

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 27 2008	
By _____	Clerk _____
_____	Deputy Clerk _____

Attorneys for Tree Top Ranches, L.P.

Scott L. Campbell, ISB No. 2251
 Andrew J. Waldera, ISB No. 6608
 MOFFATT, THOMAS, BARRETT, ROCK &
 FIELDS, CHARTERED
 101 S. Capitol Blvd., 10th Floor
 Post Office Box 829
 Boise, Idaho 83701
 Telephone (208) 345-2000
 Facsimile (208) 385-5384
 22567.0

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. 67-07166

AFFIDAVIT OF SCOTT L. CAMPBELL

STATE OF IDAHO)
) ss.
 County of Ada)

Scott L. Campbell, having been duly sworn upon oath, deposes and states as follows:

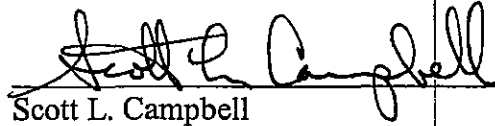
1. I am one of the attorneys providing legal services to Tree Top Ranches, LP, in the above-captioned matter.

2. I have knowledge of the files in this matter, and I make this affidavit based upon personal knowledge.

3. Attached hereto as Exhibit A is a true and correct copy of the Standard Form 5, Stipulated Elements of a Water Right for Subcase 67-07166, filed with this Court on or about July 24, 2008.

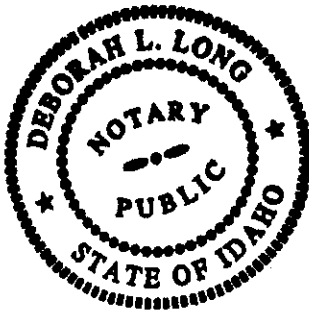
4. Attached hereto as Exhibit B is a true and correct copy of the Special Master's Report, Findings of Fact and Conclusions of Law for Water Rights 67-07066, 67-07070, and 67-07166, issued by Special Master Theodore R. Booth on or about August 18, 2008.

Further your affiant sayeth naught.



Scott L. Campbell

SUBSCRIBED AND SWORN to before me this 26th day of August, 2008.





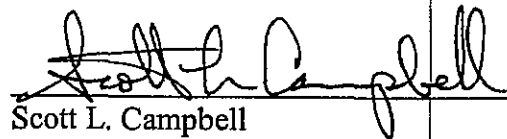
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 10/10/03

CERTIFICATE OF SERVICE

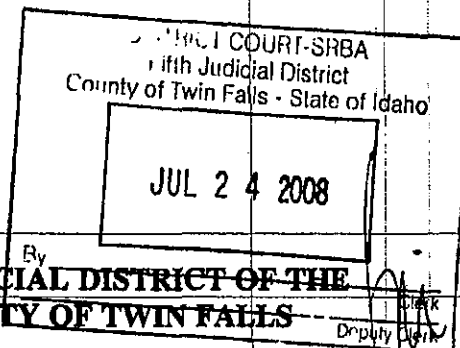
I HEREBY CERTIFY that on this 26th day of August, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF SCOTT L. CAMPBELL** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

- ☒ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile



Scott L. Campbell



**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	)	Subcase Nos. 67-7166
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

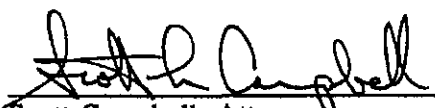
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

 7/17/08
Scott Campbell, Attorney Date

STANDARD FORM 5

IDWR Concurrence:

Chris M. Bromley 7/18/08
IDWR Agent Date

Chris M. Bromley 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

Scott L. Campbell
Signature of person or attorney mailing the form

STANDARD FORM 5

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

RIGHT NUMBER: 67-7166

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:

0.000 CFS
20.000 AFY

PRIORITY DATE:

08/22/1973

POINT OF DIVERSION:

T14N R03W S30 SENE
Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION STORAGE 03/15 11/15 20.00 AFY

IRRIGATION FROM STORAGE 03/15 11/15 20.00 AFY

PLACE OF USE:

IRRIGATION STORAGE within WASHINGTON County
T14N R03W S30 NENE
T14N R03W S30 SWNE
T14N R03W S30 SENE

CB
SLC

IRRIGATION FROM STORAGE within WASHINGTON County

T14N R03W S30 NENE 14.6

T14N R03W S30 SWNE 4.4

T14N R03W S30 SENE 22.0

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

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

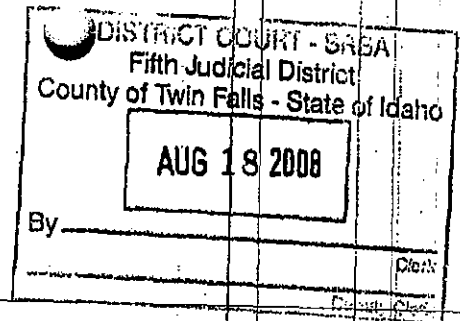
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the
water rights as may be ultimately determined by the Court at a point in time
no later than the entry of a final unified decree. Section 42-1412(6),
Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Amended Director's Report: 67-7166

1

Exhibit A to Affidavit of Scott L. Campbell



**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

) **SPECIAL MASTER'S REPORT**
)
) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW**
)
) **FOR WATER RIGHTS 67-07066,**
) **67-07070, and 67-07166**

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On August 22, 2007, the claimant of the water rights, Tree Top Ranches, LP, through its attorney Scott L. Campbell, filed objections to the *Director's Report*, objecting to the quantity, place of use, and period of use elements of the rights. On July 24, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 67-07066, 67-07070, and 67-07166 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

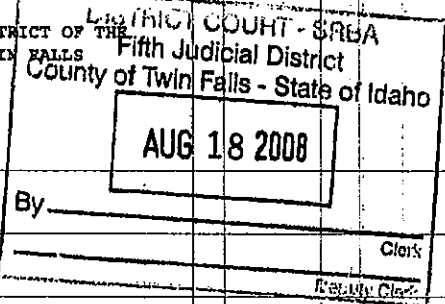
Dated Aug. 18, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S REPORT
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8/18/2008

Page 1 of 1

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-07166

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

SOURCE: HOT CREEK TRIBUTARY; DEER CREEK

QUANTITY: 20.00 APY

PRIORITY DATE: 08/22/1973

POINT OF DIVERSION: T14N R03W S30 SENE Within Washington County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	03-15 TO 11-15	20.00 APY
Irrigation from Storage	03-15 TO 11-15	20.00 APY

PLACE OF USE:

PLACE OF USE	Within Washington County
Irrigation Storage T14N R03W S30 SENE	SENE
Irrigation from Storage T14N R03W S30 NENE 14.6 SENE 22.0	Within Washington County SWNE 4.4

41.0 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 & 67-7176

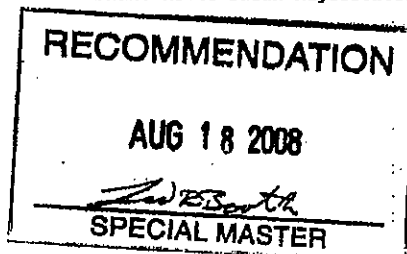
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay or the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 67-07166 File Number: 00471

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Jul-24-2008

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

AUG 18 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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

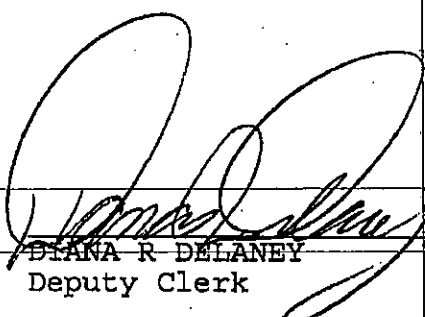
Water Right(s): 67-07066
67-07070 67-07166

On August 18, 2008, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED August 18, 2008.


DIANA R. DELANEY
Deputy Clerk

NOTICE OF ISSUANCE

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08/18/08

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 18 2008	
By _____	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)

CERTIFICATE OF MAILING

Water Right(s): 67-07066
67-07070 67-07166

CERTIFICATE OF MAILING

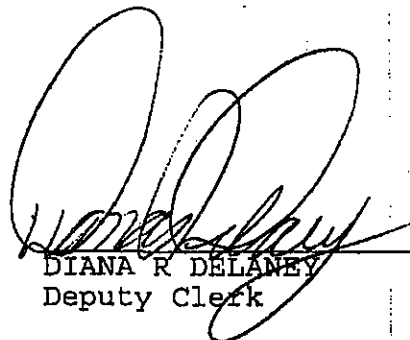
I certify that a true and correct copy of the SPECIAL MASTER'S
REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE
OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed
on August 18, 2008, with sufficient first-class postage prepaid to
the following:

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

TREE TOP RANCHES LP
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE, ID 83706

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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08/18/08