NAD83 Datum

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

Water Rights 63-21579 and 63-21580

- Place of Use
- Point of Diversion

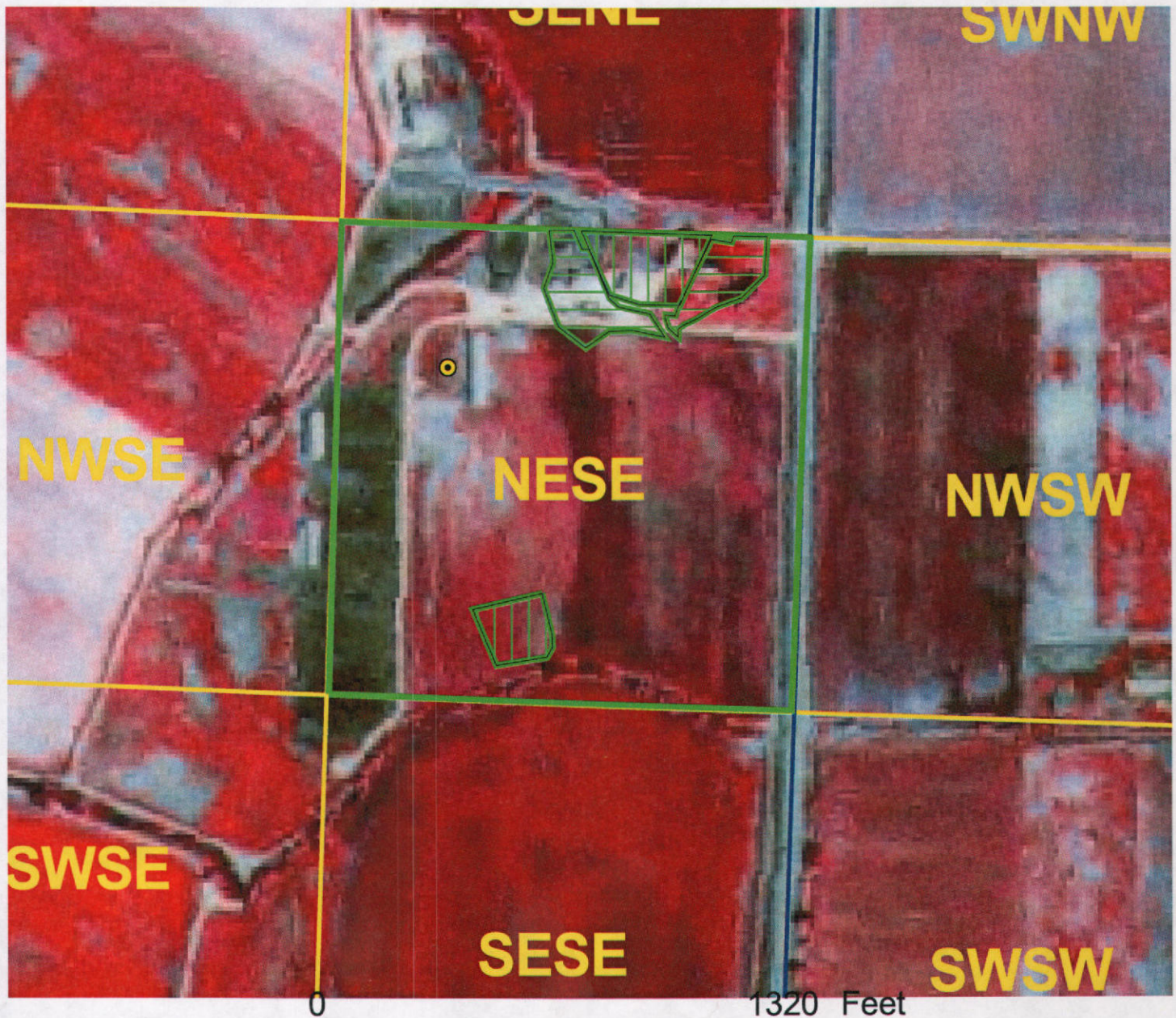
\* M  
G  
M=15.683  
G=0.053





State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 22  
Water Right: 63-21580



0 1320 Feet

TOTAL IRRIGATED ACRES = 2

-  Irrigation place of use
-  Domestic place of use
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

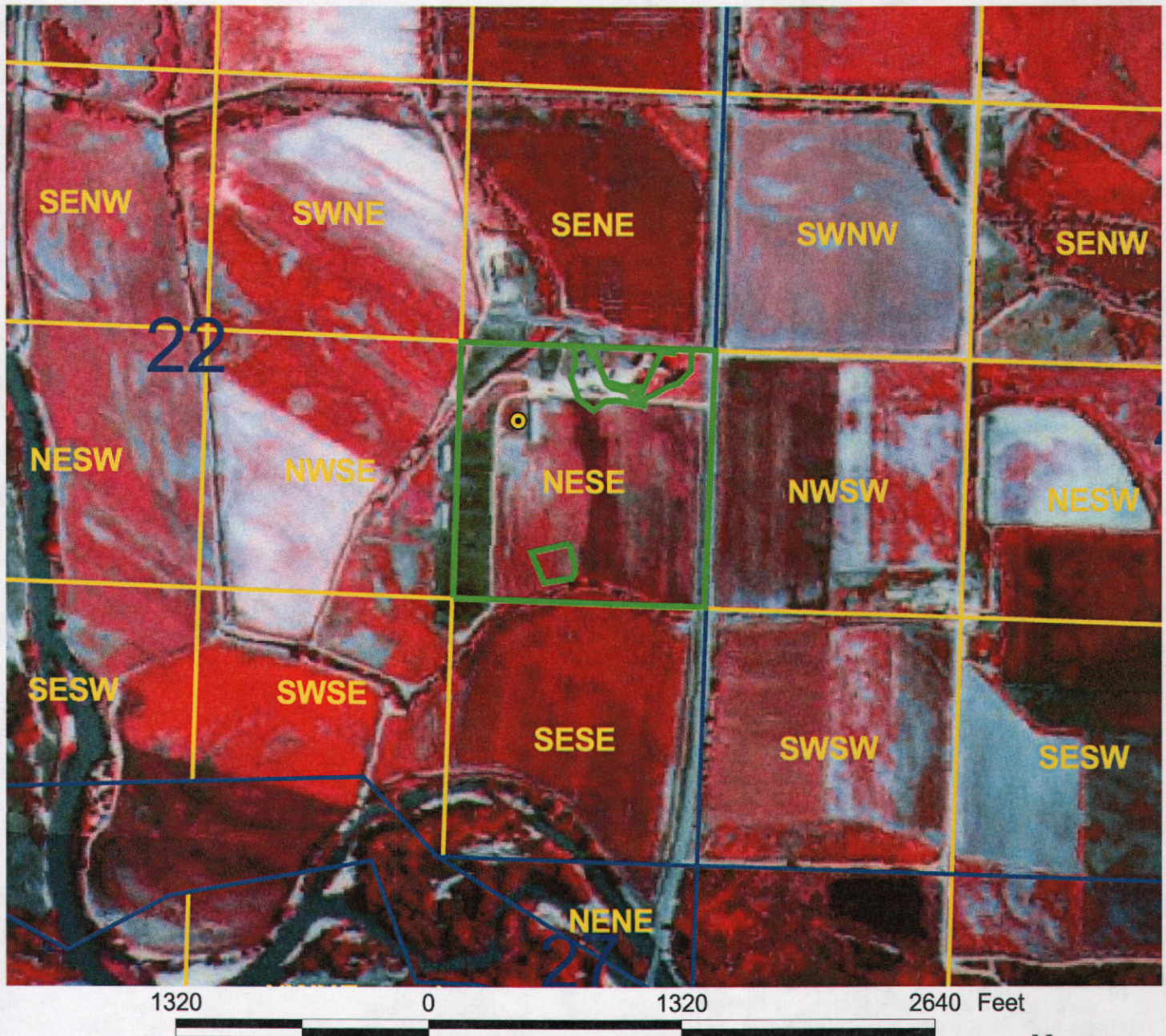


GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2006



State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 22  
Water Right: 63-21580



TOTAL IRRIGATED ACRES = 2



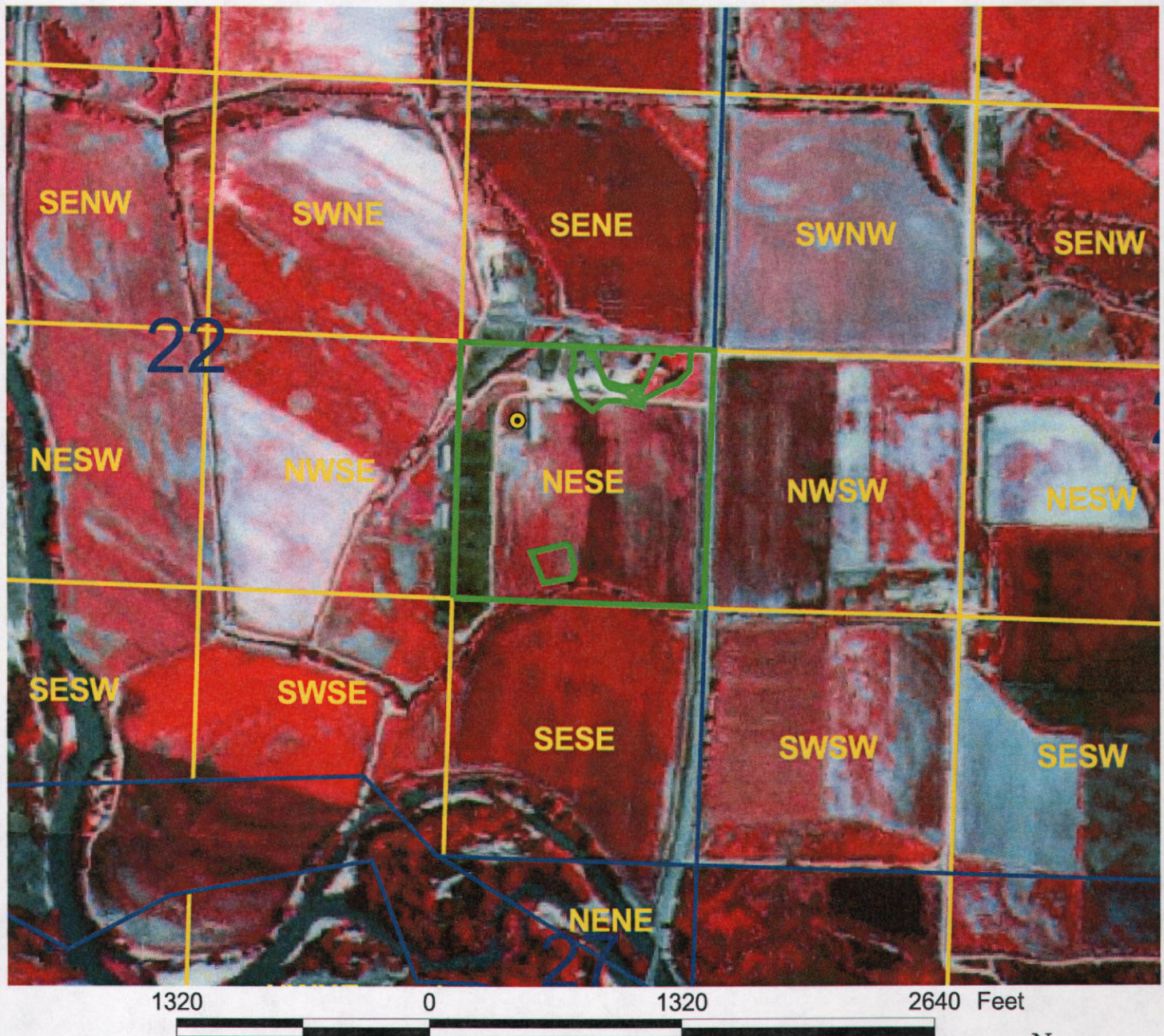
- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2006



State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 22  
Water Right: 63-21580



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2006









22



22





# Idaho Department of Water Resources

Claim Number: 63-21580  
 Legal: T05N, R05W, S22  
 Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

*Kelby you were  
 was only top a  
 tree years.  
 for the new old tree  
 don't know either  
 didn't*



1987 Napp Photo



Tree Top Ranch 9/18/2006 SK



POU  
House  
internal/  
external

POID:

use:  
Domestic  
well  
ID tag #  
D00019552  
internal/external

POD: N 43° 45.299' W 116° 54.942'  
South of pond # 4 + NW of house

use: Variety of pop-up sprinklers  
36 zones, most common sprinkler  
Rainbird Falcon 6504(8005), +  
stock tanks SE of house



14"  
above grd.  
6" casing  
120' deep,  
4' static  
100gpm  
(per well  
log)  
driller:  
Adamsom  
Pump

well not used as a source for ponds

63-21580

Tree Top Ranch 9/18/2006 SH



POU  
grounds  
around  
ponds &  
house

house

More  
of  
Pond #4  
(no outlet  
or inlet)

09/18/2006



POU  
grounds  
around  
ponds &  
house

Pond  
#5  
(no outlet  
or inlet)

