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JUL 25 2008

DEPARTMENT OF
WATER RESOURCES

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

JUL 24 2008

By

Clerk

Deputy Clerk

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

In Re SRBA

Case No. 39576

) Subcase Nos. 67-7070
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

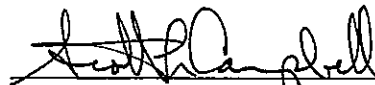
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

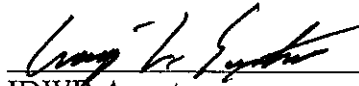
Tree Top Ranches, LP

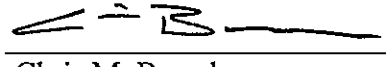

Scott Campbell, Attorney

7/17/08
Date

STANDARD FORM 5

IDWR Concurrence:

 7/18/08
IDWR Agent Date

 7/9/08
Chris M. Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on July 22, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

TREE TOP RANCHES LP
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JOANNE M MALLORY
LAUREN G MALLORY
2480 HOPPER RD
MIDVALE, ID 83645


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 67-7070

NAME AND ADDRESS:

~~LAUREN C MALLORY~~
~~2480 HOPPER RD~~
~~MIDVALE ID 83645~~

~~JOANNE M MALLORY~~
~~2480 HOPPER RD~~
~~MIDVALE ID 83645~~

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SOURCE:

Source:

HOT CREEK

Tributary:

DEER CREEK

QUANTITY:

0.040 CFS

15.900 AFY

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

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

PRIORITY DATE:

02/09/1972

POINT OF DIVERSION:

T14N R03W S30 SENE
Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION	4/15 10/15	0.040 CFS	14.50 AFY
STOCKWATER	1/01 12/31	0.020 CFS	1.40 AFY

~~The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.~~

PLACE OF USE: IRRIGATION

within WASHINGTON County

T14N R03W S30 NENE 14.6

T14N R03W S30 SWNE 4.4

T14N R03W S30 SENE 22.0

STOCKWATER

within WASHINGTON County

T14N R03W S30 SENE

41 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 41.0 acres in a single irrigation season. Combined Right Nos.: 67-7066, 67-7070, & 67-7166

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

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 - License