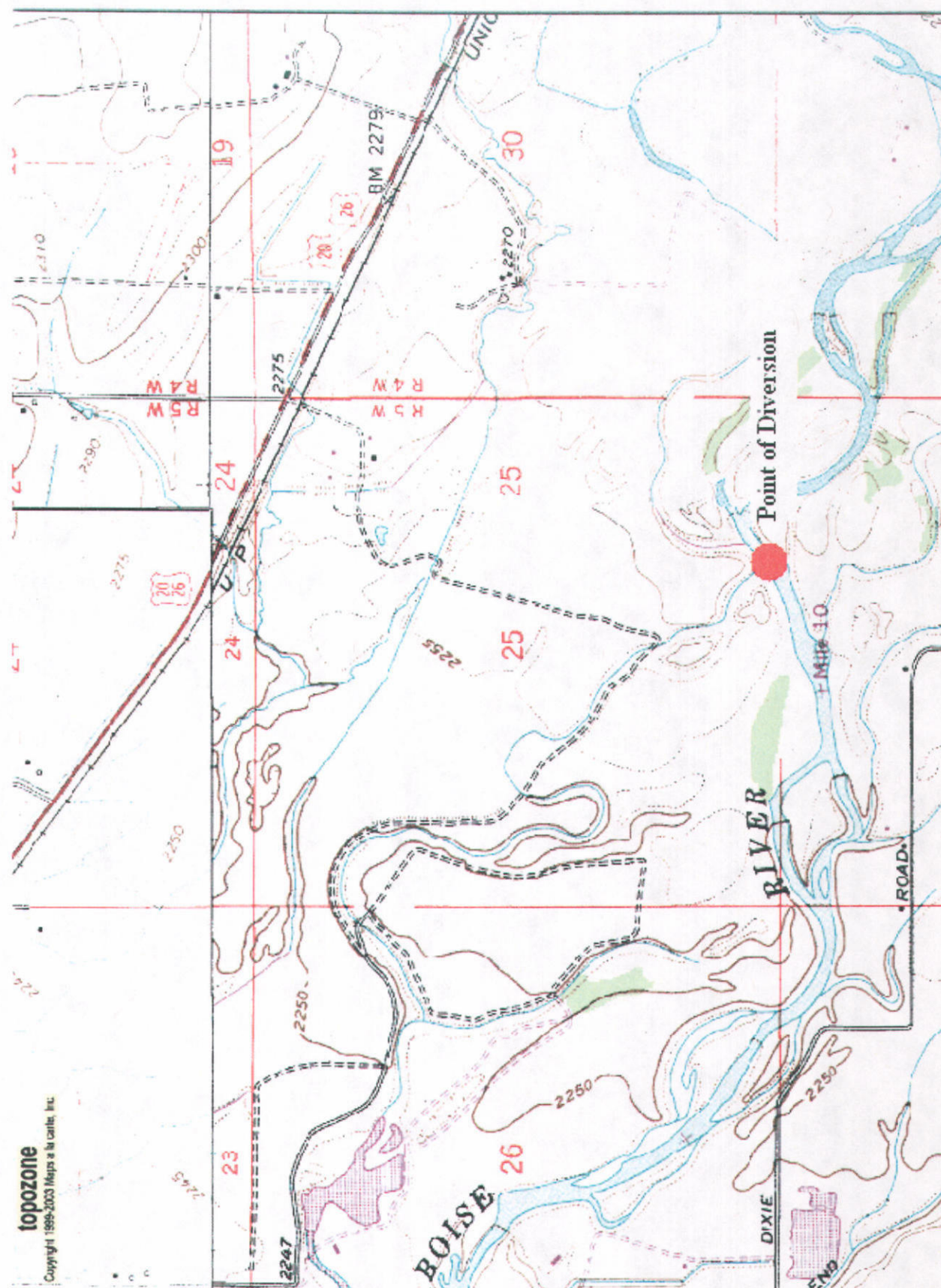


Point of Diversion (Andrews Ditch) -- within Township 5 North, Range 5 West, Canyon County, Idaho





Idaho Department of Water Resources

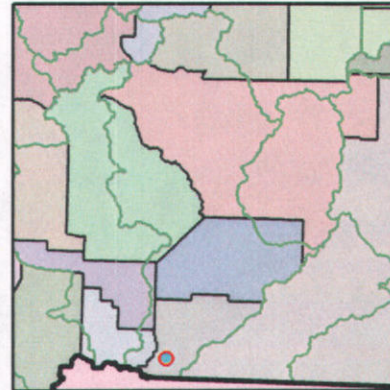
SRBA Recommendation:

63-178B

(Irrigation)

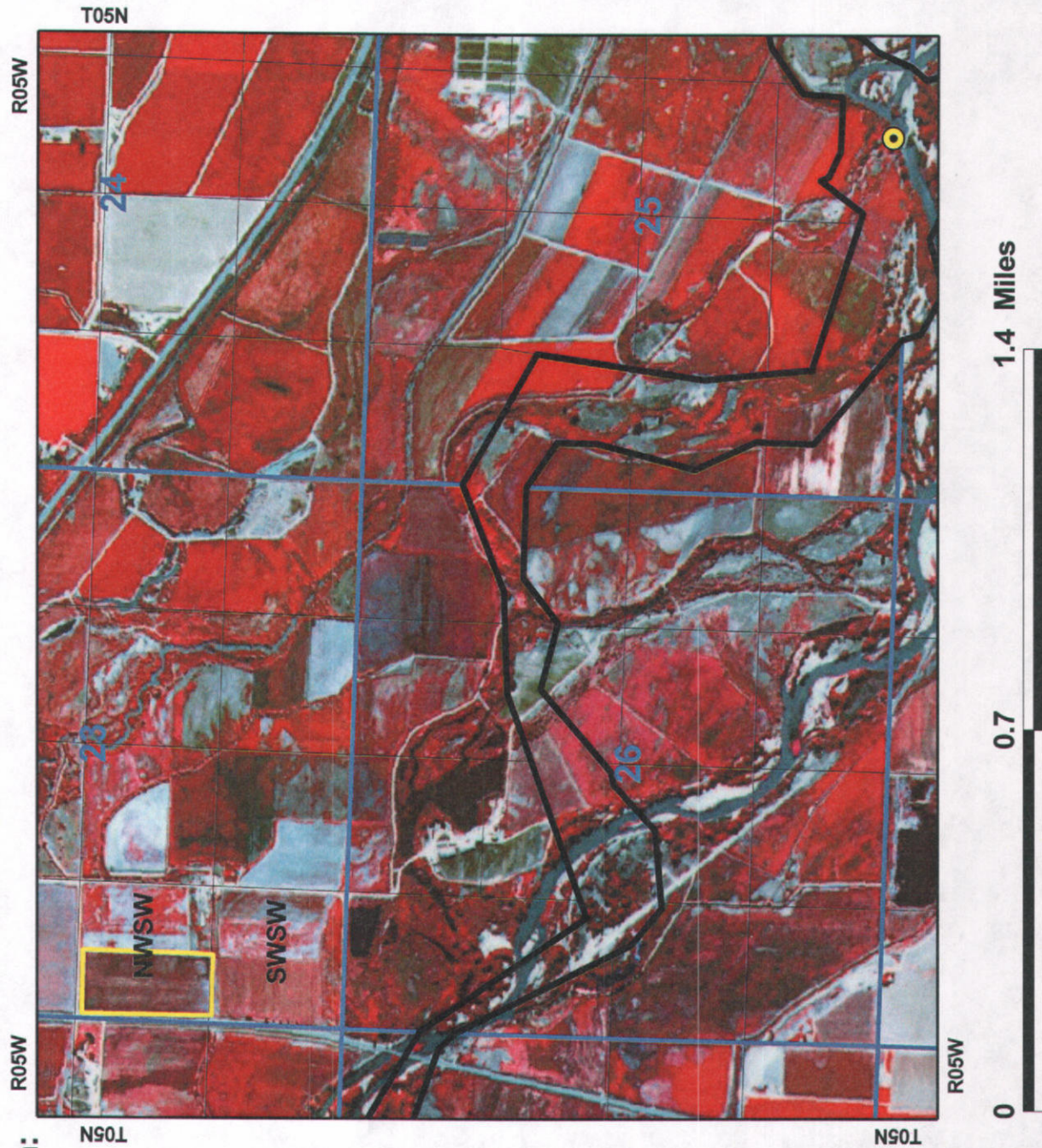
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by D. TUTHILL
On Monday, October 16, 2006
1987/88 Aerial Photography





Idaho Department of Water Resources

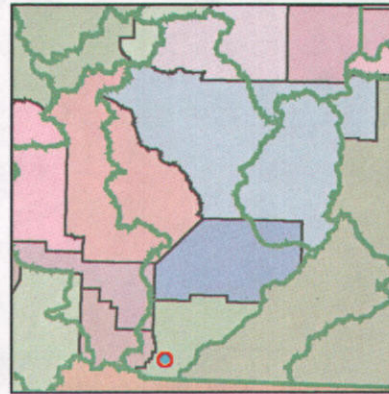
SRBA Recommendation:

63-178B

(Irrigation)