09/18/2006

63-21580 Tree Top Ranch  
9/18/2006 SH



PDU  
yard &  
grounds  
around  
house &  
ponds



Variety of  
sprinklers,  
most common  
pop-up is  
Rainbird  
Falcon 6504  
(8005) with  
36 zones  
30 psi  
average

63 - 21580 Tree Top Ranch  
9/18/2006 SH



PDU

Shop  
physical  
address:  
26453  
Hwy. 95

63-21580  
Tree Top Ranch 9/18/2006 SH



24" above  
gd. level

PDD

Shop  
well  
124',  
80 gpm,  
10' static,  
ID: 170007451  
Adanson  
Pump +  
Drilling  
6" casing

PDD: N43°45.404' W116°54.945' Not used as a source for ponds

For: shop, tanks for stockwater (75 horses)  
(5 small stock tanks north of barn 21" x 29")



house

stock tanks  
SE of  
house

(~~average~~ same  
size located  
on north  
field by  
1st entrance)

34" x 35"

(3 tanks)  
in SE field  
from shop  
well



(5)  
small  
stock  
tanks  
located  
by barn  
21" x 29"  
from  
well by  
shop

63-21580 Tree Top Ranch  
9/18/2006 STH

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 63-21580  
Date Received: 3/20/1990  
Receipt No: W011434  
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: 01/01/1896

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

TWO WELLS AND PUMPS TO TWO HOUSEHOLDS OUTBUILDINGS AND STOCK

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.05   |            |
| STOCKWATER | 1/01 | 12/31 | 0.98   |            |
| DOMESTIC   | 1/01 | 12/31 | 0.08   |            |

7. Total Quantity Appropriated is:  
1.11 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   | 22      | NE SE          | STOCKWATER | 2     |
|          |       |         | NE SE          | IRRIGATION |       |

NE SE

DOMESTIC

Section Acres 2

Total Acres 2

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: 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: A63-21580  
Date Received: 3/16/1990  
Receipt No: 208434  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: GERALD KRAMER 208-722-6920  
Address: RT 1  
PARMA, ID 83660

2. Date of Priority: JAN 01, 1896

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 05W   | 22      | NE     | NE     | SE  |     | CANYON |

5. Description of diverting works:  
TWO WELLS AND PUMPS TO TWO HOUSEHOLDS OUTBUILDINGS AND STOCK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.080 |      |        |
| IRRIGATION | 03/15 | 11/15 | 0.050 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.980 |      |        |

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

8. Total consumptive use is 11.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
TWO HOUSE HOLDS, 1500 DAIRY CATTLE AND OUTBUILDINGS

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 05N      | 05W   | 22      | NE     | SE  |     | DOMEST |       |

A63-21580

Page 1

Date: 03/16/90

MICROFILMED

SEP 03 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05N      | 05W   | 22      | NE     | SE  |     | STOCK         |       |
|          |       |         | NE     | SE  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 2.0   |
|          |       |         |        |     |     | Total Acres   | 2.0   |

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:  
ANDREWS DITCH

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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:       1      

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): X *Derald L. Kramer* Date: 3-20-90  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 20<sup>th</sup> day  
of March 19 90  
*Jan D. Hunt*  
Notary Public

Seal

Residing at *Medford ID*  
My Commission Expires 9-14-94

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

RECEIVED

AUG 21 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<br>Right No(s).       | Adjudication<br>Claim No(s). | Split       | Water<br>Right No(s).       | Adjudication<br>Claim No(s). | Split       |
|-----------------------------|------------------------------|-------------|-----------------------------|------------------------------|-------------|
| <u>63-21579</u>             | <u>A63-21579</u>             | <u>    </u> | <u>                    </u> | <u>                    </u>  | <u>    </u> |
| <u>63-21580</u>             | <u>A63-21580</u>             | <u>    </u> | <u>                    </u> | <u>                    </u>  | <u>    </u> |
| <u>                    </u> | <u>                    </u>  | <u>    </u> | <u>                    </u> | <u>                    </u>  | <u>    </u> |
| <u>                    </u> | <u>                    </u>  | <u>    </u> | <u>                    </u> | <u>                    </u>  | <u>    </u> |
| <u>                    </u> | <u>                    </u>  | <u>    </u> | <u>                    </u> | <u>                    </u>  | <u>    </u> |

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) Gerald Kramer  
PO Box 370, Parma, Idaho 83660
4. New Owner/Claimant(s) Tree Top Ranches, LP  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
914 Houston Road  
Boise, Idaho 83706  
 New Mailing Address  
 City, State and ZIP Code  
 New Telephone Number (208) 377-0998
5. Date you acquired the property April 22, 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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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.

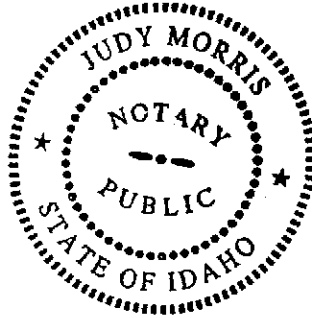
**For Office Use Only**

Received by J. Granger Date 8-21-06 Fee 25  
 Received by J. Granger Date 8-24-06 Receipt No. W034608  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_



STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 1st day of June, 1999, before me, Judy Morris, a  
notary public, personally appeared **Marianne Williams**, personally known or proved to me on  
the basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument, and acknowledged to me that she executed the same.



Judy Morris  
NOTARY PUBLIC  
Commission expires: 3/12/03

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  $89^{\circ} 45' 19''$  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  $89^{\circ} 45' 19''$  West a distance of 140 feet from Station 349+1248 of said Highway Survey; thence along said parallel line as follows:

North  $0^{\circ} 14' 41''$  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  $89^{\circ} 45' 19''$  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  $0^{\circ} 17' 49''$  West a distance of 25 feet from Station 18+11.82 of said proposed County Road Connection Survey; thence

North  $0^{\circ} 17' 49''$  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  $54^{\circ} 28'$  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)

Northerly along said East line a distance of 964 feet, more or less, to the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

Easterly along the South line of said Northwest Quarter of the Southwest Quarter a distance of 66 feet, more or less, to a point in a line parallel with and 50 feet Easterly from the centerline of said Highway Survey; thence along said parallel line as follows:

Northerly along an 8,235.11-foot radius curve left 55 feet, more or less, to a point opposite Station 307+64.68, back equals 310+05.16 ahead and

North  $0^{\circ} 16' 16''$  West, back equals North  $0^{\circ} 14' 41''$  West ahead of said Highway Survey; thence continuing along said last parallel line

North  $0^{\circ} 14' 41''$  West a distance of 1,273 feet, more or less, to a point in the North line of said Northwest Quarter of the Southwest Quarter; thence leaving said last parallel line

Easterly along said North line a distance of 10 feet, more or less, to a point in a line parallel with and 60 feet Easterly from the centerline of said Highway Survey; thence

North  $0^{\circ} 14' 41''$  West along said last parallel line a distance of 1,316 feet, more or less, to a point in the North line of the Southwest Quarter of the Northwest Quarter of said Section 23; thence

Westerly along said last North line a distance of 71 feet, more or less, to the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 22; thence

Northerly along the East line of said Section 22 a distance of 1,320 feet, more or less, to the Northeast corner thereof; thence

South  $89^{\circ} 45' 19''$  West along the North line of said Section 22 a distance of 132 feet, more or less, to a point in a line parallel with and 140 feet Westerly from the centerline of said Highway Survey; thence

South  $0^{\circ} 14' 41''$  East along said last parallel line a distance of 187.48 feet to a point opposite Station 347+25 of said Highway Survey; thence

South  $32^{\circ} 51' 50''$  East a distance of 148.41 feet to a point in a line parallel with and 60 feet Westerly from the centerline and opposite Station 346+00 of said Highway Survey; thence

South  $0^{\circ} 14' 41''$  East along said last parallel line a distance of 2,322 feet, more or less, to a point in the South line of the Southeast Quarter of the Northeast Quarter of said Section 22; thence

Easterly along said last South line a distance of 10 feet, more or less, to a point in a line parallel with and 50 feet Westerly from the centerline of said Highway Survey; thence along said last parallel line as follows:

South  $0^{\circ} 14' 41''$  East a distance of 1,273 feet, more or less, to a point opposite said Station 307+64.68, back equals 310+05.16 ahead, Southerly along an 8,135.11-foot radius curve right 1,371.13 feet to a point in the South line of said Section 22; thence leaving said last parallel line

North  $89^{\circ} 59' 43''$  East along said last South line a distance of 101.42 feet, more or less, to the REAL POINT OF BEGINNING.

Highway Station Reference: 293+93.3 to 349+12.48.

How  
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

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  $89^{\circ} 45' 19''$  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  $89^{\circ} 45' 19''$  West a distance of 140 feet from Station 349+1248 of said Highway Survey; thence along said parallel line as follows:

North  $0^{\circ} 14' 41''$  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  $89^{\circ} 45' 19''$  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  $0^{\circ} 17' 49''$  West a distance of 25 feet from Station 18+11.82 of said proposed County Road Connection Survey; thence

North  $0^{\circ} 17' 49''$  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  $54^{\circ} 28'$  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)

Northerly along said East line a distance of 964 feet, more or less, to the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

Easterly along the South line of said Northwest Quarter of the Southwest Quarter a distance of 66 feet, more or less, to a point in a line parallel with and 50 feet Easterly from the centerline of said Highway Survey; thence along said parallel line as follows:

Northerly along an 8,235.11-foot radius curve left 55 feet, more or less, to a point opposite Station 307+64.68, back equals 310+05.16 ahead and

North 0° 16' 16" West, back equals North 0° 14' 41" West ahead of said Highway Survey; thence continuing along said last parallel line

North 0° 14' 41" West a distance of 1,273 feet, more or less, to a point in the North line of said Northwest Quarter of the Southwest Quarter; thence leaving said last parallel line

Easterly along said North line a distance of 10 feet, more or less, to a point in a line parallel with and 60 feet Easterly from the centerline of said Highway Survey; thence

North 0° 14' 41" West along said last parallel line a distance of 1,316 feet, more or less, to a point in the North line of the Southwest Quarter of the Northwest Quarter of said Section 23; thence

Westerly along said last North line a distance of 71 feet, more or less, to the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 22; thence

Northerly along the East line of said Section 22 a distance of 1,320 feet, more or less, to the Northeast corner thereof; thence

South 89° 45' 19" West along the North line of said Section 22 a distance of 132 feet, more or less, to a point in a line parallel with and 140 feet Westerly from the centerline of said Highway Survey; thence

South 0° 14' 41" East along said last parallel line a distance of 187.48 feet to a point opposite Station 347+25 of said Highway Survey; thence

South 32° 51' 50" East a distance of 148.41 feet to a point in a line parallel with and 60 feet Westerly from the centerline and opposite Station 346+00 of said Highway Survey; thence

South 0° 14' 41" East along said last parallel line a distance of 2,322 feet, more or less, to a point in the South line of the Southeast Quarter of the Northeast Quarter of said Section 22; thence

Easterly along said last South line a distance of 10 feet, more or less, to a point in a line parallel with and 50 feet Westerly from the centerline of said Highway Survey; thence along said last parallel line as follows:

South 0° 14' 41" East a distance of 1,273 feet, more or less, to a point opposite said Station 307+64.68, back equals 310+05.16 ahead, Southerly along an 8,135.11-foot radius curve right 1,371.13 feet to a point in the South line of said Section 22; thence leaving said last parallel line

North 89° 59' 43" East along said last South line a distance of 101.42 feet, more or less, to the REAL POINT OF BEGINNING.

Highway Station Reference: 293+93.3 to 349+12.48.



