



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

December 29, 2008

Scott L. Campbell  
101 S. Capitol Blvd., 10<sup>th</sup> Floor  
P.O. Box 829  
Boise, ID 83701-0829

*RE: SRBA Subcase No. 63-4534B (Tree Top Ranches, LP)*

Dear Mr. Campbell:

I am enclosing a revised Standard Form 5 ("SF5") for the above-referenced subcase. The revised SF5 corrects the errors that you identified. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original document to me. I will obtain the remaining signatures and file the SF5 with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams  
Paralegal

Enclosure

**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 No. 63-4534B     |
|                | ) |                          |
| 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

**OBJECTOR:**  
Greg Obendorf

\_\_\_\_\_  
Scott L. Campbell                      Date  
Attorney for Claimant/Objector

\_\_\_\_\_  
Dana L. Hofstetter                      Date  
Attorney for Objector

**DWR Concurrence:**

\_\_\_\_\_  
Vicky L. Music                      Date  
Senior Water Resource Agent

Andrea L. Courtney 12/29/08  
Andrea L. Courtney              Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-4534B

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

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 03/01/1935

POINT OF  
DIVERSION:

T05N R05W S23 NWNW Within ~~ELMORE~~ County  
CANYON

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>               | <u>PERIOD OF USE</u>                | <u>QUANTITY</u> |
|---------------|-------------------------------------|-------------------------------------|-----------------|
|               | IRRIGATION                          | 03/01 11/15                         | 1.600 CFS       |
| PLACE OF USE: | <u>IRRIGATION in CANYON County</u>  |                                     |                 |
|               | T05N <del>R03W</del> S15 SWSW 22.00 | T05N <del>R03W</del> S15 SESW 35.00 |                 |
|               | <u>R05W</u>                         | <u>R05W</u>                         |                 |
|               | T05N <del>R03W</del> S16 SESE 23.00 |                                     |                 |
|               | <u>R05W</u>                         |                                     |                 |

80 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 - Beneficial Use

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63, Boise River.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 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:

GREG OBENDORF  
Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702

TREE TOP RANCHES, LP  
Represented by:  
SCOTT L. CAMPBELL  
101 S. CAPITOL BLVD., 10<sup>th</sup> FLOOR  
P.O. BOX 829  
BOISE, ID 83701-0829

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

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Signature of person or attorney