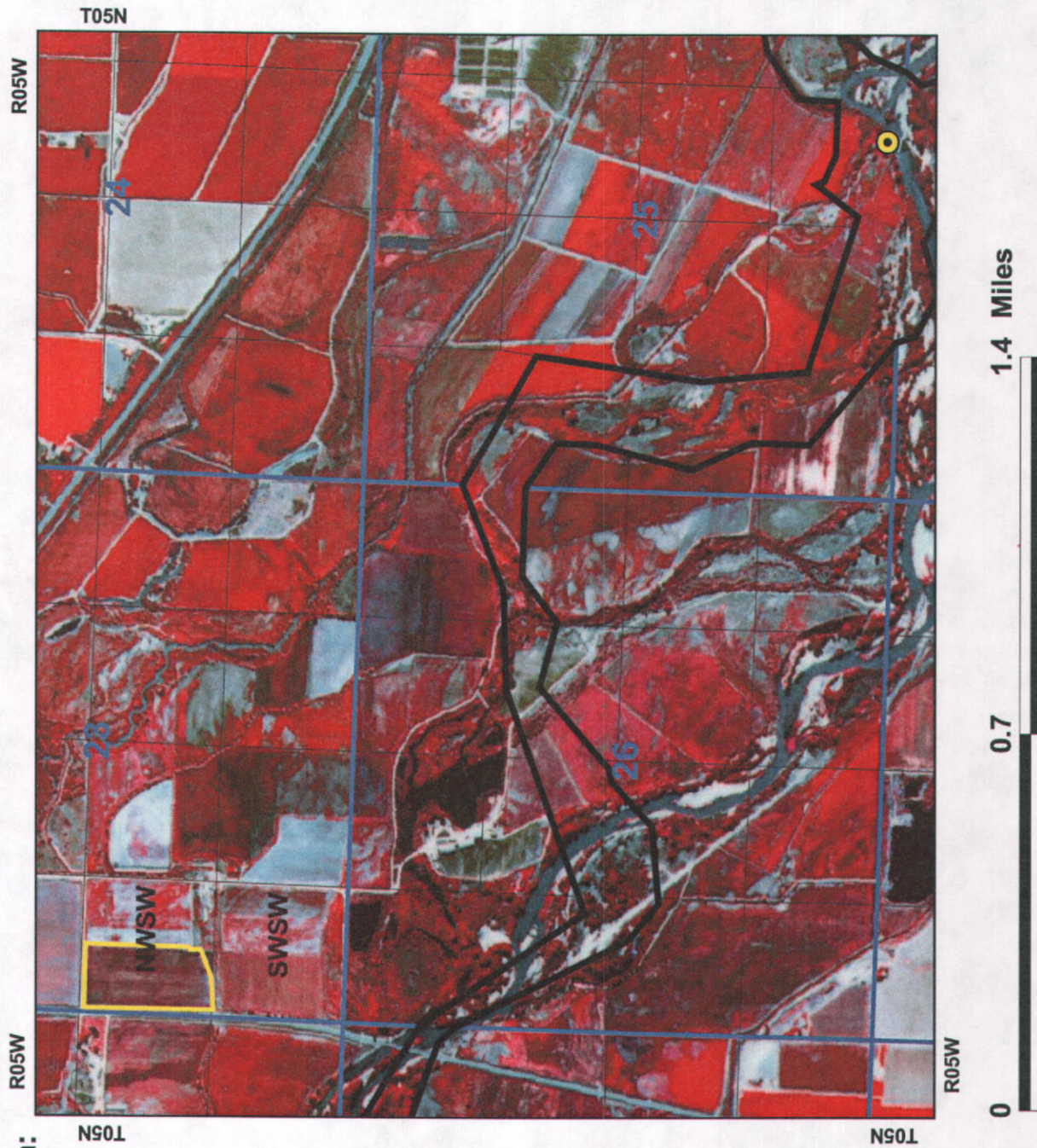
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

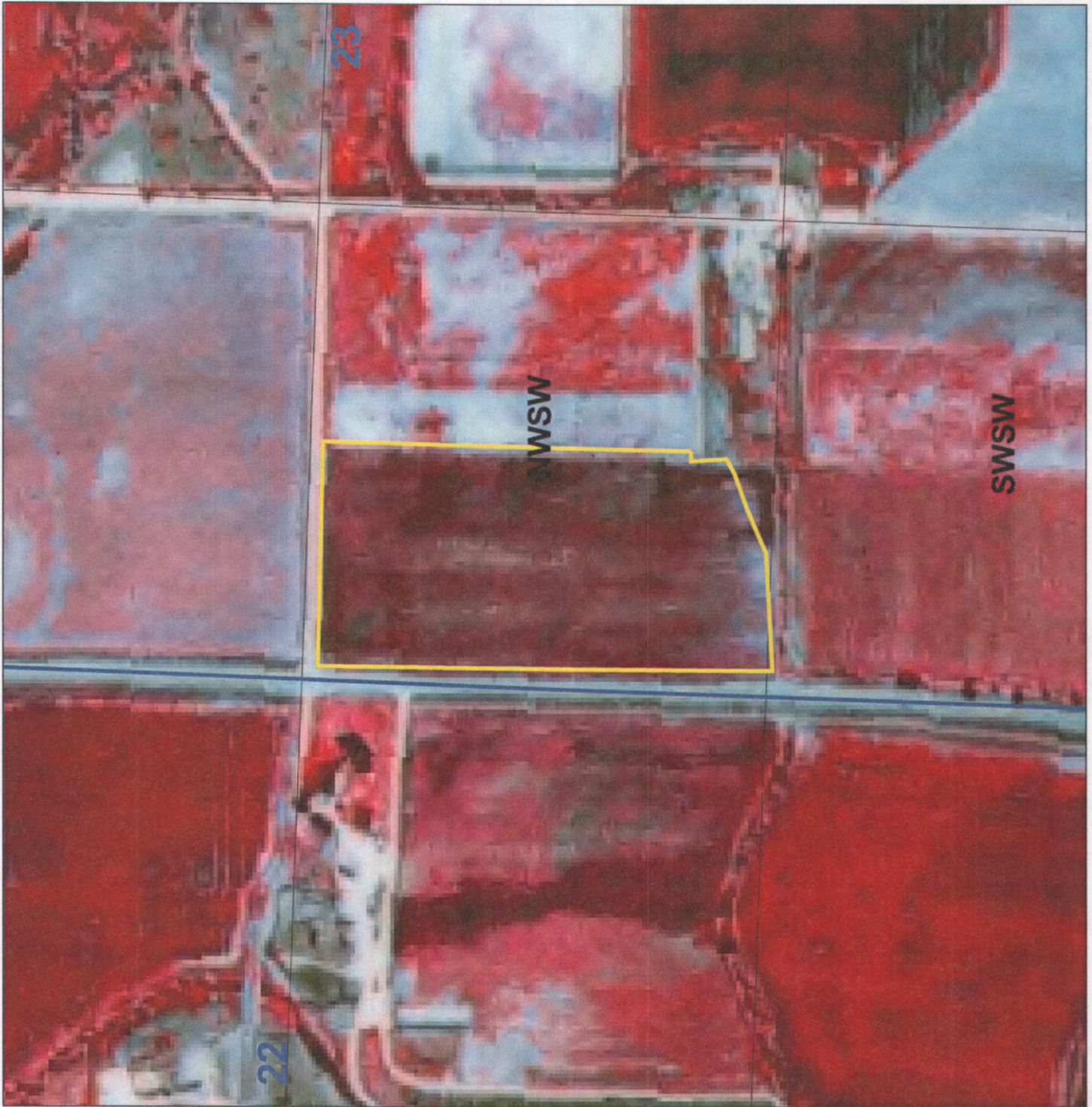
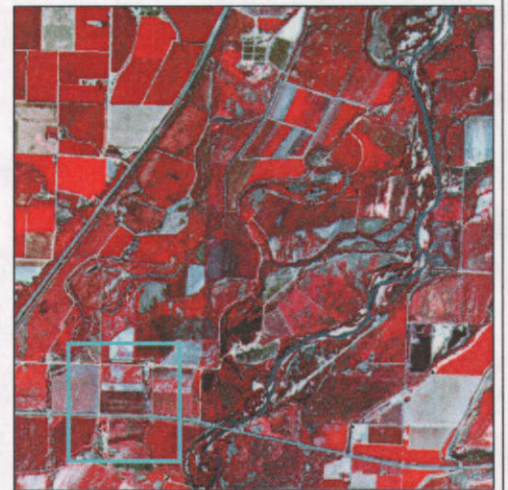


Canyon County
IDWR Basin 63

Prepared by D. Favreau
On Friday, August 18, 2006
1987/88 Aerial Photography



63-178B





Idaho Department of Water Resources

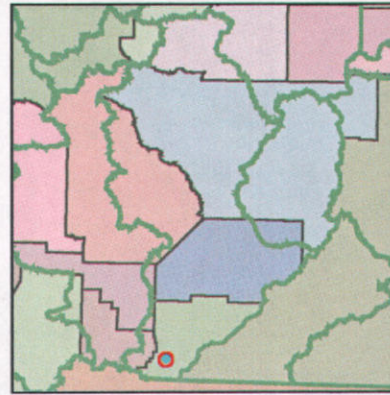
SRBA Recommendation:

63-178B

(Irrigation)

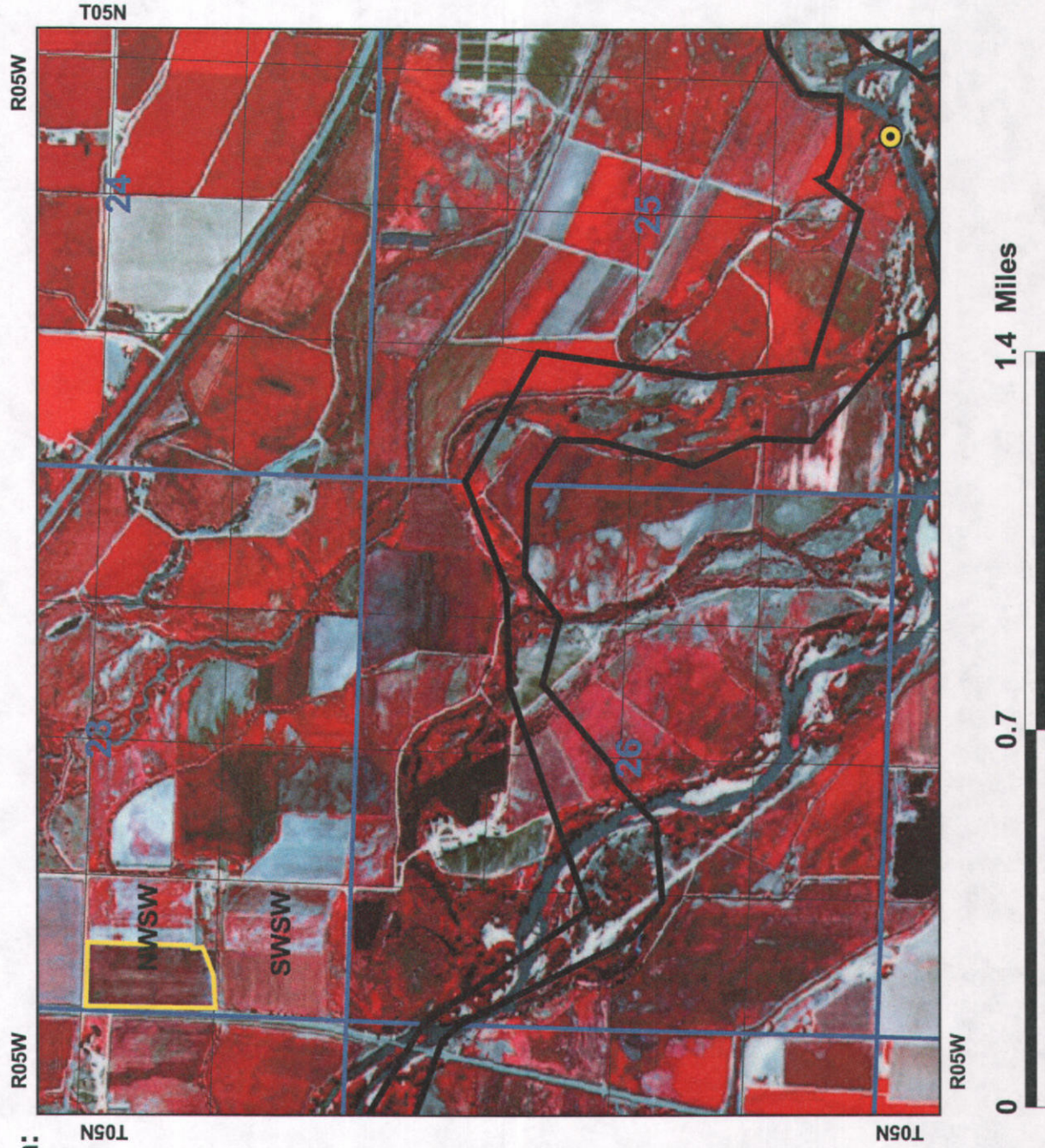
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