# Idaho Department of Water Resources Receipt

Receipt ID W034608

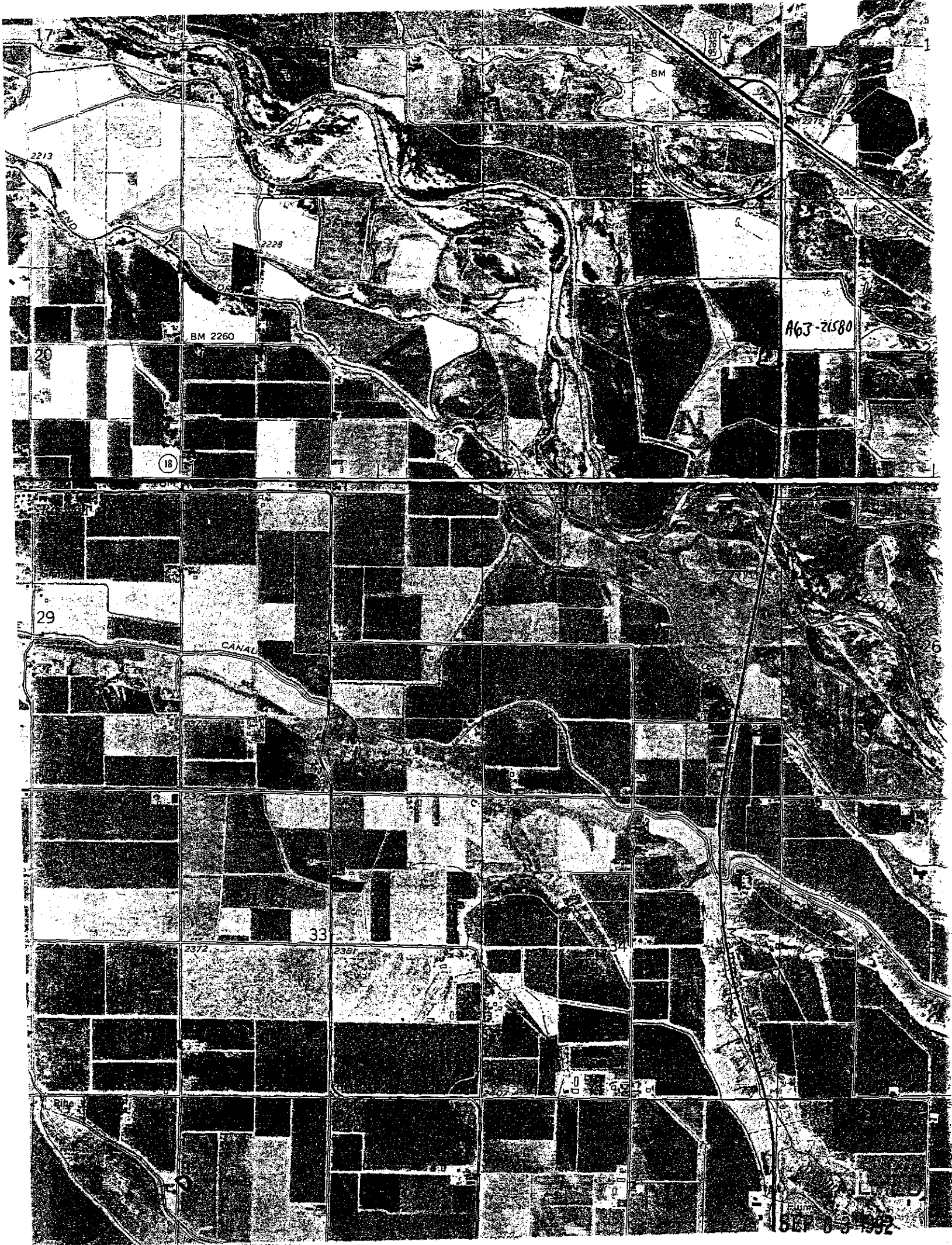
Payment Amount  Date Received  Region  Status   
Payment Type  Check Number

Payer Comment 

## Fee Detail

| Amount  | Description                          | Fund | FD | PCA   | SO   |
|---------|--------------------------------------|------|----|-------|------|
| \$25.00 | OWNERSHIP CHANGES/SECURITY INTERESTS | 0229 | 21 | 62140 | 1155 |

  
Signature Line (Dept. Representative)



# Receipt Details for ID W011434

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received         | Date Deposited | Region        | Total Amount | Payment Type |
|-----------------------|----------------|---------------|--------------|--------------|
| 3/20/1990 10:22:04 AM | 3/20/1990      | Western       | \$394.00     | Check        |
| <b>Payer</b>          |                | KRAMER, JERRY |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 2124                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION CLAIM FEES

## Fee Detail:

| Amount   | Description             | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|-------------------------|--------|------|-------------|------------|--------|
| \$394.00 | ADJUDICATION CLAIM FEES | 410162 | 9337 | 0           | 0          | 6490   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount   | Type  |
|--------------|-----------------|--------------|----------|-------|
| 63           | 21530           |              | \$219.00 | Claim |
| 63           | 21579           |              | \$25.00  | Claim |
| 63           | 21580           |              | \$150.00 | Claim |

[Print Report](#)

COPY

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 ) A. Subcase No.: 63-21580

Case No. 39576 )

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: STATE OF IDAHO  
Address: Office of the Attorney General  
JRW Building, Second Floor  
700 West State Street  
P.O. Box 44449  
Boise, Idaho 83711-4449  
Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division  
DAVID J. BARBER (ISB # 2597)  
Deputy Attorney General  
Attorney Address: Office of the Attorney General  
Natural Resources Division  
JRW Building, Second Floor  
700 West State Street  
P.O. Box 44449  
Boise, Idaho 83711-4449  
Attorney Phone No. (208) 334-2400

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

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

Name & Address of Attorney, if any:

Scott L. Campbell  
Moffatt Thomas Barrett Rock & Fields  
PO Box 829  
Boise, ID 83701

**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

**11. 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 )

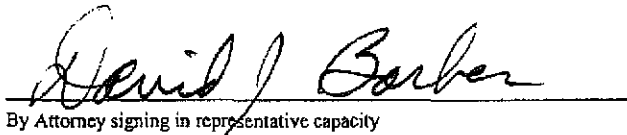
DAVID J. BARBER, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the State of Idaho and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

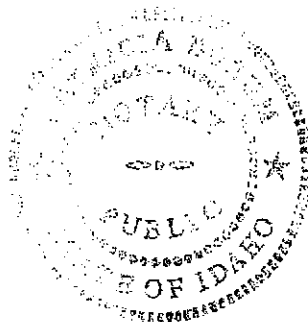
LAWRENCE G. WASDEN  
Attorney General

CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division

DAVID J. BARBER  
Deputy Attorney General

  
By Attorney signing in representative capacity

Subscribed and sworn to before me on this 17th day of August 2007  
(Insert Date)



  
Notary Public for IDAHO  
Residing at: BOISE, ID  
My commission expires: 11/16/09

### 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.

G. CERTIFICATE OF MAILING

I certify that on this 17th day of August 2007, I caused to be served the original and copies of this response to the following persons by the indicated methods:

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

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

Name: Tree Top Ranches, LP U. S. MAIL  
Address: c/o Scott L. Campbell  
Moffatt Thomas Barrett Rock & Fields  
PO Box 829  
Boise, ID 83701

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

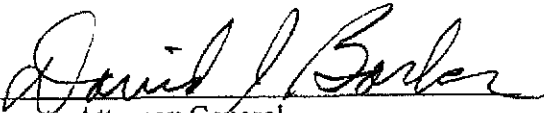
Name: Tree Top Ranches, LP (not applicable)  
Address: c/o Scott L. Campbell  
Moffatt Thomas Barrett Rock & Fields  
PO Box 829  
Boise, ID 83701

4. Copies to: IDWR Document Depository STATEHOUSE  
PO Box 83720 MAIL  
Boise, ID 83720-0098

United States Department of Justice U. S. MAIL  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

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

(not applicable)

  
Deputy Attorney General

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 63-21580

(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: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: 1.11 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: Please see Attachment 1 hereto
8. ☒ **Period of Year**  
Should be: Please see Attachment 1 hereto
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
10. ☐ **I object because:**
  - ☐ This water right Should not exist.
  - ☐ This water right was not recommended, but Should be recommended with the elements described above.

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

Please see Attachment 2 hereto.

F.

VERIFICATION (must be completed)

State of Idaho )  
 )ss.  
County of Ada )

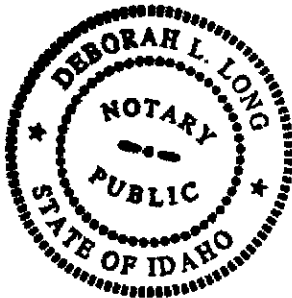
Scott L. Campbell, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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 63-21580**

Tree Top Ranches, LP, objects to the reduction of quantity of water under the stockwater use, from 0.98 cfs to 0.090 cfs. Tree Top Ranches, LP, further objects to the volumetric limitation of 9.00 afy under the irrigation use and 2.40 afy under the domestic use.

**ATTACHMENT 2 TO  
STANDARD FORM 1 – OBJECTION  
SUBCASE 63-21580**

**Reasons Supporting Objection(s)**

**Quantity:**

The claimed quantity of 1.11 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 0.98 cfs for stockwater use should be recommended in full, based upon historic diversion, delivery, and use of the water by Tree Top Ranches, LP, and its predecessors. Additionally, there is no legal basis for the inclusion of the annual volumetric limitation under the irrigation and domestic components of this water right.

09/28/2006

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

RIGHT NUMBER: 63-21580

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS  
11.400 AFY

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

PRIORITY DATE: 01/01/1935

POINT OF DIVERSION:

T05N R05W S22 NESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.090 CFS       |
| IRRIGATION            | 03/01 11/15          | 0.050 CFS       |
|                       |                      | 9.00 AFY        |
| DOMESTIC              | 01/01 12/31          | 0.080 CFS       |
|                       |                      | 2.40 AFY        |

Domestic use is for 2 homes and barn.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S22 NESE 2.00

STOCKWATER Within CANYON County

T05N R05W S22 NESE

DOMESTIC Within CANYON County

T05N R05W S22 NESE

2 ACRES TOTAL

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 75 horses.



State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 22  
Water Right: 63-21580



0 1320 Feet

TOTAL IRRIGATED ACRES = 2

-  Irrigation place of use
-  Domestic place of use
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21580 V1

WATER RIGHT NUMBER: 63-21580 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                   |
|-------------------|---------------------------------------------------------------------------|
| Original Owner    | GERALD KRAMER<br>RT 1<br>PARMA, ID 83660<br>(208)722-6920                 |
| Representative    | ALBERT SCOTT<br>809 E 2ND ST S<br>MIDDLETON, ID 83644<br>(208)585-6168    |
| Current Owner     | TREE TOP RANCHES LP<br>914 HOUSTON RD<br>BOISE, ID 83706<br>(208)377-0998 |

Priority Date: 01/01/1935

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31          | 0.090 CFS             |                      |
| IRRIGATION            | 03/01 to 11/15          | 0.050 CFS             | 9.00 AF              |
| DOMESTIC              | 01/01 to 12/31          | 0.080 CFS             | 2.40 AF              |
|                       | <u>Total Diversion:</u> | 0.220 CFS             | 11.40 AF             |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NE1/4SE1/4 | Sec. 22, Twp 05N, Rge 05W, B.M. |
| CANYON County |            |                                 |

Place of Use

STOCKWATER Within CANYON County

T05N R05W S22 NESE

IRRIGATION Within CANYON County

T05N R05W S22 NESE 2.0

Total Acres: 2

DOMESTIC Within CANYON County

T05N R05W S22 NESE

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-21580 V1

1. X02 Stockwater use is for 75 horses.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. 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.
4. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
5. X01 Domestic use is for 2 homes and barn.

Remarks:Comments:

## 1. vmusic 9/28/2006 STOCKWATER USE

Comment: CLAIMED STOCKWATER .98 CFS FOR 1500 DAIRY CATTLE BUT SAME USE WAS DECREED AS 63-21579. DECREASED Q TO .09 WITH THE N CODES BECAUSE FIELD EXAM VERIFIED STOCK CONSISTS OF 75 HORSES. WELL CAPACITY OF THE ONLY WELL IN THE NWSE IS .22 CFS. CAN RECOMMEND GREATER QUANTITY IF CLAIMANT AMENDS CLAIM TO INCLUDE SECOND WELL THOUGH USE IS EXEMPT. CANNOT VERIFY USE IN 1987. FARM MANAGER HAS NO KNOWLEDGE OF HISTORICAL USES ON SITE.

## 2. vmusic 9/28/2006 DOMESTIC USE

Comment: CLAIMED 2 HOUSES AT .08 CFS. 1939 AERIAL CONFIRMS SEVERAL STRUCTURES IN THE QQ SO COULD HAVE BEEN 2 HOMES. HOWEVER, IN THE LATE 1990S THE NEW HOMES - MAIN RESIDENCE AND FARM MANAGER HOME - WERE CONSTRUCTED. IDWR POLICY THAT DOMESTIC CAN BE TRANSFERRED WITHIN SAME QQ IF USED ON SAME PROPERTY - ONE OWNER.

## 3. vmusic 9/28/2006 EVIDENCE OF PRIORITY

Comment: CLAIMED 1896 BUT PROVIDED SAM SMYSER AFFIDAVIT FOR EVIDENCE BACK TO 1935. ADVANCED PRIORITY DATE TO 1935. FARM MANAGER DOES NOT KNOW ANYTHING ABOUT THE HISTORICAL USES.

## 4. vmusic 9/28/2006 PODs

Comment: ORIGINAL CLAIM FOR 2 WELLS IN THE NESE SEC 22. TREETOP RANCHES DRILLED NEW WELLS IN 1998 AND THE SHOP WELL IS IN THE NESE SEC 22. NOT AN ACC TRANSFER DUE TO DATE DRILLED. CAN BE CONSIDERED A REPLACEMENT WELL BUT CLAIM NEEDS TO BE AMENDED FOR NEW LOCATION.

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 04/23/2006                | scurtis         | Active        |
| Contacts       | 9/28/2006 1:21:02 PM      | vmusic          |                           |                 | Active        |
| Priority Date  | 9/28/2006 1:21:32 PM      | vmusic          |                           |                 | Active        |
| POD            | 9/28/2006 1:23:05 PM      | vmusic          |                           |                 | Active        |
| Source         | 9/28/2006 1:24:50 PM      | vmusic          |                           |                 | Active        |
| POU            | 9/28/2006 1:25:23 PM      | vmusic          |                           |                 | Active        |
| Use            | 9/28/2006 1:32:02 PM      | vmusic          |                           |                 | Active        |
| Season         | 9/28/2006 1:32:38 PM      | vmusic          |                           |                 | Active        |
| Quantity       | 9/28/2006 1:48:48 PM      | vmusic          |                           |                 | Active        |
| Summary        |                           |                 | 09/28/2006                | vmusic          | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21580 V1

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------|------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU            | 9/28/2006 1:29:50 PM   | vmusic          | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POU            | 9/28/2006 1:30:43 PM   | vmusic          | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Contacts       | 9/28/2006 1:21:21 PM   | vmusic          | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: DESKTOP REVIEW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| General        | 9/28/2006 1:21:50 PM   | vmusic          | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?<br>(No) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 13. Has additional evidence of priority date been submitted?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required? |
| POD            | 9/28/2006 1:23:24 PM   | vmusic          | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(Yes) 6. Is there evidence that there has been a change in the POD?<br>(No) 7. Can the change be verified as an accomplished transfer?<br>Description for Question 6 - ADDITIONAL WELLS DRILLED IN 1998<br>Description for Question 8 - SEPT 2006 FIELD EXAM                                                                                                                                                                                                                                                                                          |
| Source         | 9/28/2006 1:25:09 PM   | vmusic          | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - SEPT 2006 FIELD EXAM                                                                                                                                                                                                                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21580 V1

|        |                      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------|----------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU    | 9/28/2006 1:25:42 PM | vmusic | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(Yes) 7. Is there evidence that there has been a change in the POU?<br>(No) 8. Can the claim be verified as an accomplished transfer?<br>(No) 9. Does the claim include an enlargement in the POU?<br>(No) 12. Was a transfer filed?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required?<br>Description for Question 9 -<br>Description for Question 13 - True |
| POU    | 9/28/2006 1:31:43 PM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POD    | 9/28/2006 1:23:51 PM | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POU    | 9/28/2006 1:31:07 PM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POU    | 9/28/2006 1:31:23 PM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Use    | 9/28/2006 1:32:21 PM | vmusic | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(Yes) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - SEPT 2006 FIELD EXAM                                                                                                                                                                             |
| Season | 9/28/2006 1:32:58 PM | vmusic | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?                                     |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21580 V1

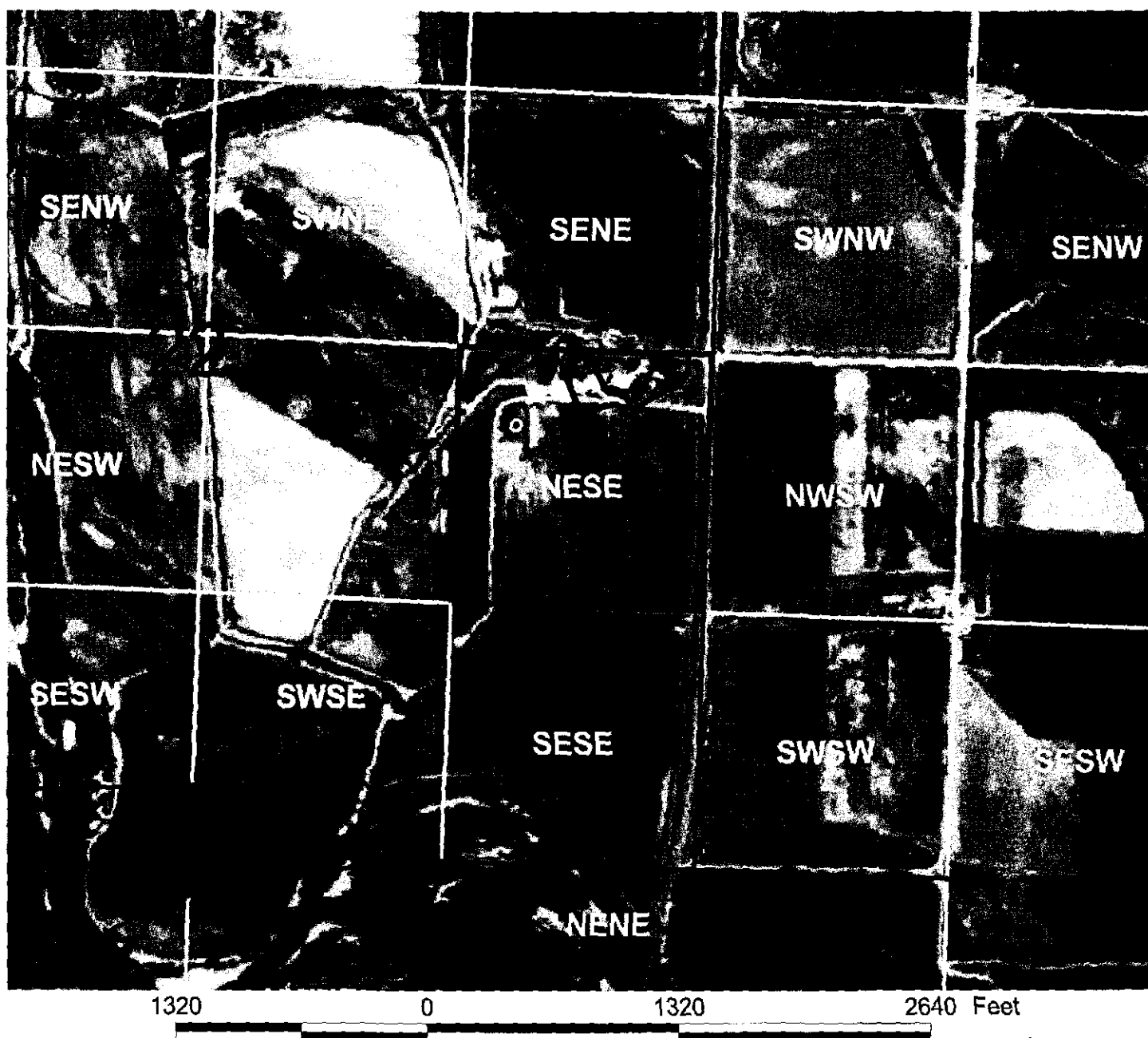
|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|----------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 9/28/2006 1:52:22 PM | vmusic  | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 4. Is any portion of the claim be recommended?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| Quantity | 9/28/2006 1:49:09 PM | vmusic  | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(Yes) 7. Is a flow measurement required?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - SEE SEPT 2006 FIELD EXAM NOTES</p> <p>Description for Question 10 - 2.4 FOR 2 HOMES - IDWR STANDARD FOR USE</p> <p>2 AC IR X 4.5 AFA = 9 AFA</p>                                    |
| Summary  | 4/23/2006 1:43:15 PM | scurtis | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Water Supply Bank:



State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 22  
Water Right: 63-21580



TOTAL IRRIGATED ACRES = 2



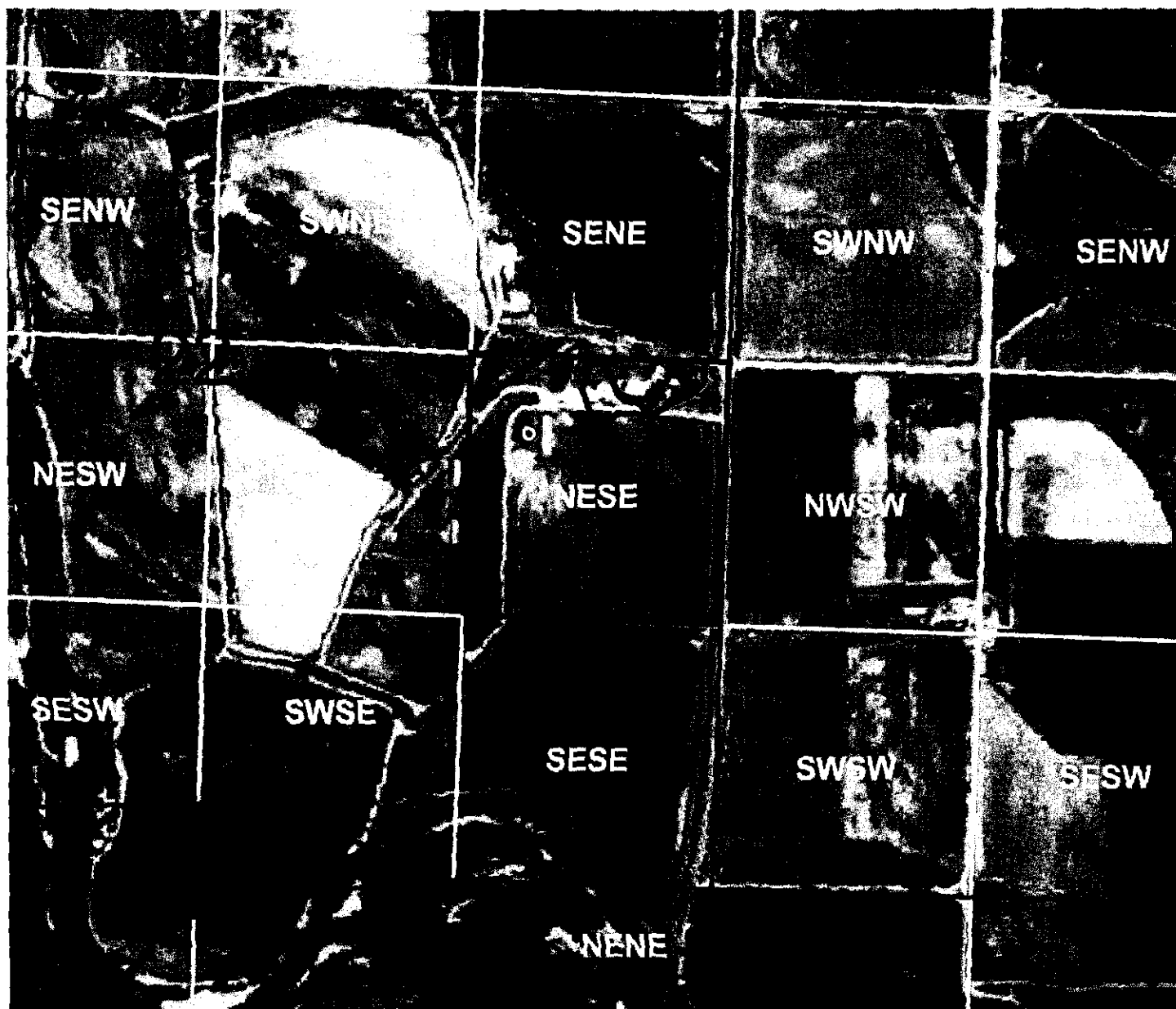
- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2006



State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 22  
Water Right: 63-21580



1320 0 1320 2640 Feet



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2006

*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  
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John C. Ward  
D. James Manning  
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Dylan B. Lawrence  
Russell G. Metcalf  
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  
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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.)

09/29/2006

**NOTICE OF ERROR  
REPLY**

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: 63-21580

TREE TOP RANCHES LP

914 HOUSTON RD

BOISE ID 83706

Telephone Number: (208) 377-0998

RECEIVED

NOV 01 2006

WATER RESOURCES  
WESTERN REGION

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 1.10 cfs.

Purpose and Period of Use: Increase the quantity to the claimed amount of 1.10 cfs (0.980 cfs for stockwater, 0.050 cfs for irrigation, and 0.080 cfs for domestic).

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

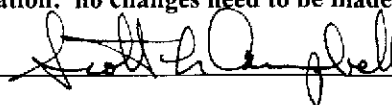
Quantity: There is no basis for the reduction in the total quantity of water.

Purpose and Period of Use: There is no basis for the reduction in the quantity of watering component of this water right, which thereby reduces the overall quantity of water under this water right.

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

Date: 10/31/06

SIGNATURE:



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



## 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., 10<sup>th</sup> Floor  
Boise, Idaho 83701-0829  
Facsimile No. (208) 385-5384

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

# Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
John S. Simko  
John C. Ward  
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Stephen R. Thomas  
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Gerald T. Husch  
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Mark C. Peterson  
Andrew J. Waldera  
Tyler J. Anderson  
Dylan B. Lawrence  
Russell G. Metcalf  
Benjamin C. Ritchie  
Robert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel*  
*Willis C. Moffatt, 1907-1980*  
*Kirk R. Helvie, 1956-2003*

RECEIVED

AUG 22 2006

DEPARTMENT OF  
WATER RESOURCES

August 19, 2006

Boise  
Idaho Falls  
Pocatello  
Twin Falls

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

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AUG 23 2006

WATER RESOURCES  
WESTERN REGION

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

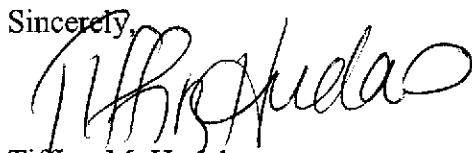
**Re: Water Right 63-21580**  
MTBR&F File No. 22567.0

Dear Sally:

We are in receipt of your letter dated August 10, 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 18, 2006. Therefore, I am enclosing for processing the copies of Scott Campbell's letter dated June 28, 2006 (returned with your August 10th 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/o encl.)