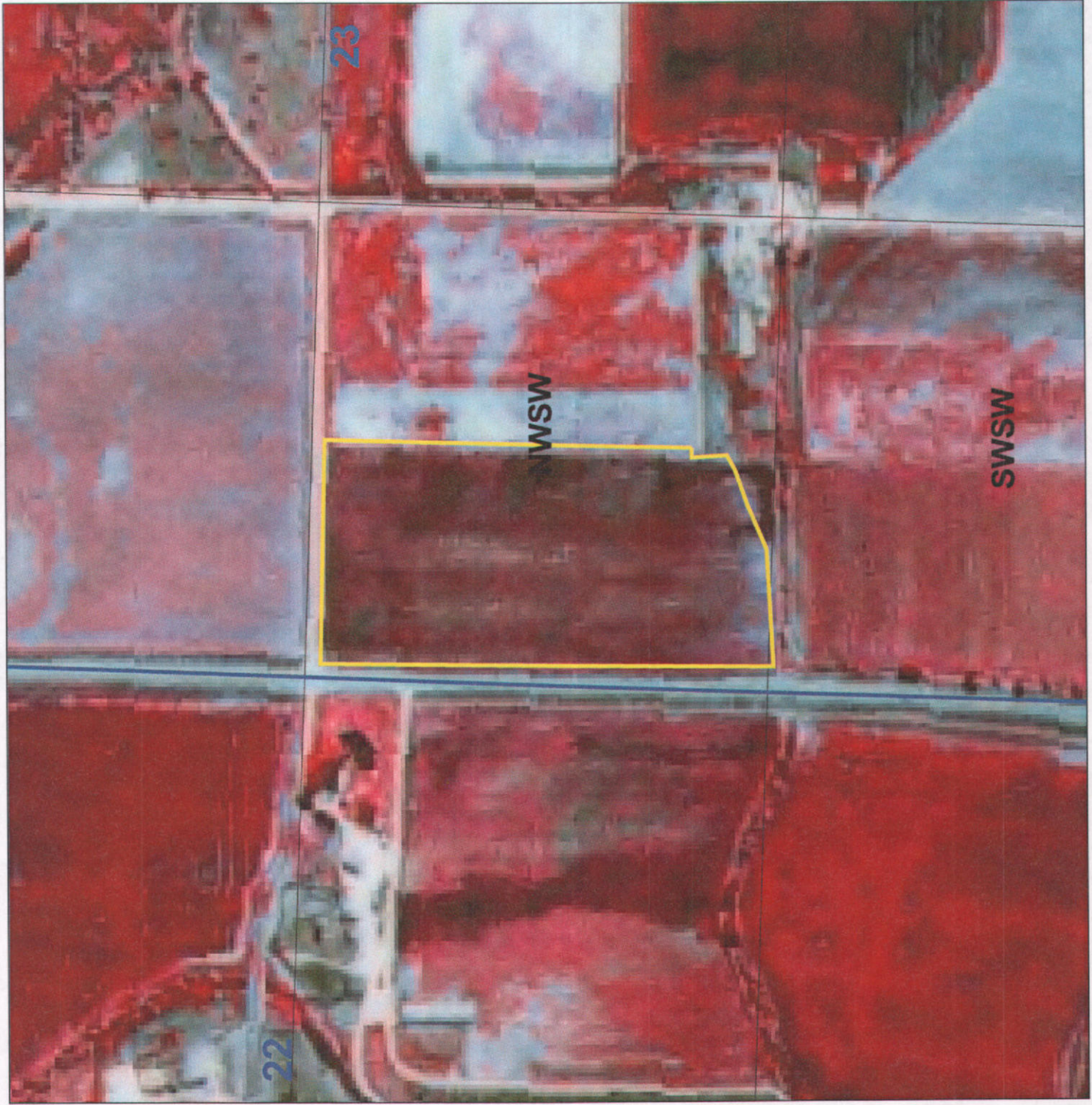


Canyon County
IDWR Basin 63

Prepared by D. Favreau
On Friday, August 18, 2006
1987/88 Aerial Photography



63-178B





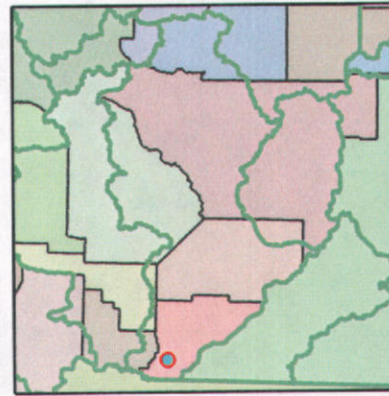
Idaho Department of Water Resources

SRBA Recommendation:

63-178B

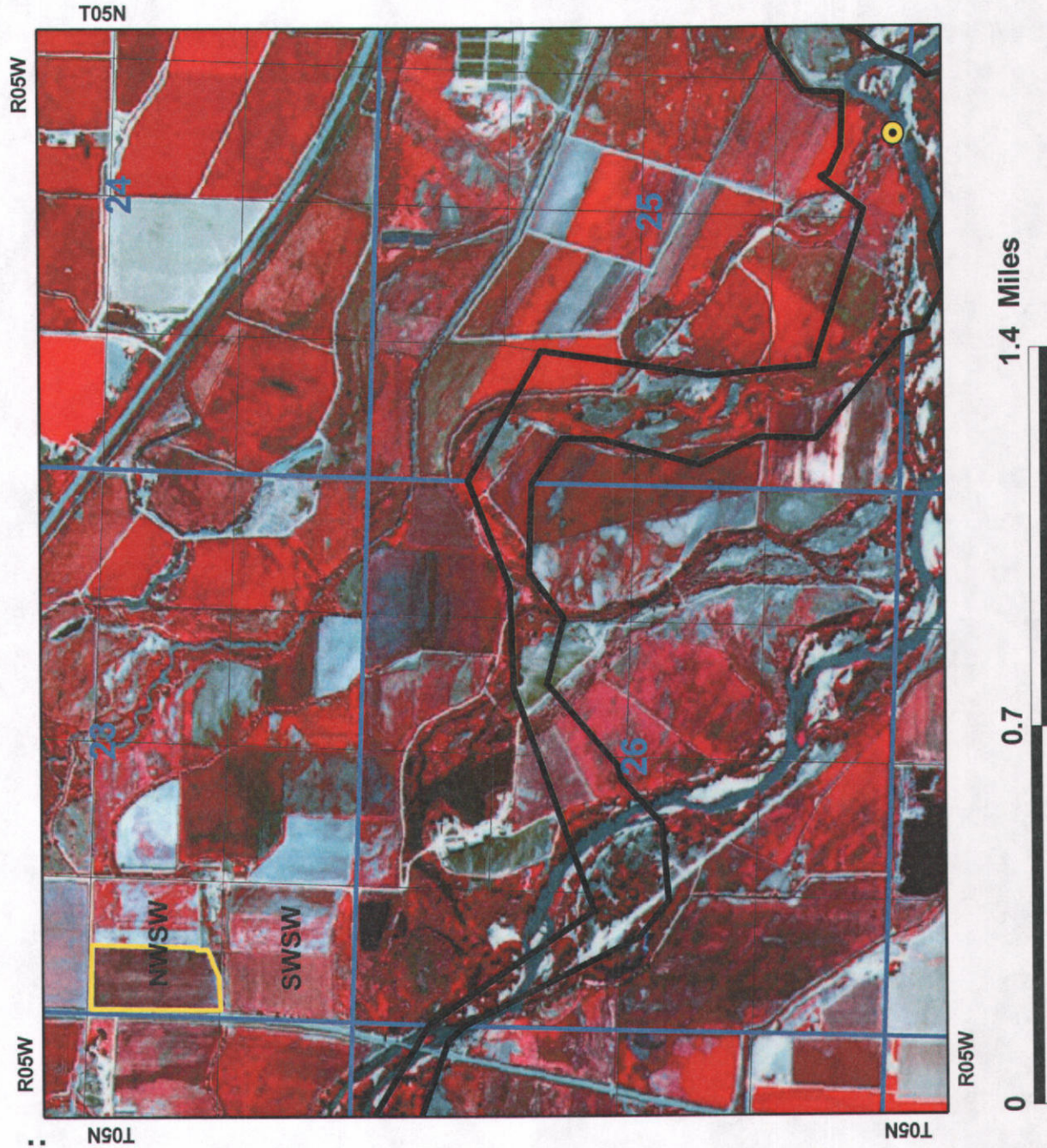
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Wednesday, June 14, 2006
1987/88 Aerial Photography



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 63-178B
Date Received: 1/30/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TREE TOP RANCHES LP Phone: (208)377-0998

914 HOUSTON RD
BOISE ID USA 83706

2. Date of Priority: 06/01/1869

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	25	SW SE 2	CANYON	

5. Description of diverting works:

Diversion dam in river to earthen gravity flow irrigation ditch (commonly referred to as the Andrews Ditch), to other smaller earthen gravity flow irrigation ditches.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.425	

7. Total Quantity Appropriated is:
0.425 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	NW	SW	IRRIGATION	20
Section Acres						20
Total Acres						20

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: Decreed

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas	Michael E. Thomas	Tyler J. Henderson
John W. Barrett	Patricia M. Olsson	Jason G. Murray
R. B. Rock	Bradley J. Williams	Mark C. Peterson
Richard C. Fields	Lee Radford	Andrew J. Waldera
John S. Simko	Michael O. Roe	Tyler J. Anderson
John C. Ward	David S. Jensen	Dylan B. Lawrence
D. James Manning	James L. Martin	Joel A. Flake, Jr.
Gary T. Dance	C. Clayton Gill	Russell G. Metcalf
Larry C. Hunter	David P. Gardner	Benjamin C. Ritchie
Randall A. Peterman	John O. Fitzgerald, II	Robert E. Bakes, <i>of counsel</i>
Mark S. Prusynski	Julian E. Gabiola	Morgan W. Richards, <i>of counsel</i>
Stephen R. Thomas	Angela Schaefer Kaufmann	
Glenna M. Christensen	Michael W. McGraham	Willis C. Moffatt, 1907-1980
Gerald T. Husch	Paul D. McFarlane	Kirk R. Helvie, 1956-2003
Scott L. Campbell	Kimberly D. Evans Ross	
Robert B. Burns	Jon A. Stenquist	

RECEIVED

MAR 30 2006

DEPARTMENT OF
WATER RESOURCES

March 29, 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

David Tuthill
Administrator, Water Management Division
Idaho Department of Water Resources
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

**Re: SRBA Claims for Water Right Nos. 63-00127B and 63-00178B,
in the Name of Tree Top Ranches**
MTBR&F File No. 22567.0

Dear Dave:

We are in receipt of data-entered claims for water right nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B, in the name of Tree Top Ranches, LP, which were provided to us by your office. In reviewing the data-entered claims and comparing them to the actual notices of claim, we noted a couple of errors relative to water right nos. 63-00127B and 63-00178B, as follows:

63-00127B

Item 5 – Description of Diverting Works: the word “gravity” was excluded from the description, which should read, “Diversion dam in river to earthen gravity flow irrigation ditch (commonly referred to as the Andrews Ditch), to other smaller earthen gravity flow irrigation ditches.”

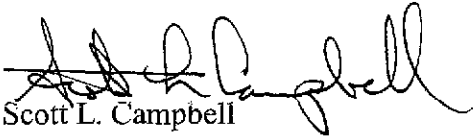
63-00178B

Item 10 – Place of Use: the place of use set forth on the data-entered claim identifies an area comprising 285 acres within Sections 22 and 27, Township 5 North, Range 5 West, Canyon County. However, the notice of claim filed by our client identifies a 20 acre place of use within the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Canyon County.

David Tuthill
March 29, 2006
Page 2

In anticipation of the issuance of preliminary recommendations for these water rights in the near future, we would appreciate it if the above errors are corrected as soon as possible. Thank you for your assistance this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh

cc: Larry Williams

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
James C. deGlee
Bradley J. Williams
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James L. Martin
C. Clayton Gill
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Julian E. Gabiola
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Jon A. Srenquist
Valerie N. Charles
Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Joel A. Flake, Jr.
Russell G. Metcalf
Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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JAN 30 2006

WATER RESOURCES
WESTERN REGION

January 30, 2006
via Hand Delivery

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

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

Re: Adjudication Claims in the Name of Tree Top Ranches, LP
MTBR&F File No. 22567.0

Dear Sir or Madam:

Enclosed for filing please find an original and one copy of Snake River Basin Adjudication Notices of Claim for each of the following water rights, all in the name of Tree Top Ranches, LP: 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178. Also enclosed is the requisite filing fee in the amount of \$585.00 (6 notices of claim at \$50 per claim equals \$300, plus 285 acres at \$1 per acre, equals a total of \$585). Please file the original, receive-stamp the copy, and return the copies to me.

Thank you for your assistance 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.)

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 63-178B
Date Received: 1/30/2006
Receipt No: W033789
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: 06/01/1869

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	25	SW SE 2	CANYON	

5. Description of diverting works:

Diversion dam in river to earthen gravity flow irrigation ditch (commonly referred to as the Andrews Ditch), to other smaller earthen gravity flow irrigation ditches.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.425	

7. Total Quantity Appropriated is:
0.425 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	NW		IRRIGATION	36
			SE	NW		IRRIGATION	38
			NE	SW		IRRIGATION	25
			SE	SW		IRRIGATION	15
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	35
						Section Acres	268
05N	05W	27	NW	NE		IRRIGATION	10
			NE	NW		IRRIGATION	7
						Section Acres	17
						Total Acres	285

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: 63-127B, 63-128B, 63-129B, 63-130B, 63-131B

14. Remarks:

15. Basis of Claim: Decreed

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 63-178 3
Date Received 1-30-06
Receipt Number W033789

RECEIVED

JAN 30 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Tree Top Ranches, LP Phone (208) 377-0998
Mailing Address 914 Houston Road, Boise, Idaho Zip 83706

2. Date of Priority (Only one (1) per claim) 6/1/1869

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 5N Range 5W Section 25,
SW 1/4 of SE 1/4 of 1/4, Govt. Lot, 2 B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Diversion dam in river to earthen gravity flow irrigation ditch (commonly referred to as the Andrews Ditch), to other
smaller earthen gravity flow irrigation ditches.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from 3/15 to 11/15 amount 0.425 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.425 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	5W	22										20							20

Total number of acres irrigated 20

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

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-127, 63-128, 63-129, 63-130, and 63-131 or None (☐)

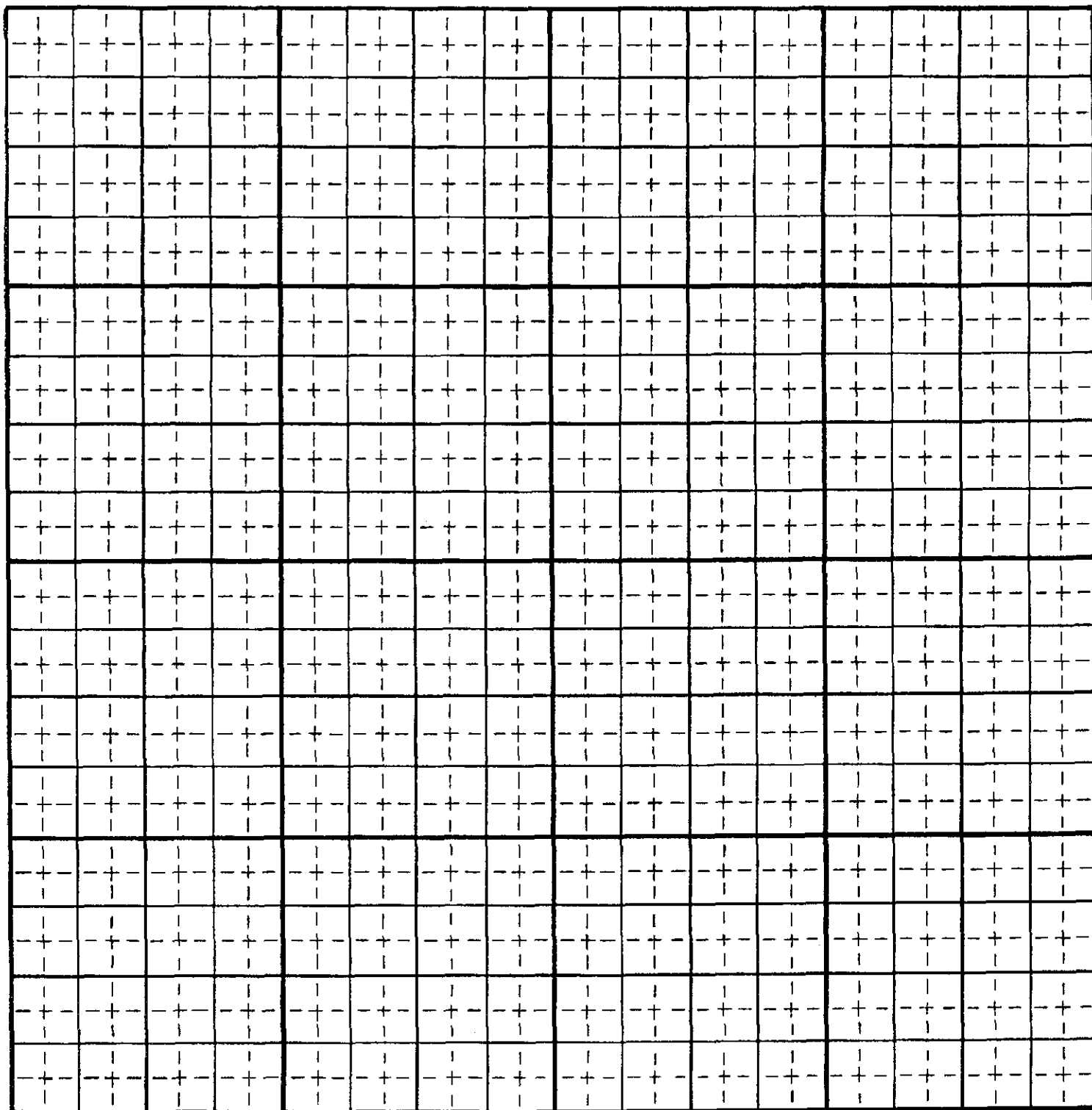
14. Remarks:

Last Name Tree Top Ranches, LP Ident No. 63-178

BOI_MT1:604693.1

* Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile See attached maps



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ 63-178
If applicable provide IDWR Water Right Number 63-178
Court _____ Case Number _____ Decree Date 1/18/1906
Plaintiff vs Defendant Farmers Co-Op Ditch Company v. Riverside Irrigation District

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am Partner

Title _____

of Tree Top Ranches, L.P.

, that I have signed the foregoing

Organization

document in the space below as Partner

of Tree Top Ranches, L.P.

Title _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Larry Williams Partner, Tree Top Ranches, L.P.