SCANNED

AUG 22 2006

Boise  
Idaho Falls  
Pocatello  
Twin Falls

# Moffatt Thomas

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Benjamin C. Ritchie  
Robert E. Bakes, of counsel  
Morgan W. Richards, of counsel  
Willis C. Moffatt, 1907-1980  
Kirk R. Helvie, 1956-2003

June 28, 2006  
via Facsimile

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Boise Idaho 83701 0829

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

**Re: Water Right 63-21580**  
MTBR&F File No. 22567.0

Dear Sir or Madam:

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: Idaho Department of Water Resources (State Office)  
Larry Williams

*not owners. Belongs to Gerald Kramer.*

SCANNED

AUG 10 2006

Boise  
Idaho Falls  
Pocatello  
Twin Falls

## Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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

June 28, 2006  
via Facsimile

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Boise Idaho 83701 0829

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

Re: **Water Right** 63-21580  
MTBR&F File No. 22567.0

Dear Sir or Madam:

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: Idaho Department of Water Resources (State Office)  
Larry Williams

*Handwritten notes:*  
~~Handwritten signature~~  
7-5-06  
belong to G. Kramer -  
not Wms or Tree Top.  
- 8-10-06

SCANNED

AUG 10 2006



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

September 7, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

Tree Top Ranches LP  
914 Houston Rd  
Boise, ID 83706

Notice of Claim to a Water Right No. 63-21580

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,

A handwritten signature in cursive script that reads "Liberty Gagnon". The signature is fluid and extends to the right with a long, sweeping line.

Liberty Gagnon  
Office Specialist 1  
Adjudication Section  
Western Region Office

LG: lg

Enclosure

*Moffatt Thomas*

MOFFATT THOMAS BARRETT ROCK &amp; 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  
**Re:** Water Right 63-21580**Date:** September 6, 2006  
**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. |
|------------|----------------|----------------------------------------|----------|-----------|
| <b>To:</b> | Lori Graves    | Idaho Department of<br>Water Resources | 334-2348 | 334-2190  |
| <b>CC:</b> | 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 &amp; FIELDS, CHTD.

Boise  
Idaho Falls  
Pocatello  
Twin FallsEugene C. Thomas  
John W. Barrett  
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Mark C. Peterson  
Andrew J. Walders  
Tyler J. Anderson  
Dylan B. Lawrence  
Russell G. Mercalf  
Benjamin C. Ritchie  
Robert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel*  
Willis C. Moffatt, 1907-1980  
Kick R. Helvie, 1956-2003September 6, 2006  
*via Facsimile*US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.comLori Graves  
Sr. Water Resource Agent  
Idaho Department of Water Resources  
Western Region Office, Adjudication Bureau  
2735 Airport Way  
Boise, Idaho 83705Re: Water Right 63-21580  
MTBR&F File No. 22567.0

Dear Lori:

In response to your recent letters regarding the above-referenced water right, we are enclosing a copy of the Affidavit of Sam Smyser, dated September 5, 2006, concerning the subject property. In your letter, you request evidence to establish the claimed priority date for water right 63-21580. As you will note from the Affidavit, Mr. Smyser has observed irrigation of the subject property and watering of stock on the subject property since at least 1935.

It is my understanding that a field examination of water rights 63-4641A and 63-4641B is currently being scheduled by Vicky Music. I presume the Department will also require a field examination of water rights 63-21530 and 63-21580. 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.

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 (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 agriculture my entire life and am familiar with raising stock animals and the various irrigation methods and practices.
4. I have been familiar, since 1935, with the irrigation and agricultural activities, including the raising of stock animals, 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 Southwest Quarter and the South Half of the Southeast Quarter of Section 15; the Southeast Quarter of the Southeast Quarter of Section 16; the East Half of the Northwest Quarter, 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 of Section 22; and the Southwest Quarter of the Northwest Quarter and the West Half of the Northwest Quarter of the Southwest Quarter of Section 23, all within Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho (the "Property").
5. Portions of the Property were previously owned by Jerry Kramer and Robert White, prior to purchase of the Property by Tree Top Ranches, LP.
6. Lester Yeakel and Nola Yeakel were the owners of the Property before Robert White and Jerry Kramer purchased their respective portions of the Property from the Yeakels.

7. I personally observed annual irrigation of the lawn and pasture surrounding or near the main residence located on the Property, using water from an irrigation well located near such residence (the "Well"), since at least 1935.

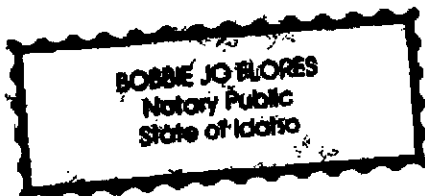
8. I personally observed the watering of stock, including beef cattle, dairy cattle, and horses on such above-described pasture, using water from the Well, since at least 1935.

DATED this 5<sup>th</sup> day of September, 2006.

Sam Smyser  
Sam Smyser

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of September, 2006.

Bobbie Jo Flores  
NOTARY PUBLIC FOR IDAHO  
Residing at Idaho ID  
My Commission Expires 8-9-09



# Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
John S. Simko  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen  
Gerald T. Husch  
Scott L. Campbell  
Robert B. Burns

Michael E. Thomas  
Patricia M. Olsson  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill  
David P. Gardner  
John O. Fitzgerald, II  
Julian E. Gabiola  
Angela Schaefer Kaufmann  
Michael W. McGreaham  
Paul D. McFarlane  
Kimberly D. Evans Ross  
Jon A. Stenquist

Tyler J. Henderson  
Jason G. Murray  
Mark C. Peterson  
Andrew J. Waldera  
Tyler J. Anderson  
Dylan B. Lawrence  
Russell G. Mercalf  
Benjamin C. Ritchie  
  
Robert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel*  
  
*Willis C. Moffatt, 1907-1980*  
*Kirk R. Helvie, 1956-2003*

RECEIVED

AUG 21 2006

WATER RESOURCES  
WESTERN REGION

August 18, 2006

Boise  
Idaho Falls  
Pocatello  
Twin Falls

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

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

**Re: Water Rights 63-21579 and 63-21580**  
MTBR&F File No. 22567.0

Dear Lori:

In response to your recent letters concerning the above-referenced water rights, I am enclosing an original and one copy of the change of water right ownership form and supporting documentation. 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 right 63-21580, 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 (w/encl.)



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 10, 2006

TREE TOP RANCHES  
C/O LARRY WILLIAMS  
914 HOUSTON RD  
BOISE ID 83706

**RE: NOTICE OF CLAIM NO: A63-21580, 63-21579**

Dear Land Owner:

We are currently preparing Notice of Claim A63-21580 referenced above for the Director's Report in the Snake River Basin Adjudication. Decree 63-21579 also appears associated with the property.

Enclosed are computer printouts of the claim and decree for your reference. Our research indicates there may have been a change in the ownership for the above rights. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim and decree listed above:

**GERALD KRAMER**  
**RT 1**  
**PARMA ID 83660**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim and decree will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves  
Sr. Water Resource Agent

Enclosures

Cc: SCOTT CAMPBELL  
MOFFATT THOMAS  
PO BOX 829  
BOISE ID 83701-0829



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 10, 2006

GERALD KRAMER  
RT 1  
PARMA ID 83660

RE: EVIDENCE OF PRIORITY  
Snake River Basin Claim No: A63-21580

Dear Claimant:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial 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-out. Your claim 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."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your well/pump, homes, stock area and acres irrigated needs to be identified on the attached 1987 aerial photo. Please include as much detail regarding your diversion system as possible such as well depth, water lift (in feet), pump hp and

Page 2

capacity, operating pressure, etc. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Please note that claim 63-21579 was recently decreed in your name for 1500 head of dairy stock with the same priority date and point of diversion/place of use legal descriptions as listed on this claim. Please clarify if the well and stock listed on this claim are the same well and stock covered by decree 63-21579. If so, please explain why additional water/flow rate is necessary for the stock or if you feel the stock are sufficiently covered by decree 63-21579.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by **May 31, 2006**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,



Lori Graves  
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit  
Notice of Claim A63-21580  
1987 Aerial Photo  
Copy of Decree 63-21579

Cc: **TREE TOP RANCHES**  
**C/O LARRY WILLIAMS**  
**914 HOUSTON RD**  
**BOISE ID 83706**

**SCOTT CAMPBELL**  
**MOFFATT THOMAS**  
**PO BOX 829**  
**BOISE ID 83701-0829**



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21580

WATER RIGHT NUMBER: 63-21580

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Representative    | ALBERT SCOTT<br>809 E 2ND ST S<br>MIDDLETON, ID 83644<br>(208)585-6168 |
| Current Owner     | GERALD KRAMER<br>RT 1<br>PARMA, ID 83660<br>(208)722-6920              |

Priority Date: 01/01/1896

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31           | 0.980 CFS             |                      |
| IRRIGATION            | 3/15 to 11/15           | 0.050 CFS             |                      |
| DOMESTIC              | 1/01 to 12/31           | 0.080 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.110 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| GROUND WATER  | NE1/4NE1/4SE1/4 | Sec. 22, Twp 05N, Rge 05W, B.M. |
| CANYON County |                 |                                 |

Place of Use

STOCKWATER

| 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 | 22  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

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 | 22  |    |    |    |    |    |    |    |    |    |    |    |    | 2.0 |    |    |    | 2.0    |

Total Acres: 2

DOMESTIC

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21580

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 05N 05W 22  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|             |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |        |

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 3/20/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

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:



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 10, 2006

GERALD KRAMER  
RT 1  
PARMA ID 83660

RE: EVIDENCE OF PRIORITY  
Snake River Basin Claim No: A63-21580

Dear Claimant:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial 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-out. Your claim 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."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your well/pump, homes, stock area and acres irrigated needs to be identified on the attached 1987 aerial photo. Please include as much detail regarding your diversion system as possible such as well depth, water lift (in feet), pump hp and

Page 2

capacity, operating pressure, etc. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Please note that claim 63-21579 was recently decreed in your name for 1500 head of dairy stock with the same priority date and point of diversion/place of use legal descriptions as listed on this claim. Please clarify if the well and stock listed on this claim are the same well and stock covered by decree 63-21579. If so, please explain why additional water/flow rate is necessary for the stock or if you feel the stock are sufficiently covered by decree 63-21579.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by May 31, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,



Lori Graves  
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit  
Notice of Claim A63-21580  
1987 Aerial Photo  
Copy of Decree 63-21579

Cc: TREE TOP RANCHES  
C/O LARRY WILLIAMS  
914 HOUSTON RD  
BOISE ID 83706

SCOTT CAMPBELL  
MOFFATT THOMAS  
PO BOX 829  
BOISE ID 83701-0829

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-21580**

09/28/2006

1

| Right #          | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use    | Acres/Total   | Name                |
|------------------|-------------|-----|-----|-----|----|----|-----|-------------------|---------------|---------------------|
| 127A             | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 23/482        | ANDREWS DITCH CO    |
| <u>127B</u>      | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | <u>40/285</u> | TREE TOP RANCHES LP |
| 128A             | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 23/482        | ANDREWS DITCH CO    |
| <u>128B</u>      | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | <u>40/570</u> | TREE TOP RANCHES LP |
| 129A             | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 23/482        | ANDREWS DITCH CO    |
| <u>129B</u>      | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 40/           | TREE TOP RANCHES LP |
| 130A             | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 23/482        | ANDREWS DITCH CO    |
| <u>130B</u>      | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 40/           | TREE TOP RANCHES LP |
| 131A             | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 23/482        | ANDREWS DITCH CO    |
| <u>131B</u>      | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 40/           | TREE TOP RANCHES LP |
| 21580            | Claim       | 05N | 05W | 22  | NE | SE |     | IRRIGATION        | 2/2           | TREE TOP RANCHES LP |
| -127             | Water Right | 05N | 05W | 22  | NE | SE |     | IRRIGATION        |               | THOMAS ANDREWS      |
| -128             | Water Right | 05N | 05W | 22  | NE | SE |     | IRRIGATION        |               | THOMAS ANDREWS      |
| -129             | Water Right | 05N | 05W | 22  | NE | SE |     | IRRIGATION        |               | THOMAS ANDREWS      |
| -130             | Water Right | 05N | 05W | 22  | NE | SE |     | IRRIGATION        |               | THOMAS ANDREWS      |
| -131             | Water Right | 05N | 05W | 22  | NE | SE |     | IRRIGATION        |               | THOMAS ANDREWS      |
| <u>21580</u>     | Claim       | 05N | 05W | 22  | NE | SE |     | <u>STOCKWATER</u> |               | TREE TOP RANCHES LP |
| <del>21579</del> | Water Right | 05N | 05W | 22  | NE | SE |     | <u>STOCKWATER</u> |               | GERALD KRAMER       |
| 21580            | Claim       | 05N | 05W | 22  | NE | SE |     | DOMESTIC          |               | TREE TOP RANCHES LP |

Desktop NEWBY/VLM

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ 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 completeClaim No(s) 03-21580

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME C/O processed for Treetop
- ☐ NEW OWNER \_\_\_\_\_
- ☐ No change Address \_\_\_\_\_
- ☐ NEW ADDRESS \_\_\_\_\_
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: \_\_\_\_\_

**PRIORITY DATE**

- ☐ 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: 1-1-1896

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

NO priority submitted for claimed date. Advanced priority date to 1-1-1935 per Gwymer affidavit.