Title and Organization _____

Date 1-26-06

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn to (or affirmed) before me this 26th day of January, 2006



Notary Public [Signature]

Residing at Boise

My Commission Expires 9/16/09

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

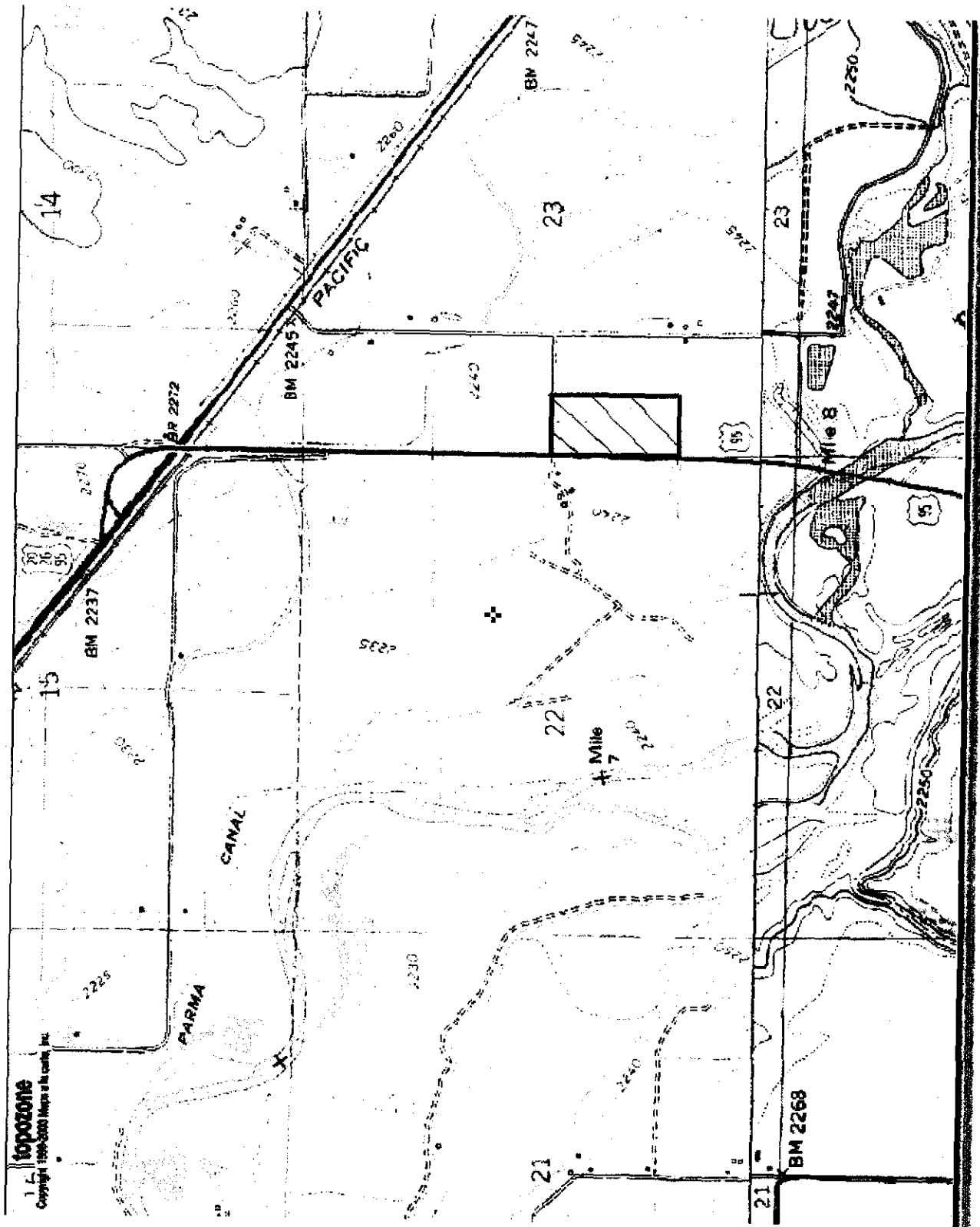
Signature [Signature]

Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701

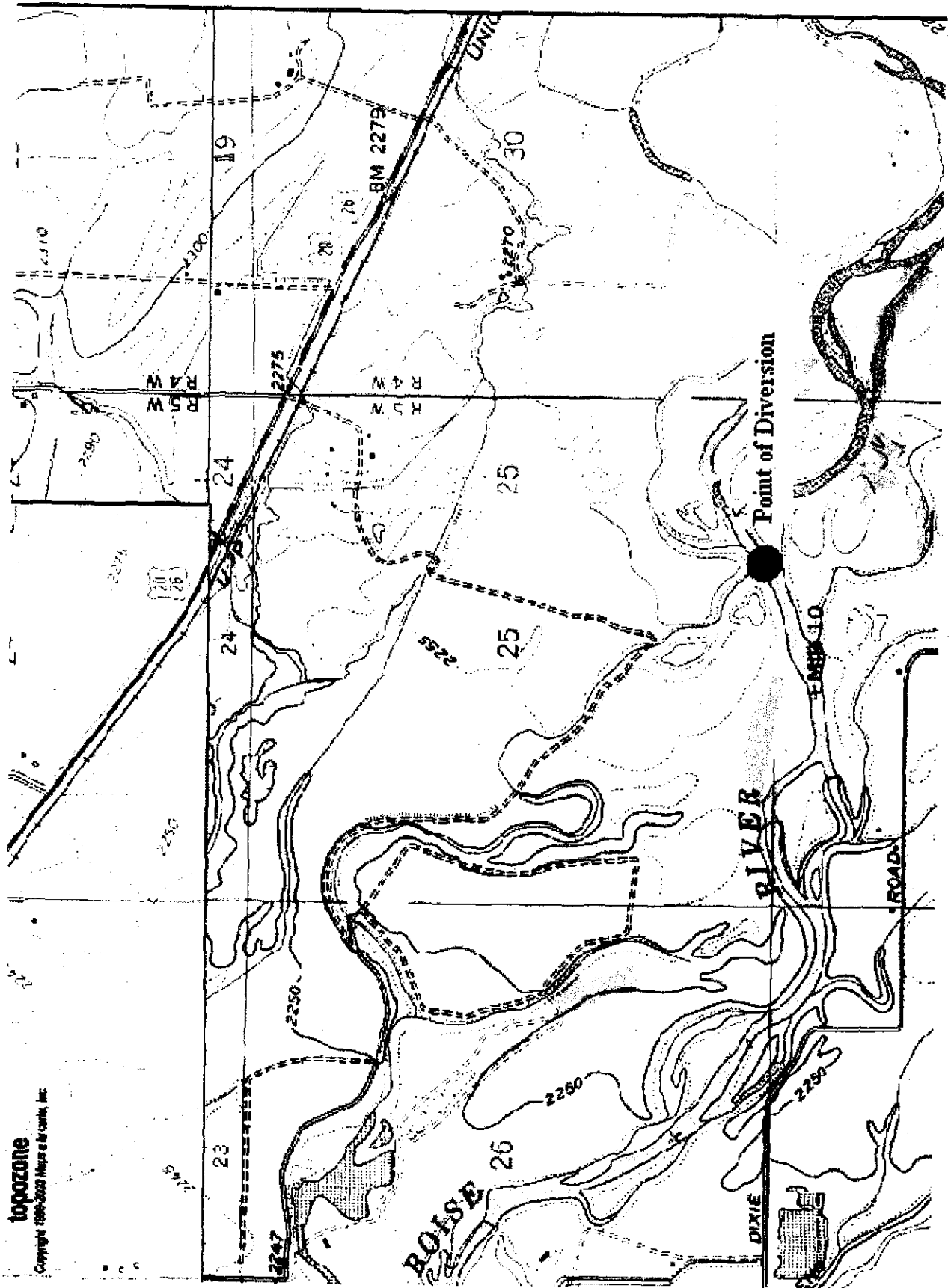
Date 1/30/06

Last Name Tree Top Ranches, LP Ident. Number 63-178

63-178 Place of Use -- within Township 5 North, Range 5 West, Canyon County, Idaho



Point of Diversion (Andrews Ditch) -- within Township 5 North, Range 5 West, Canyon County, Idaho



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 63-00178B

(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: _____
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: Please see attachment 2 hereto
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

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

Please see Attachment 3 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

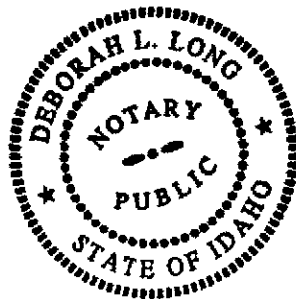
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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, 200 7, 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

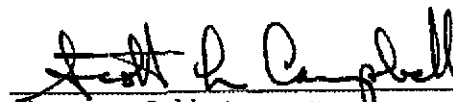
Boise, Idaho 83706

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 63-00178B**

Tree Top Ranches, LP, is objecting to the inclusion of the following remark set forth under Purpose and Period of Use element, as reflected in the Director's Report:

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

**ATTACHMENT 2 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-00178B**

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

TWP	RNG	SEC	1/4 of	Lot	Acres Claimed
5N	5W	23	NW	SW	20
Total					20

**ATTACHMENT 3 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-00178B**

Reasons Supporting Objection(s)

Purpose of Use and Period of Year:

There is no legal basis for inclusion of the early/late season irrigation and subordination remark, as it was not contained in the Stewart Decree, under which this water right was first adjudicated.

Place of Use:

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

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 39576

A. Subcase 63-178B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Greg Obendorf

Address: 26496 Deb Lane

Parma, Idaho 83660

Daytime Phone: (208) 722-6451

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

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

Name: Tree Top Ranches LP

Address: 914 Houston Road

Boise, ID 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: one miner's inch per acre
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
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 OBJECTION(S):** The quantity of water recommended exceeds the statutory standard.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

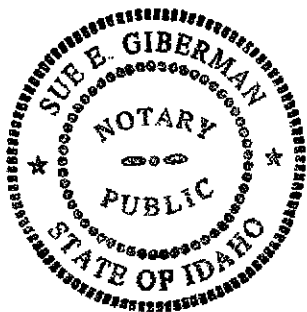
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on: June 15, 2007



Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission expires: 2-25-09

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 19, 2007, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
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

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

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

AUG 21 2007

Department of Water Resources
Adjudication Bureau

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

In Re SRBA

Case No. 39576

A. Subcase 63-178B

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

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

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

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

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

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

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

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss:
County of Ada)

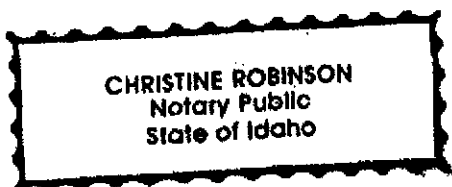
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

(Signature of person filing response)

(Attorney signing in representative capacity)

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



Christine Robinson
Notary Public for the State of Idaho
Residing at: Borise Lake Rd
My Commission Expires: 6/11/2013

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

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

1. Original to:

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

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

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

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

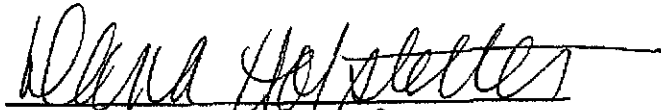
Name: Scott Campbell
Address: Moffatt Thomas
P.O. Box 829
Boise, Idaho 83701

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

08/17/2006

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

RIGHT NUMBER: 63-178B
NAME AND ADDRESS: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.570 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION: T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.570 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S23 NWSW 18.00
18 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.



Idaho Department of Water Resources

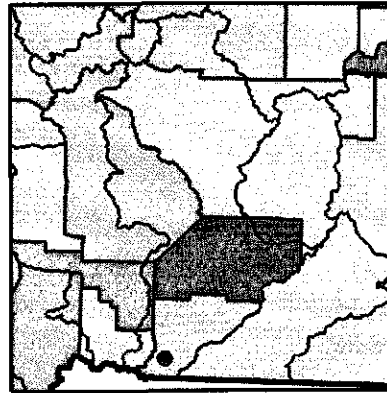
SRBA Recommendation:

63-178B

(Irrigation)

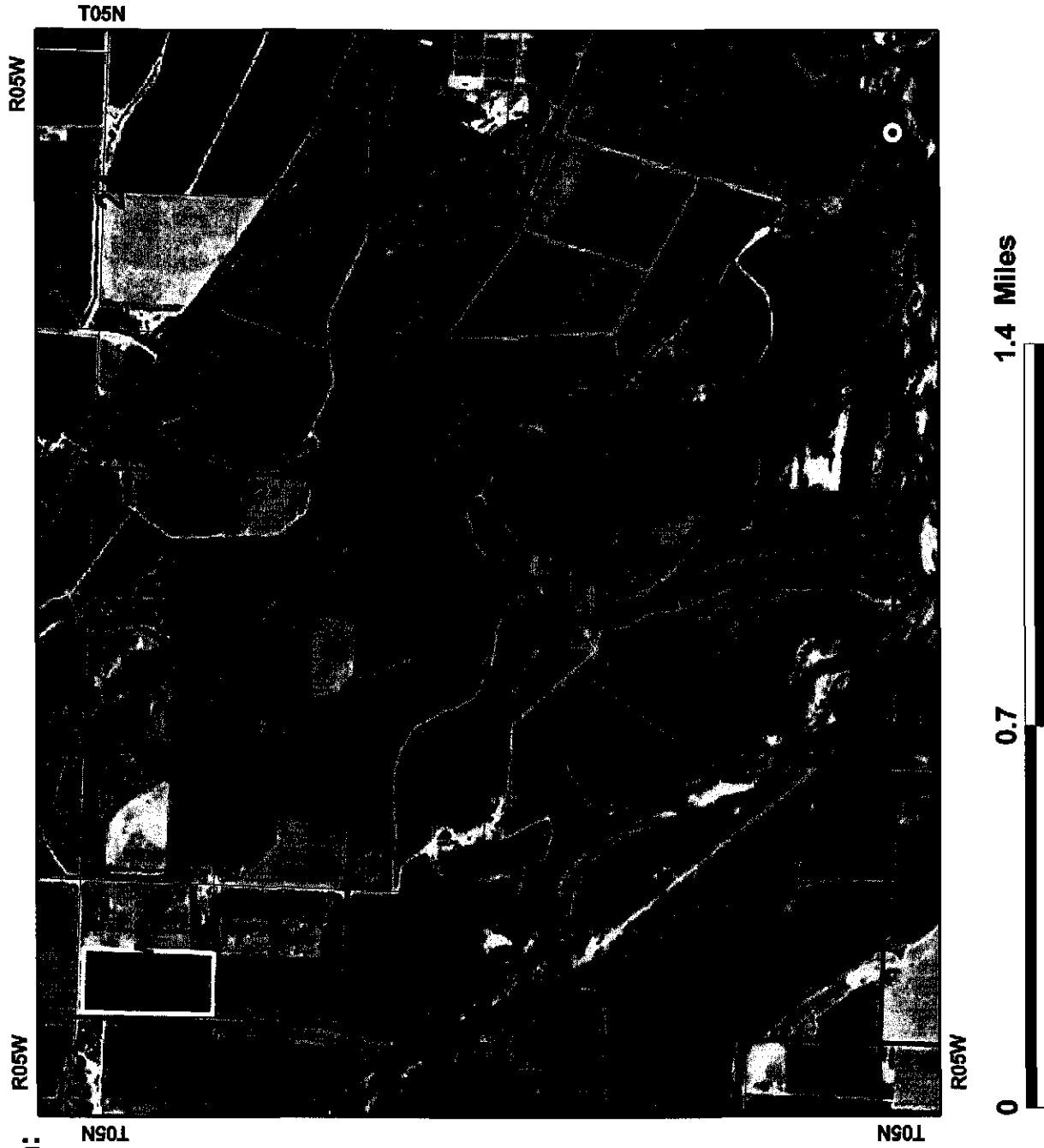
Legend

- ⊙ Point of Diversion
- Place of Use
 - Townships
 - PLS Sections
 - Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by D. TUTHILL
On Monday, October 16, 2006
1987/88 Aerial Photography





Idaho Department of Water Resources

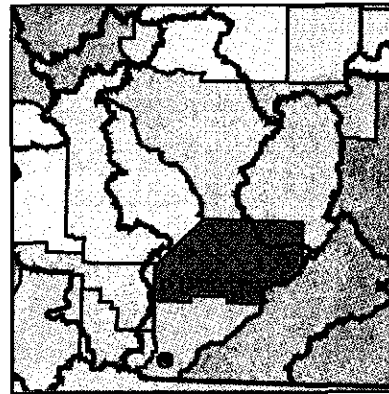
SRBA Recommendation:

63-178B

(Irrigation)

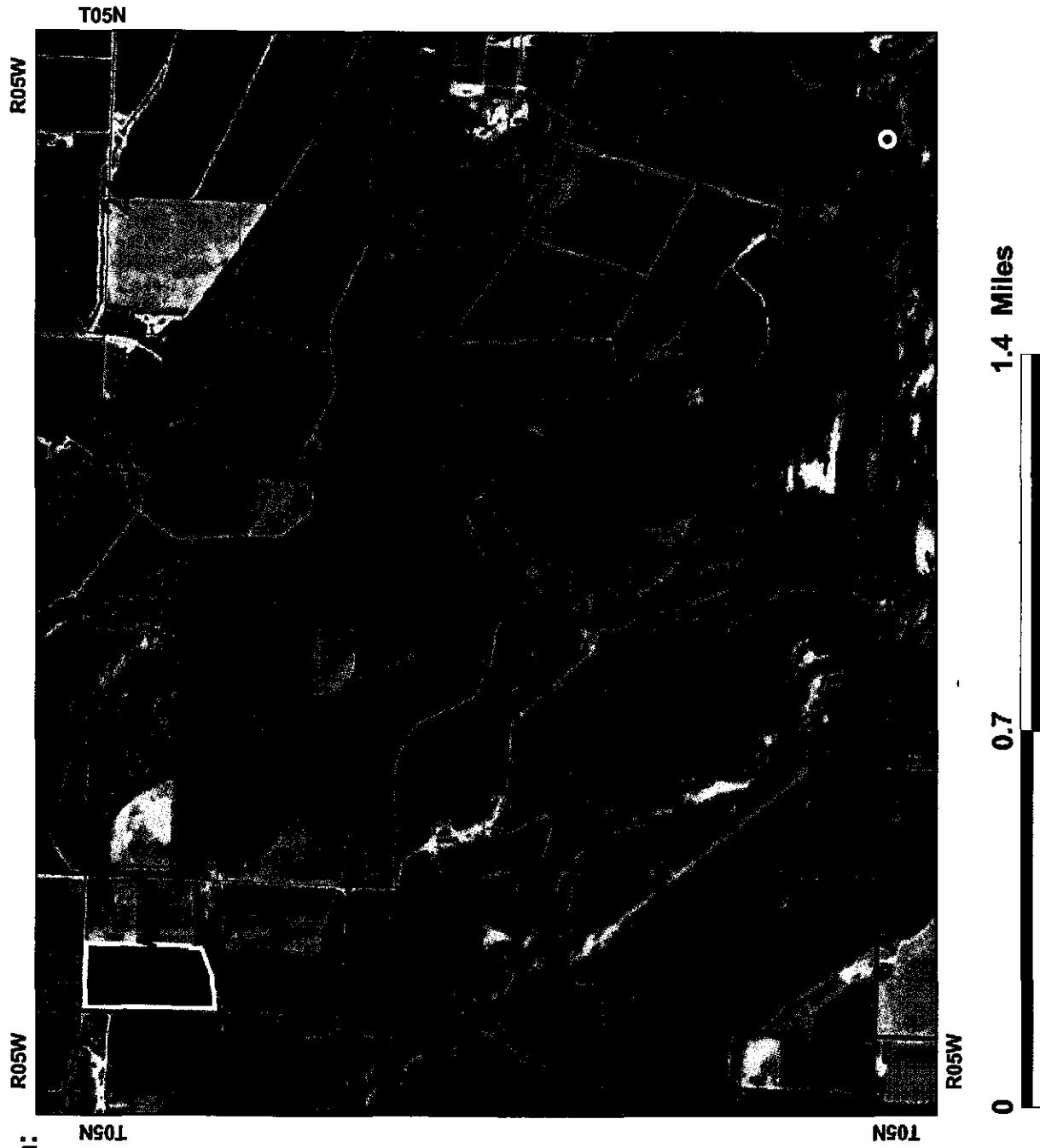
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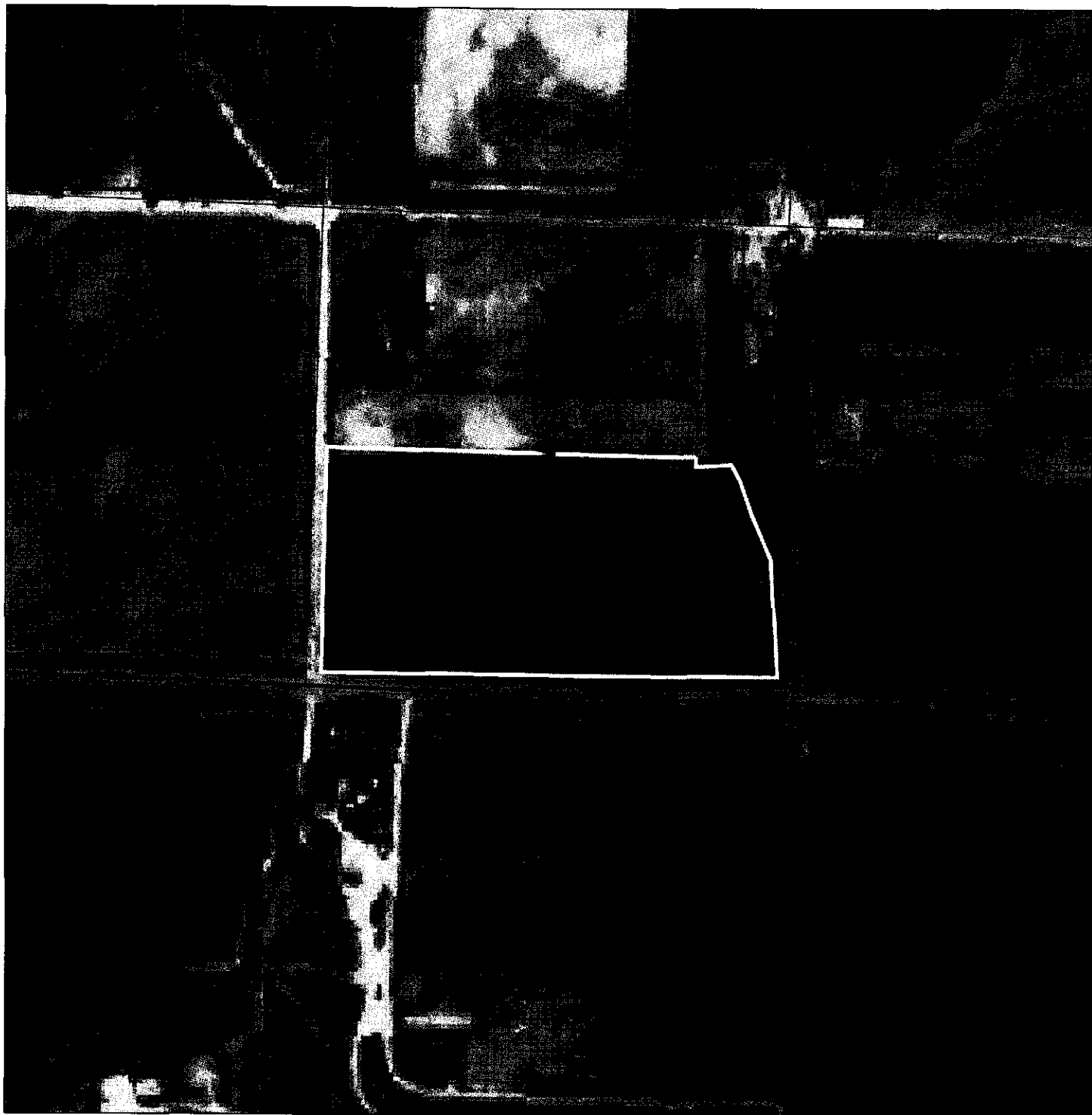
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