Source: GW Tributary to \_\_\_\_\_

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change? claim & claim map unclear as to 1 or 2 wells. wells have been reworked.
- ☐ 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<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

see A-2006 field exam

## **OVERLAP REVIEW**

Other water rights with the same point of diversion:

63-2157A - deeded

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

same well for 1500 dairy cattle

## **WATER USES**

☒ No change

☐ Different Uses

|                |                 |                 |                   |                |     |
|----------------|-----------------|-----------------|-------------------|----------------|-----|
| Use <u>irr</u> | From <u>3/1</u> | To <u>11/15</u> | Amount <u>.05</u> | CFS <u>9</u>   | AFA |
| Use <u>dom</u> | From <u>1/1</u> | To <u>12/31</u> | Amount <u>.08</u> | CFS <u>2.4</u> | AFA |
| Use <u>sw</u>  | From <u>1/1</u> | To <u>12/31</u> | Amount <u>.24</u> | CFS <u>—</u>   | AFA |

**TOTAL VOLUME - Groundwater only**

- see below

☐ 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 more than 2 Stock # 75 horses

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

## **PLACE OF USE:**

☒ No Change

☐ Changes shown below:

(2 ac irr)(4.5 afa) + 9 afa + (.05)(1.0835)(240) = 25.79 afa  
(2 homes + sw)(1.2 afa) = 2.4 afa IDWR standard  
sw & remark

| 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 |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: \_\_\_\_\_

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

Delivery System Narrative: \_\_\_\_\_

44 Sept 2006 field from notes

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

not Dam use is for 2 horses and <sup>dam</sup> sheep building.  
 not for 0.5 not a det of has b/c  
 not for gw not + 13k apd  
 x02gw is for 15 horses

- (1) claimed Q in excess of well(s) capacity. A460-SW for 1500 dairy cattle deemed 63-21579, no dairy cattle. Farm foreman - could not provide historical information.
- (2) site is very different now than represented in 1939, 1987 aerials. Farm foreman didn't know location of other homes.
- (3) shop well - now - 1998 - not recommended here.

**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

DATE EXAM CONDUCTED: \_\_\_\_\_

FIELD EXAMINER: \_\_\_\_\_

9-28-06  
Wick Music



# IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

065647

| Office Use Only                                                                   |           |            |  |
|-----------------------------------------------------------------------------------|-----------|------------|--|
| Inspected by _____                                                                |           |            |  |
| Twp _____                                                                         | Rge _____ | Sec _____  |  |
| 1/4 _____                                                                         | 1/4 _____ | 1/4 _____  |  |
| Lat _____                                                                         |           | Long _____ |  |
| <input checked="" type="checkbox"/> Air <input type="checkbox"/> Flowing Artesian |           |            |  |

1. WELL TAG NO. D 0007461  
DRILLING PERMIT NO. 63-98-W 0611-000  
Other IDWR No. \_\_\_\_\_

2. OWNER:  
Name Larry or MariAnne Williams  
Address 914 Houston  
City Boise State ID Zip 83706

## 3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

|   |  |   |  |
|---|--|---|--|
| N |  | X |  |
| W |  | E |  |
| S |  |   |  |

Twp. 5 North ☒ or South ☐  
Rge. 5 East ☐ or West ☒  
Sec. 22 NE 1/4 NE 1/4  
Gov't Lot \_\_\_\_\_ County Canyon  
Lat \_\_\_\_\_ Long \_\_\_\_\_  
Address of Well Site 21453 Hwy 95  
City Parma

(Give at least name of road + Distance to Road or Landmark)

Lt. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

## 4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other \_\_\_\_\_

## 5. TYPE OF WORK check all that apply. (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |      | AMOUNT |                 | METHOD    |
|------------------|------|--------|-----------------|-----------|
| Material         | From | To     | Sacks or Pounds |           |
| BENTONITE        | 0    | 12'    | 500 #           | OVER HOLE |

Was drive shoe used? ☒ N Shoe Depth(s) 98

Was drive shoe seal tested? ☒ N How? \_\_\_\_\_

## 8. CASING/LINER:

| Diameter | From | To | Gauge | Material | Casing                              | Liner                    | Welded                              | Threaded                 |
|----------|------|----|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 6"       | +2   | 98 | 22    | STEEL    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe 12' Length of Tailpipe \_\_\_\_\_

## 9. PERFORATIONS/SCREENS

Perforations \_\_\_\_\_ Method \_\_\_\_\_  
Screens \_\_\_\_\_ Screen Type Johnson

| From | To  | Slot Size | Number | Diameter | Material | Casing                   | Liner                    |
|------|-----|-----------|--------|----------|----------|--------------------------|--------------------------|
| 110  | 120 | .020      |        | 5"       | 6.64     | <input type="checkbox"/> | <input type="checkbox"/> |

## 10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

10 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices: \_\_\_\_\_

## 11. WELL TESTS:

☐ Pump ☐ Bailor

| Yield gal./min. | Drawdown | Pumping Level | Time  |
|-----------------|----------|---------------|-------|
| 80              |          |               | 1 Hr. |

Water Temp. 58° Bottom hole temp. \_\_\_\_\_

Water Quality test or comments: TRON 7.5, PH 7.5

Grains 5; Well has sulfur Depth first Water Encounter 12

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

| Bore Dia. | From | To  | Remarks: Lithology, Water Quality & Temperature | Y | N |
|-----------|------|-----|-------------------------------------------------|---|---|
| 10        | 0    | 6"  | Top Soil                                        |   |   |
| 1         | 6    | 12  | Sand + gravel + boulders                        |   |   |
| 1         | 12   | 18  | Sand + gravel + boulders                        | X |   |
| 1         | 18   | 22  | Sand + gravel + boulders                        | X |   |
| 1         | 22   | 28  | Blue clay                                       |   |   |
| 1         | 28   | 42  | Blue sand                                       | X |   |
| 1         | 42   | 91  | Blue clay                                       |   |   |
| 1         | 91   | 102 | Blue clay (fractures)                           | X |   |
| 1         | 102  | 108 | Blue clay                                       |   |   |
| 1         | 108  | 118 | Blue sand + clay streaks                        | X |   |
| 1         | 118  | 124 | Blue clay                                       |   |   |

RECEIVED RECEIVED

SEP 02 1998 SEP 01 1998

Department of Water Resources MICROFILMED WESTERN REGION

Completed \_\_\_\_\_ Depth 120' (Measurable)  
Date: Started 8-24-98 Completed 8-26-98

## 13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Adamsen Pump & Drilling Firm No 0457

Firm Official WDB Tanner Date 8-28-98

and Driller or Operator WDB Tanner Date 8-28-98

(Sign once if Firm Official's Operator)

RECEIVED

Form 238-7  
11/97

OCT 16 1998

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RESOURCES  
WESTERN REGION

## WELL DRILLER'S REPORT 065649

1. WELL TAG NO. D 0007590  
 DRILLING PERMIT NO. 63-98-W 0713 000  
 Other IDWR No. \_\_\_\_\_

2. OWNER/  
 Name Larry & Marianne Williams  
 Address 914 S. Houston Rd.  
 City Boise State Id Zip 83706

## 3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

|   |  |                                     |  |                                                                             |  |
|---|--|-------------------------------------|--|-----------------------------------------------------------------------------|--|
| N |  | Twp. <u>5</u>                       |  | North <input checked="" type="checkbox"/> or South <input type="checkbox"/> |  |
| E |  | Rge. <u>3</u>                       |  | East <input type="checkbox"/> or West <input checked="" type="checkbox"/>   |  |
| S |  | Sec. <u>22</u>                      |  | SE 1/4 NE 1/4                                                               |  |
| W |  | Gov't Lot _____                     |  | County <u>Chimney</u>                                                       |  |
|   |  | Lat. _____                          |  | Long. _____                                                                 |  |
|   |  | Address of Well Site <u>Sand Rd</u> |  | City <u>Parma</u>                                                           |  |

(Show at least name of road - Distance to Road or Landmark)

Lt. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

## 4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other \_\_\_\_\_

## 5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |      |    | AMOUNT          | METHOD    |
|------------------|------|----|-----------------|-----------|
| Material         | From | To | Sacks or Pounds |           |
| Bentonite        | 0    | 22 | 500*            | overbore. |
|                  |      |    |                 |           |
|                  |      |    |                 |           |

Was drive shoe used? ☒ ☐ N Shoe Depth(s) 158  
 Was drive shoe seal tested? ☒ Y ☐ N How? no trace

## 8. CASING/LINER:

| Diameter  | From      | To         | Gauge      | Material     | Casing                              | Liner                    | Welded                              | Threaded                 |
|-----------|-----------|------------|------------|--------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <u>6"</u> | <u>12</u> | <u>158</u> | <u>250</u> | <u>Steel</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|           |           |            |            |              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|           |           |            |            |              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

## 9. PERFORATIONS/SCREENS

Perforations \_\_\_\_\_ Method \_\_\_\_\_  
 Screens \_\_\_\_\_ Screen Type Johnson

| From       | To         | Slot Size   | Number | Diameter  | Material  | Casing                   | Liner                    |
|------------|------------|-------------|--------|-----------|-----------|--------------------------|--------------------------|
| <u>169</u> | <u>179</u> | <u>.030</u> |        | <u>5"</u> | <u>SS</u> | <input type="checkbox"/> | <input type="checkbox"/> |
|            |            |             |        |           |           | <input type="checkbox"/> | <input type="checkbox"/> |
|            |            |             |        |           |           | <input type="checkbox"/> | <input type="checkbox"/> |

## 10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

3 ft. below ground Artesian pressure \_\_\_\_\_ lb.  
 Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices: \_\_\_\_\_

|                    |             |           |
|--------------------|-------------|-----------|
| Office Use Only    |             |           |
| Inspected by _____ |             |           |
| Twp _____          | Rge _____   | Sec _____ |
| 1/4 _____          | 1/4 _____   | 1/4 _____ |
| Lat: _____         | Long: _____ |           |

## 11. WELL TESTS:

| Yield gal/min. | Drawdown | Pumping Level | Time         |
|----------------|----------|---------------|--------------|
| <u>200</u>     |          |               | <u>2 hrs</u> |
|                |          |               |              |
|                |          |               |              |

Water Temp. 62 Bottom hole temp. \_\_\_\_\_  
 Water Quality test or comments: Iron .5 PH 8  
Grain 2 Depth first Water Encounter 1

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment)

| Bore Dia. | From       | To         | Remarks: Lithology, Water Quality & Temperature | Y                                   | N |
|-----------|------------|------------|-------------------------------------------------|-------------------------------------|---|
| <u>12</u> | <u>0</u>   | <u>1</u>   | <u>Top Soil</u>                                 |                                     |   |
| <u>11</u> | <u>1</u>   | <u>18</u>  | <u>Gravel &amp; top soil</u>                    | <input checked="" type="checkbox"/> |   |
| <u>11</u> | <u>18</u>  | <u>22</u>  | <u>Blue Clay</u>                                |                                     |   |
| <u>8</u>  | <u>22</u>  | <u>27</u>  | <u>Blue Clay</u>                                |                                     |   |
| <u>11</u> | <u>27</u>  | <u>33</u>  | <u>Blue Sand</u>                                | <input checked="" type="checkbox"/> |   |
| <u>11</u> | <u>33</u>  | <u>43</u>  | <u>Blue Clay</u>                                |                                     |   |
| <u>11</u> | <u>43</u>  | <u>50</u>  | <u>Blue Sand</u>                                | <input checked="" type="checkbox"/> |   |
| <u>11</u> | <u>50</u>  | <u>77</u>  | <u>Blue Clay</u>                                |                                     |   |
| <u>11</u> | <u>77</u>  | <u>101</u> | <u>Blue Sand</u>                                | <input checked="" type="checkbox"/> |   |
| <u>11</u> | <u>101</u> | <u>103</u> | <u>Blue Clay</u>                                |                                     |   |
| <u>11</u> | <u>103</u> | <u>142</u> | <u>Blue Sand</u>                                | <input checked="" type="checkbox"/> |   |
| <u>11</u> | <u>142</u> | <u>170</u> | <u>Blue Clay &amp; wood pieces</u>              |                                     |   |
| <u>11</u> | <u>170</u> | <u>179</u> | <u>Sand</u>                                     | <input checked="" type="checkbox"/> |   |

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RECEIVED

OCT 05 1998

OCT 19 1998

WATER RESOURCES  
WESTERN REGION

MICROFILMED

Department of Water Resources

NOV 04 1998

Completed \_\_\_\_\_ Depth 179 (Measurable)  
 Date: Started 9-29-98 Completed 10-1-98