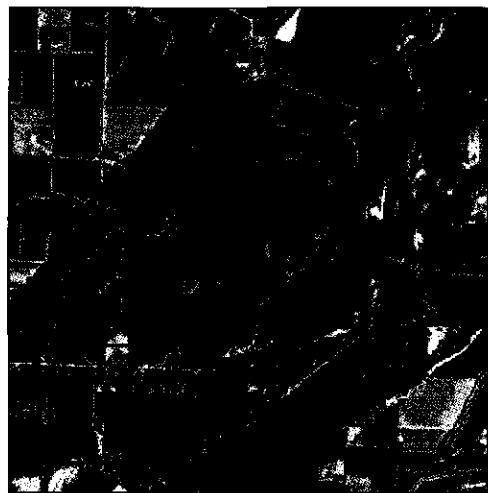
Canyon County
IDWR Basin 63

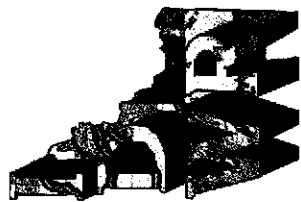
Prepared by D. Favreau
On Friday, August 18, 2006
1987/88 Aerial Photography





63-178B





Idaho Department of Water Resources

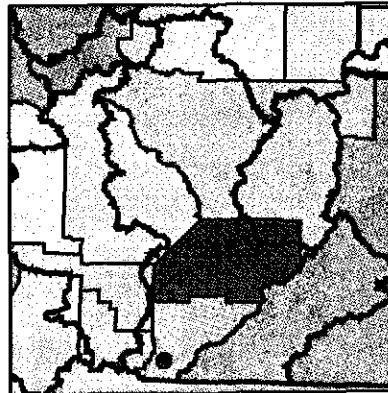
SRBA Recommendation:

63-178B

(Irrigation)

Legend

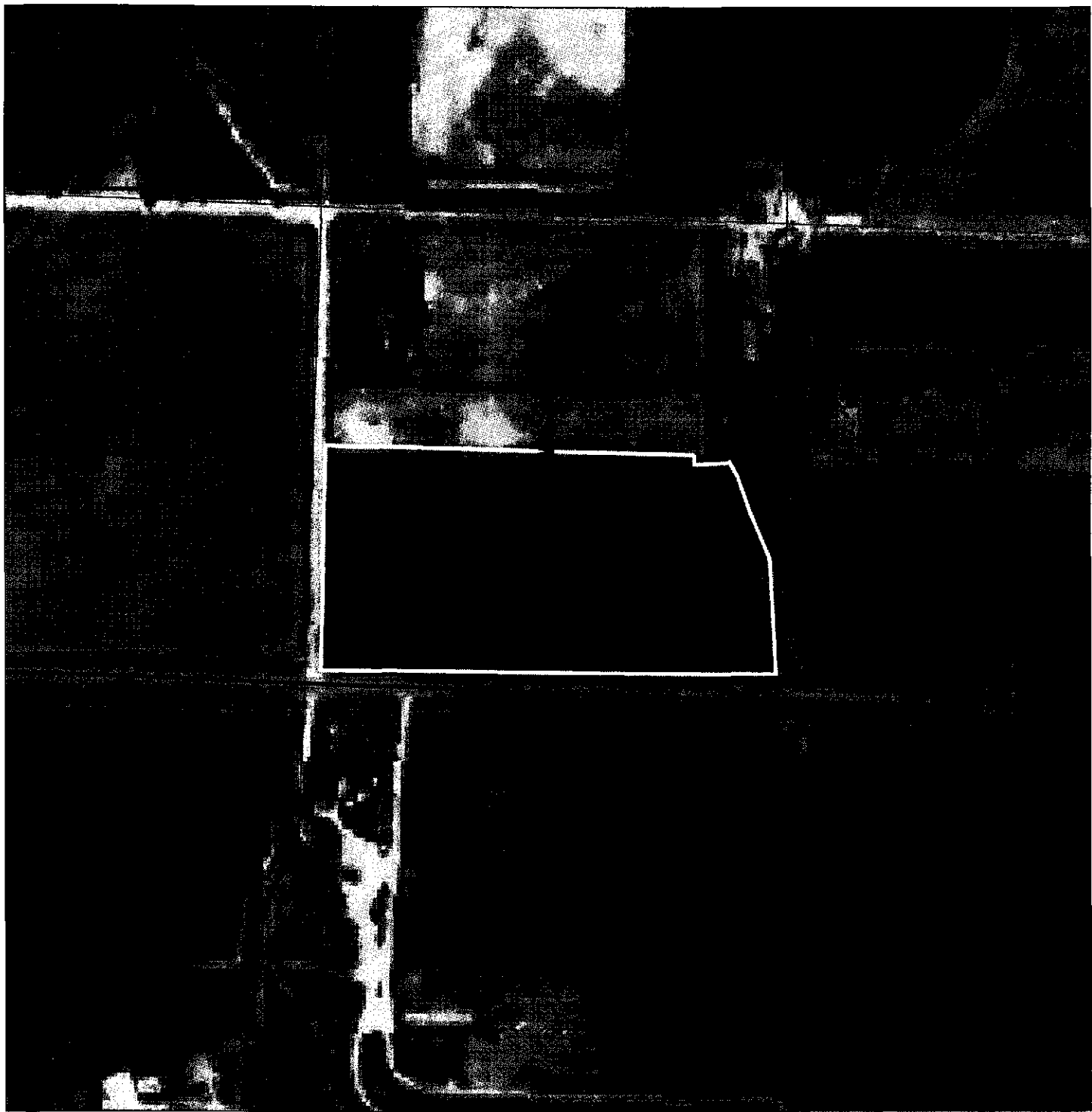
- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



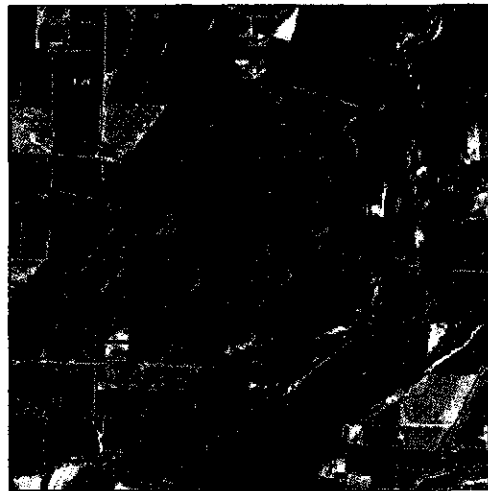
Canyon County
IDWR Basin 63

Prepared by D. Favreau
On Friday, August 18, 2006
1987/88 Aerial Photography





63-178B



(19)

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0178425 inches, from June 1, 1869; and hereby designated as Right No. 44.

And be adjudged to pay \$29.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east line of Sec. 16, T. 4 N. R. 2 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 01791880 inches, from June 1, 1869; and hereby designated as Right No. 46

T-P. 29

And be adjudged to pay \$130.20 costs in addition to the costs incurred by it.

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0180175 inches, from June 1, 1869; and hereby designated as Right No. 47.

63 0181110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay \$19.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the middle of the east line of Sec. 17, T. 4 N. R. 1 E. B.M., by a canal running through a part of Secs. 17 and 18, T. 4 N. R. 1 E. B.M., for use upon lands lying under said canal, and situated on Eagle Island, Ada County Idaho, in the following amount and from the following date;

63 0182130 inches, from June 1, 1870; and hereby designated as Right No. 48.

And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

RECEIVED

SEP 26 2006

08/17/2006

DEPARTMENT OF
WATER RESOURCES

Note: We re-computed the
acreage, came up with
17.8 acres. ∴ leave at
18 acres, per layout.

**NOTICE OF ERROR
REPLY**

D. Toth 11/10/16/06

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: September 29, 2006

Water right number: 63-178B

TREE TOP RANCHES LP

914 HOUSTON RD

BOISE ID 83706

Telephone Number: (208) 377-0998

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

Place of use

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

Correct the place of use to include the entire claimed 20 acre permissible place of use, as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	Acres
5N	5W	23	NW	SW		20
Total						20

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

The recommended place of use does not accurately describe the actual place of use under this water right.

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

Date: 9/29/06

SIGNATURE:

Scott L. Campbell

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

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

OCT 13 2006

Draft

06/27/2006

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

RIGHT NUMBER: 63-178B

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.570 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.570 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S23 NWSW 18.00

18 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



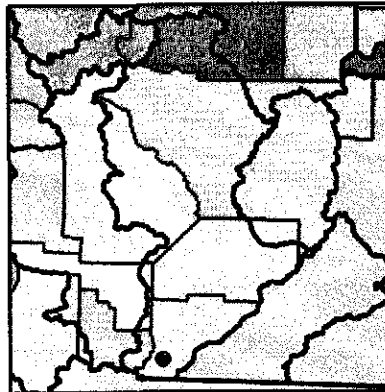
Idaho Department of Water Resources

SRBA Recommendation:

63-178B

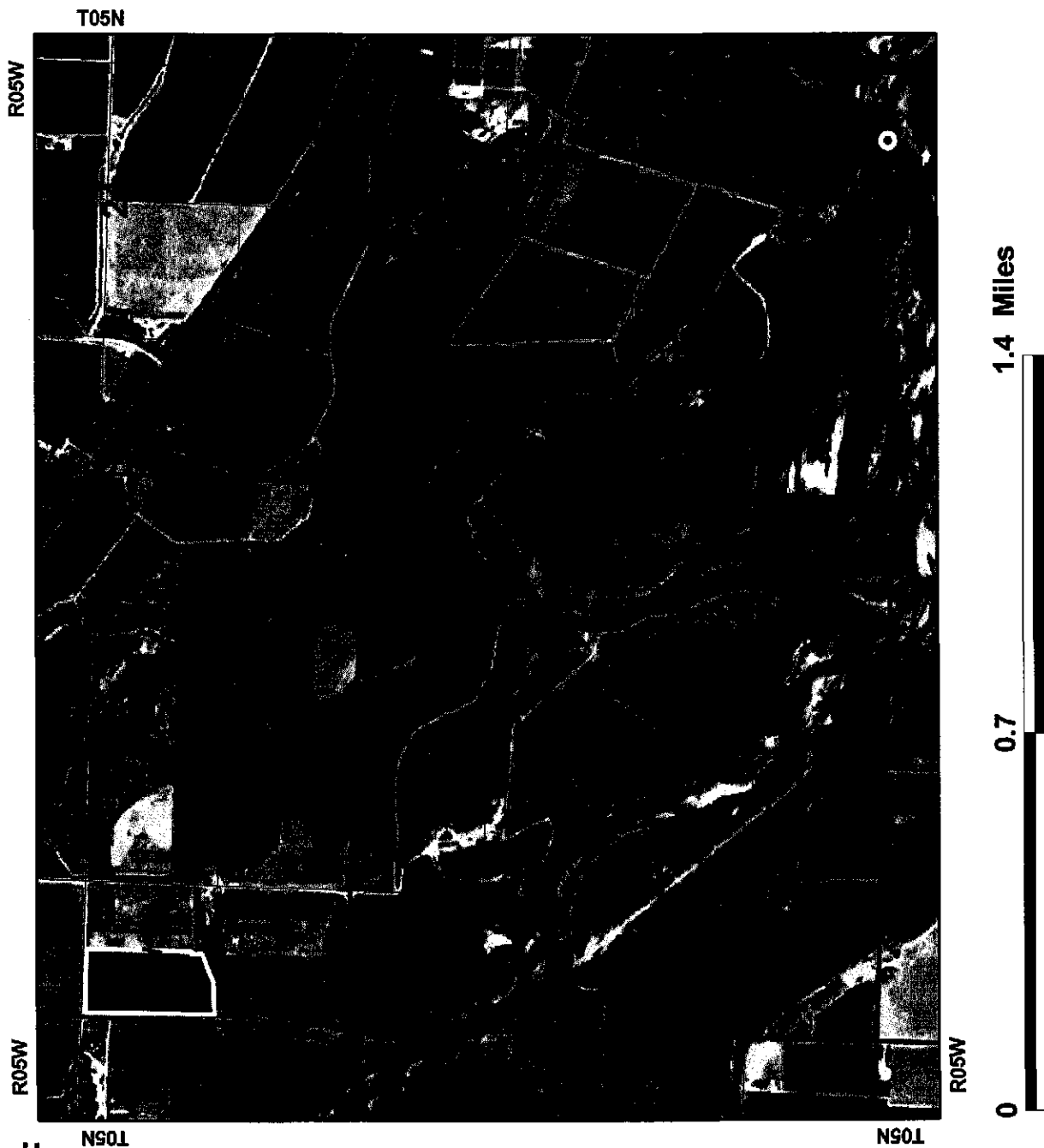
Legend

- ⊙ Point of Diversion
- Place of Use
 -  Townships
 -  PLS Sections
 -  Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Wednesday, June 14, 2006
1987/88 Aerial Photography



XXXIX

That the defendant JOHN MAMMON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 25, T. 5 N. R. 5 W. B.M., for use upon the E. $\frac{1}{2}$ of SE $\frac{1}{4}$ and lots 8 and 9 in Sec. 26, and lots 7 and 8 in Sec. 25, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0174 90 inches, from June 1, 1869. and hereby designated as Right No. 41.
T-III

That said defendant John Mammon is also hereby awarded the use of the waters of said river, diverted at a point in the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and lots 5 and 6 in Sec. 26, and lots 1, 2 and 3 in Sec. 27, and lots 7 and 8 in Sec. 25, and N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and lots 8 and 9 in Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

63 0175 210 inches, from June 1, 1878; and hereby designated as Right No. 68.
T-III

And be adjudged to pay \$21.00 costs in addition to the costs incurred by him.

XL.

That the defendant Isaac BEDAL be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south side thereof in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill slough or ditch, for use upon lands lying under said ditch, in the following amount and from the following date;

63 0176 80 inches, from June 1, 1869; and hereby designated as Right No. 42.

And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XLI.

That the defendant FREDERICK ODE be, and he is hereby awarded the use of the waters of Boise River, diverted from a point in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12 and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon lots 8 and 9, Sec. 33 and lots 5, 6 and 7, Sec. 34, T. 5 N. R. 4 W. B.M., and lot 1, Sec. 4,

T. 4 N. R. 4 W. B.M. in the following amount from the following date;
63 0177 180 inches, from June 1, 1869 and hereby designated as Right No. 43.
And be adjudged to pay \$12.60 costs in addition to the costs incurred by him.

XLII.

That the defendant PRIOR BURNETT be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ and W. $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 23, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 1, 2, 3 and 4,

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin FallsEugene 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. BurnsMichael 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. McGraham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. ScenquistTyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Walden
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. RitchieRobert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel**Willis C. Moffatt, 1907-1980*
*Kirk R. Helvie, 1956-2003*June 28, 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.comIdaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705Re: Water Right 63-00178 B
MTBR&F File No. 22567.0*B already has Scott.
is 8-4-06*

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

SCANNED

AUG - 7 2006

BOI_MT2:620040.1



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

August 10, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SCOTT L CAMPBELL
MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
PO BOX 829
BOISE ID 83701-0829

RE: Snake River Basin Adjudication (SRBA)
Your File No. 22567.0
Tree Top Ranches LP and Marianne and Larry Williams

Dear Scott,

Following receipt of your faxes dated June 28, 2006 and June 29, 2006, I have added your name to the following records as you requested:

2-2175A	2-2197A	2-2246	2-2294	63-127B	63-128B
63-129B	63-130B	63-131B	63-178B	63-21530	63-4534
67-638	67-639	67-644	67-645	67-646	67-647
67-648	67-649	67-650	67-651	67-652	67-653
67-2302	67-2390	67-7732	67-7899		

Water right claim #67-2390 was amended to match the License issued on 6/28/06. I have enclosed a copy for you.

Your name was already on water rights #2-2175B, 2-2197B, 63-127B, 63-128B, 63-129B, 63-130B, 63-131B and 63-178B, so I didn't make any changes to these records. Although you dropped the suffix on the Basin 63 rights, Andrews Ditch Co. has the "A" part and Tree Top Ranches, LP has the "B" part, as I am sure you know. I added your name to the Basin 67 rights as you requested.

I am returning your letter for water right #63-21580 as this right belongs to Gerald Kramer, not your clients. I have enclosed a Notice of Change in Water Right Ownership form for your client's possible use. This form is also on the Internet (Forms, Rules & Statutes).

I have also enclosed our Internet Research pamphlet for you. If you enter any of the water right numbers from the letters you faxed us, you can see my notes on each of them (click on Related Documents) as well as the change itself. If you need some guidance on our website, please give me a buzz (287-4922).

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

ss:region

Enclosures:

Copy of Notice of Claim to a Water Right #67-2390
Letter for Notice of Claim to a Water Right #63-21580 (Returned)
Notice of Change in Water Right Ownership Form
Internet Research Pamphlet

SCANNED

AUG 11 2006