## 13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Edamson Pump & Drill 0457  
 Firm Office Edamson 10-2-98  
 and Bill Edamson 10-2-98  
 Driller or Operator Bill Edamson 10-2-98  
 (Sign once if Firm Owner & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POD REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-21580

09/28/2006

1

| ater Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Source       | Name                |
|--------------|-------------|-----|-----|-----|----|----|-----|--------------|---------------------|
| 63-21579     | Claim       | 05N | 05W | 22  | NE | SE |     | GROUND WATER | GERALD KRAMER       |
| 63-21580     | Claim       | 05N | 05W | 22  | NE | SE |     | GROUND WATER | TREE TOP RANCHES LP |
| 63-21579     | Water Right | 05N | 05W | 22  | NE | SE |     | GROUND WATER | GERALD KRAMER       |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21580

WATER RIGHT NUMBER: 63-21580

Owner Type                      Name and Address  
 Representative                ALBERT SCOTT  
                                      809 E 2ND ST S  
                                      MIDDLETON, ID 83644  
                                      (208)585-6168  
 Current Owner                TREE TOP RANCHES LP  
                                      914 HOUSTON RD  
                                      BOISE, ID 83706  
                                      (208)377-0998  
 Original Owner                GERALD KRAMER  
                                      RT 1  
                                      PARMA, ID 83660  
                                      (208)722-6920

Priority Date: 01/01/1996 **1935**

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

Tributary

*deleted 63-21580*

| <u>Beneficial Use</u>   | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|---------------|-----------|-----------------------|----------------------|
| STOCKWATER              | 1/01 to 12/31 |           | 0.980 CFS             | <b>0.09</b>          |
| IRRIGATION              | 3/11 to 11/15 |           | 0.050 CFS             | <b>9</b>             |
| DOMESTIC                | 1/01 to 12/31 |           | 0.080 CFS             | <b>2.4</b>           |
| <u>Total Diversion:</u> |               |           | 1.110 CFS             |                      |

Location of Point(s) of Diversion

GROUND WATER

CANYON County

NE1/4NE1/4SE1/4

Sec. 22, Twp 05N, Rge 05W, B.M.

Place of Use

STOCKWATER Within CANYON County

T05N R05W S22 NESE

IRRIGATION Within CANYON County

T05N R05W S22 NESE 2.0

Total Acres: 2

DOMESTIC Within CANYON County

T05N R05W S22 NESE

Conditions of Approval:

*added pod-shop well - 1998 - no acc drx*

*17-800 per field exam*  
*36-40-22 - 2nd well in SENE*  
*Dom use is for 2 houses, not a def of his b/c*  
*not for SW*  
*not a def of his b/c*  
*Dom use is for 15 horses*  
*not for SW not to > 13k opd*









For

VLM

Field Exam Date 9/18/2006

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

RECEIVED

SEP 27 2006

WATER RESOURCES  
WESTERN REGION

Prior to Field Exam

- ☐ 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) 63-21580

Owner: Tree Top Ranches LP Phone No. (208) 377-0998

Current 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's

Accompanied 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: 1/1/1896

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

Wells redrilled by Adamson Pump by house + one by shop

Source: Groundwater (2 wells) Tributary to —

☒ No Change – SAME SOURCE

☐ Source found is different than claimed:

POINT OF DIVERSION

☐ No change

☒ POD found is different than claimed: NESE + SENE

☒ If different, when did POD change?

Kelly Gore  
will make  
copies of  
well logs +  
send

9/12/06  
per Vicki, a  
change of  
ownership  
has been  
processed

"Representative"  
is now "Attorney"  
Moffatt Thomas

Barnett Rock & Field CHTD

PO Box 839

Boise, Id

83701

(208) 345-2000

Kelly you  
will find  
out HP or  
I'll call  
Adamson  
Pump

# DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

D0019552  
House well  
Shop well  
D0007451

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     | NE  | SE  | 22   |      |      |        |                                           |
|      |            | NW  | NW  | NE  | SE   | SN   | SW   | Canyon | N43° 45.299' W 116° 54.942'               |
|      |            | SW  | SE  | NE  | 22   | SN   | SW   | Canyon | N43° 45.404' W 116° 54.945'               |

Description of diverting works

Domestic/house well: 120' deep, 14" above grd, 6" casing, 4' static, 100 gpm (per well log) — HP; Shop well: 124' deep, 80 gpm, 10' static

OVERLAP REVIEW 6" casing, 24" above grd level — HP

Other water rights with the same point of diversion: None

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

WATER USES Domestic (1 house + 1 shop on separate wells)

- ☐ No change
- ☐ Different Uses different amounts

Use Domestic From 01/01 To 12/31 Amount 0.08 CFS AFA

Use Irrigation From 3/1 To 11/15 Amount 0.06 CFS 9.0 AFA

Use Stockwater From 01/01 To 12/31 Amount 0.03 CFS 1.0 AFA

\* Both wells have enough capacity.

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, house 0.22 shop 0.18 CFS AFA

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

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

\* Calculated from gpm on well logs

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes 1 house 1 shop Stock # 75

Types horses Additional comments: rotate horses around to different fields

PLACE OF USE:

☐ No Change

☒ Changes shown below:

\* D1 well in SENE, & stockwater;  
stockwater in SESE + NENE (are changes)

| Place of Use |     |     | NE |    |    |    | NW <sup>shop</sup> |    |    |    | SW |    |    |    | SE <sup>house</sup> |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|--------------------|----|----|----|----|----|----|----|---------------------|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE                 | NW | SW | SE | NE | NW | SW | SE | NE                  | NW | SW | SE |        |
| 5N           | 5W  | 22  |    |    |    | D  |                    |    |    |    |    |    |    |    | D                   |    |    |    |        |
| 5N           | 5W  | 22  | S  |    |    | S  |                    |    |    |    |    |    |    |    | S                   |    |    | S  |        |
| 5N           | 5W  | 22  |    |    |    |    |                    |    |    |    |    |    |    |    | 2                   |    |    |    | 2      |
|              |     |     |    |    |    |    |                    |    |    |    |    |    |    |    |                     |    |    |    |        |
|              |     |     |    |    |    |    |                    |    |    |    |    |    |    |    |                     |    |    |    |        |

Overlap with other water rights: \_\_\_\_\_

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

overlap?

Delivery System Narrative: <sup>shop</sup> unknown size discharge or buried pipe from both wells to shop & stock tanks. Supplies water to (5) 21"x29" tanks directly east of shop, & then moving north it supplies water to (9) 34"x35" stock tanks.

The house well: unknown size discharge or buried pipe to sprinkler system irrigating ground & yard around house (36 zones, 22 sprinklers run at one time, pop-up Rainbird Falcon 6504 (8005), average pressure 30 psi. Domestic internal/external. Unknown size buried pipe to (3) 34"x35" stock tanks in the field SE of the house.

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|-----|------------------|-----------|-----------------------------------|
| D00019553                                     |            | 1.5 |                  |           | 1 1/4"                            |
| D0007451                                      |            | 1.5 |                  |           | 1 1/4"                            |

House Domestic  
shop -

Kelly Gore  
mgr. will  
find out  
& c/b

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

Supplemental water: None

Stock are watered <sup>(SESE, NENE)</sup> NESE, SENE. This is not a dairying operation. They raise race horses.

- No groundwater sources are used for ponds (ponds have <sup>ones by house,</sup> inlet or outlet)
- Only 2 wells: shop & house wells that are not tied in together but supply 2 separate areas of stockwater tanks
- No other nonirrigation uses. Stockwater rotating usually 7540 ~~30~~ horses around the fields, & irrigation of 2 acres around house (yard).

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

Kelly Gore/Mgr. did not know anything about the previous  
systems since he's only been with Tree Top Ranches for  
a few years now.

Directions: I84, Hwy 20/26 Parma/Notus off ramp,  
South of Hwy 20/26 & Hwy 95 junction, enter 1st gate/entrance  
after Sand Rd. (Physical address for shop 26453 Hwy 95),  
Manager/Kelly Gore lives at 29696 Sand Rd).

POD: Shop well is about 150' south of Shop. POD house  
well is northwest of house. POU: Field north of entrance +  
south of entrance + east of shop have stock tanks, + shop.  
supplied by shop well. POU from house well: internal/external

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

DATE EXAM CONDUCTED: \_\_\_\_\_

9/27/2006

FIELD EXAMINER: \_\_\_\_\_

Gandy Hernerway

63-21580 Tree Top Ranches  
Date of Inspection: 9/18/2006  
Inspector: Sandy Hemerway

### Groundwater Source:

Shop well (per well log: 80 gpm)  
 $80 \text{ gpm} \times 0.00223 = 0.18 \text{ cfs}$

House well (per well log: 100 gpm)  
 $100 \text{ gpm} \times 0.00223 = 0.22 \text{ cfs}$

0.40 cfs  
Total

### Stockwater Table 1 Rec. Div. Rate For Stockwater (Exh 15A)

75 horses confirmed

51-100 head = 0.03 cfs (12 gpd/head)

$V_{ir} = (75 \text{ head} \times 12 \text{ gpd/head} \times 365) / 325,850 = 1.0 \text{ af}$

$V_{dr} = 0.03 \text{ cfs} \times 365 \text{ days} \times 1.9835 = 21.7 \text{ af}$

$V = 1.0 \text{ af}$

Domestic internal/external =  $0.04 \text{ cfs} \times 2 = 0.08 \text{ cfs}$

Irrigation 2 acres  $\times 0.03 \text{ cfs} = 0.06 \text{ cfs}$

⊗ < 5 acres recommend 0.03 cfs/acre

Season: 3/1 - 11/15 = 260 days

$V_{ir} = 2 \text{ acres} \times 4.5 = 9 \text{ af}$

$V_{dr} = 0.06 \text{ cfs} \times 260 \text{ days} \times 1.9835 = 30.94 = 31.0 \text{ af}$

$V = 9 \text{ af}$

### Sprinkler System:

36 zones, 22 sprinklers at one time were running  
at one time with 30 psi average;

Variety of pop up sprinklers, most common one  
was Rainbird Falcon 6504 (8005)

house well

# GROUNDWATER THEORETICAL ANNALYSIS

FILE: <sup>63-21580</sup>~~63-21580~~ Tree Top Ranches

DATE: 9/18/2006

BY: Sandy Hemerway

THEORETICAL RATE OF FLOW:  $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [ (LIFT) + (PSI X 2.31) ]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

Q =  $(8.8) \times ( ) \times (0.70)$  = 0.22 cfs

[ ( ) + ( ) X 2.31 ]

## LIFT FROM:

Measurement ( )

Owner ( )

Area estimate ( )

Well Logs ( )

## PSI FROM:

Measurement ( )

Owner ( )

Estimate ( )

Owner Gage ( )

Booster (Y) (N)

## NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

## REMARKS:

<sup>home</sup>  
Domestic well in front of house  
(northwest of house, south side of pond #4)  
from well log:

14" above gid, 120' deep, 6" casing, 4' static,  
100gpm X .00223 = 0.223 = 0.22 cfs

N43° 45.299' W116° 54.942'  
ID Tag # D00019552

\* At time of inspection Kelly Gore/manager did  
not know Hp or psi.

Shop well

# GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-21580 ~~63-21580~~ Tree Top Ranches

DATE: 9/18/2006

BY: Sandy Hemenway

THEORETICAL RATE OF FLOW:  $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [ (LIFT) + (PSI X 2.31) ]

LIFT = Depth to water in FEET from land surface to pumping water level

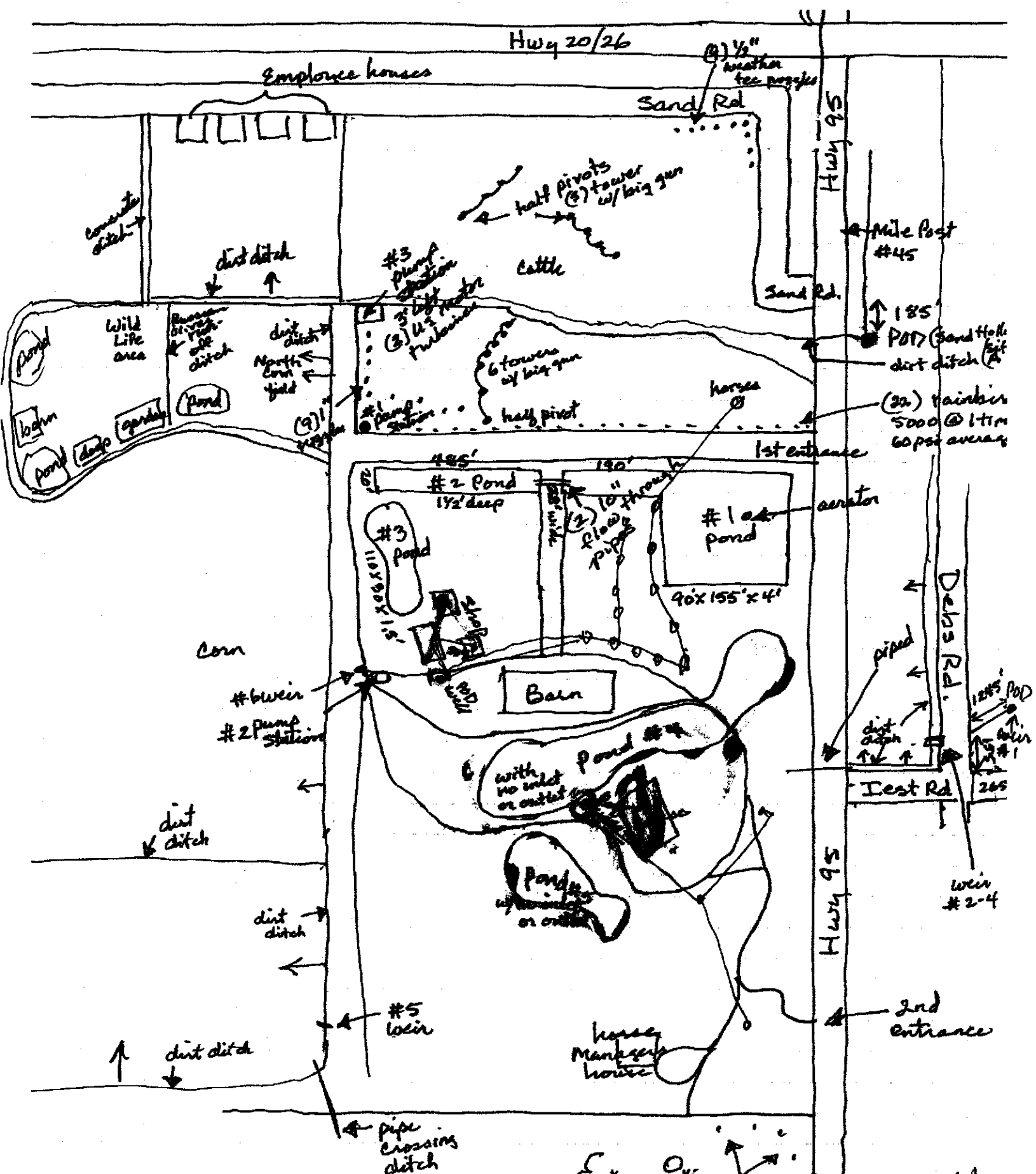
PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$Q = \frac{(8.8) \times ( ) \times (0.70)}{[ ( ) + ( ) \times 2.31 ]} = 0.18 \text{ cfs}$

| LIFT FROM:        | PSI FROM:       | NOTES ON PUMP:                  |
|-------------------|-----------------|---------------------------------|
| Measurement ( )   | Measurement ( ) | Motor Make, Serial or ID        |
| Owner ( )         | Owner ( )       |                                 |
| Area estimate ( ) | Estimate ( )    | Pump Make, Serial or ID, rating |
| Well Logs ( )     | Owner Gage ( )  |                                 |
|                   | Booster (Y) (N) |                                 |

REMARKS: well located approx. 150' south of shop  
from well log:  
124 deep, 80gpm, 10' static, 80gpm X .00223 = 0.18 cfs  
ID# D 000 7451 Adamson Pump & Drilling  
6" casing,

\* At time of inspection Kelly Lyre / manager did not know HP or PSI.



N ↑

63-21580 Tree Top Ranch  
9/18/2006 SH

half pivot  
4 towers  
+ big gun

stock water  
big gun

lawn around house  
POU irrigated  
= POU  
= buried line to  
POU (shop, house,  
stock tanks)

SWNE

SENE

SWNW

NWSE

NESE

NWSE

63-21580 - 2004 AERIAL  
Tree Top Ranch  
9/18/2006

# Idaho Department of Water Resources

Claim Number: 63-21580  
Legal: T05N, R05W, S22  
Reviewed By:

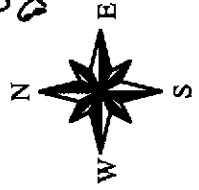
☒ Point of Diversion

☐ Place of Use

☐ Section Lines

☐ Quarter Quarter Lines

*Kelby here was  
was only top a  
Tree top  
for the old  
Don't know  
didn't*



1987 Napp Photo



0 0.25 Miles

*Tree Top Ranch 9/18/2006 SH*



POU  
House  
internal/  
external

POD:

use:

Domestic  
well  
ID tag #  
D00014552  
internal/external

POD: N 43° 45.299' W 116° 54.942'  
South of pond # 4 + NW of house

use: Variety of pop-up sprinklers  
36 zones, most common sprinklers  
Rainbird Falcon 6504(8005), +  
stock tanks SE of house



14"  
above grd  
6" casing  
120' deep,  
4' static  
100 gpm  
(per well  
log)  
driller:  
Adamson  
Pump

well not used as a source for ponds

63-21580

Tree Top Ranch 9/18/2006 SH



POU  
grounds  
around  
ponds &  
house

house  
More  
of  
Pond #4  
(no outlet  
or inlet)



POU  
grounds  
around  
ponds &  
house

Pond  
#5  
(no outlet  
or inlet)

63-21580 Tree Top Ranch  
9/18/2006 SH



PDU  
yard +  
grounds  
around  
house +  
ponds

09/18/2006



Variety of  
sprinklers,  
most common  
pop-up is  
Rainbird  
Falcon 6504  
(8005) with  
36 zones  
30 psi  
average

09/18/2006

63 - 21580 Tree Top Ranch  
9/18/2006 SH



PDU

Shop  
physical  
address:  
26453  
Hwy. 95

63-21580  
Tree Top Ranch 9/18/2006 SH



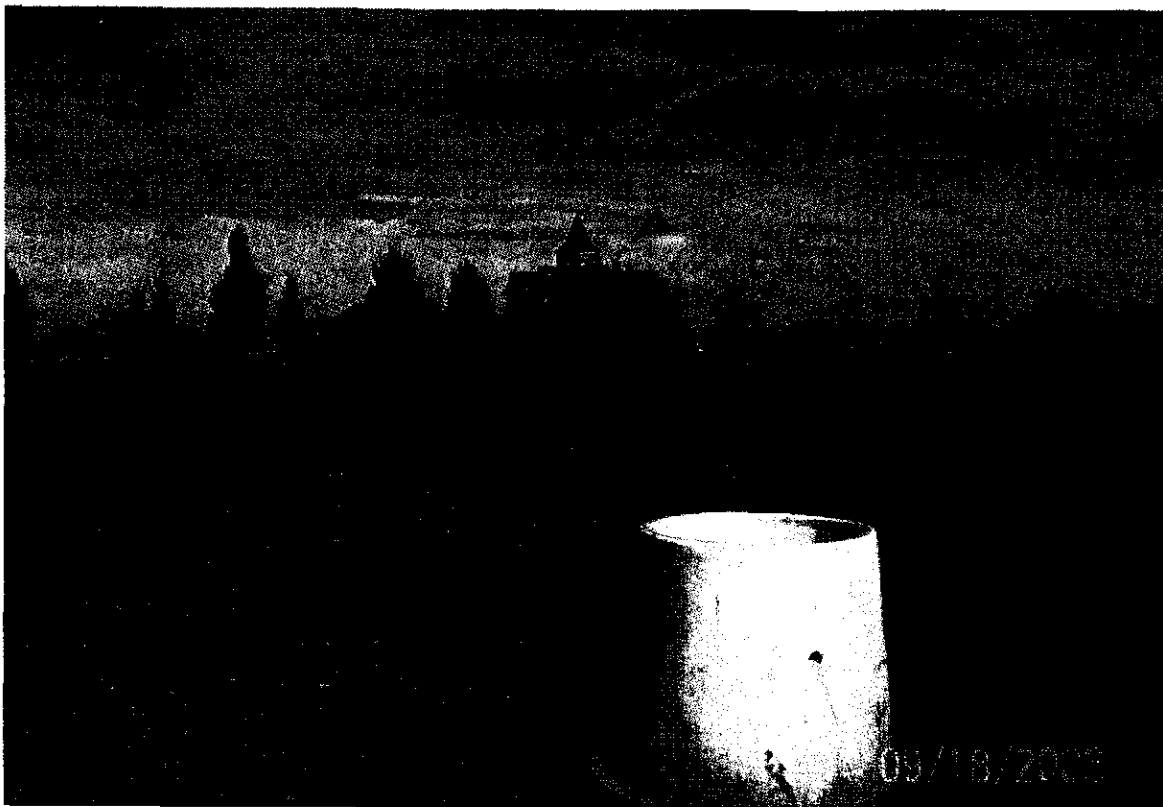
24" above  
gd. level

PDO

Shop  
well  
124',  
80 gpm,  
10' static,  
ID: (2000745)  
Adanson  
Pump +  
Drilling  
6" casing

PDO: N43°45.404' W116°54.945' Not used as a source for ponds

For: shop, tanks for stockwater (75 horses)  
(5 small stock tanks north of barn 21" x 29")



house

stock tanks  
SE of  
house

(~~same~~ same  
size located  
on north  
field by  
1st entrance)  
34" x 35"

(3 tanks)  
in SE field  
from shop  
well



(5)  
small  
stock  
tanks  
located  
by barn  
21" x 29"  
from  
well by  
shop

63-21580 Tree Top Ranch  
9/18/2006 SHT

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21580

WATER RIGHT NUMBER: 63-21580

|                   |                                                                                                                     |
|-------------------|---------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                             |
| Representative    | <del>ALBERT SCOTT</del><br><del>809 E 2ND ST S</del><br><del>MIDDLETON, ID 83644</del><br><del>(208) 585-6188</del> |
| Current Owner     | TREE TOP RANCHES LP<br><del>914 HOUSTON RD</del><br><del>BOISE, ID 83700</del><br>(208) 377-0998                    |
| Original Owner    | GERALD KRAMER<br>RT 1<br>PARMA, ID 83660<br>(208) 722-6920                                                          |

Attorney:

Scott L. Campbell  
Moffatt Thomas Barratt Rack  
& Field CHTD.  
PO Box 829  
Boise, Id. 83701  
(208) 345-2000

Priority Date: 01/01/1896

Basis: Beneficial Use

Status: Active

Source  
GROUND WATER *2 wells (shop & house)* Tributary

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u>    | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|--------------------------|-----------------------|----------------------|
| STOCKWATER              | 1/01 to 12/31            | 0.980 CFS             | — 75 horses          |
| IRRIGATION              | <i>3/1</i> 3/15 to 11/15 | 0.050 CFS             |                      |
| DOMESTIC                | 1/01 to 12/31            | 0.080 CFS             |                      |
| <u>Total Diversion:</u> |                          | 1.110 CFS             |                      |

Location of Point(s) of Diversion

GROUND WATER (2) *NWNESE (house)*  
CANYON County *NE 1/4 NE 1/4 SE 1/4* Sec. 22, Twp 05N, Rge 05W, B.M.  
*SWSENE (shop)*

Place of UseSTOCKWATER Within CANYON County

T05N R05W S22 NESE, SESE, SENE, NENE

IRRIGATION Within CANYON County

T05N R05W S22 NESE 2.0

Total Acres: 2

DOMESTIC Within CANYON CountyT05N R05W S22 NESE house  
SENE shopCurrent Owner:

Tree Top Ranches, LP  
Larry or Marianne Williams  
PO Box 8126  
Boise, Id 83707  
(208) 377-0998

Conditions of Approval:

Physical address:  
29696 Sand Rd.  
Parma, Id 83660

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## MEMORANDUM TO SUBCONTRACTOR

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TO: SANDY HEMENWAY  
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN  
REGION  
SUBJECT: 63-21580  
DATE: 9/12/2006  
CC: CLAIM FILE

---

This is a beneficial use claim for 2 acres irrigation, domestic for 2 homes and stockwater for 1500 dairy cattle. Source is a well. The current owner is Treetop Ranches. A change of ownership has been processed. The site address is: 26263 Hwy 95 S., Parma ID and it is location about 1/4 mile south of Hwy 20-26. Your contact is claimant's attorney, Scott Campbell or his paralegal, Tiffany Hudak at 345-2000.

Please:

- ✓ 1 - verify the 2 acres irrigated in 1987 on the 1987 aerial. *Kelly Gore was not sure where previous houses existed*
- 2 - what structures on the aerial are the 2 homes in the 1987 aerial?
- ✓ 3 - GPS the location of the well. Take flow measurements and calculate flow. Describe diversion and delivery system to claimed pou. *stock tanks SESE, NESE, SENE, NENE*
- 3- verify # and type of cattle. Where is the stock watered? Is this a dairy operation? are there other wells, sources of stockwater? *horses 75*
- ✓ 4 - Is the well used as the source of water for the ponds? *No* *Shop + domestic home well only*
- ✓ 5 - label homes, outbuildings, well, delivery system, etc on the attached 2004 aerial.

Thanks.

VLM

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

4/10/13/06 SK

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 unknown Shop unknown. 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"

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

8/22/98 D0007530 100gpm,  
static 4' depth 120'  
6" casing

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 add.  
Sand Rd.  
Sec 22 SENE

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 <sup>spring</sup> 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).