

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho APR 20 2009 By _____ Clerk _____ Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 67-00647

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

SOURCE: SAGE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.30 CFS

This right when combined with Right No. 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899 shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE: 06/01/1913

POINT OF DIVERSION: T13N R04W S23 NWNENW Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.30 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T13N R04W S11	SESW 0.8 NESE 30.0
		SWSE 40.0 SESE 40.0
	S12	SWSW 24.0 SESW 16.0
		SWSE 9.3
	S13	NWNE 40.0 SWNE 38.0
		NENW 24.0 NWNW 39.0
		SWNW 39.0 SENW 40.0
		NESW 30.0 NWSW 40.0
		SWSW 35.0 SESW 19.0
		NWSE 1.4
	S14	NENE 40.0 NWNE 40.0
		SWNE 39.0 SENE 37.0
		NENW 28.0 SENW 25.0
		NESE 39.0 NWSE 8.6
		SWSE 6.1 SESE 28.0
	S23	NENE 6.6
	S24	NENW 4.2 NWNW 20.0
	827.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 827.0 acres in a single irrigation season. Combined Right Nos.: 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899

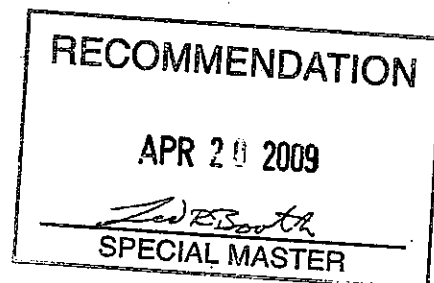
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 of 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.

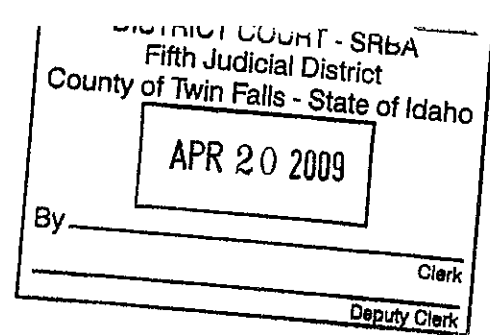
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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DEPARTMENT OF
WATER RESOURCES



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 67-00638,
) 67-00644, 67-00645, 67-00646, 67-00647,
) 67-00648, 67-00649, 67-00650, 67-00651,
) 67-00652, 67-00653, and 67-02302

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.

Although no objections were filed to the *Director's Report* for the above-captioned water right claims, the claims were identified as uncontested claims that may be affected by the outcome of contested claim 67-02390. The objection filed in subcase 67-02390 has been resolved, and accordingly, these water right claim may be decreed with the elements as set forth in the *Director's Report*.

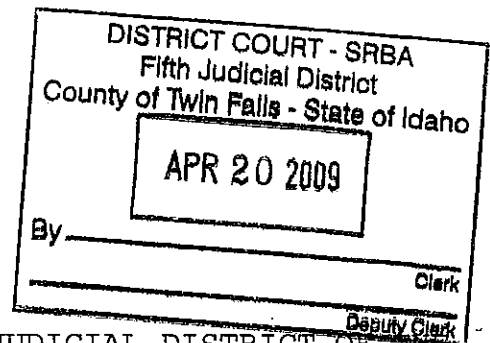
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 67-00638, 67-00644, 67-00645, 67-00646, 67-00647, 67-00648, 67-00649, 67-00650, 67-00651, 67-00652, 67-00653, and 67-02302 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated April 20, 2009

A handwritten signature in cursive script, appearing to read 'Theodore R. Booth'.

Theodore R. Booth
Special Master
Snake River Basin Adjudication



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

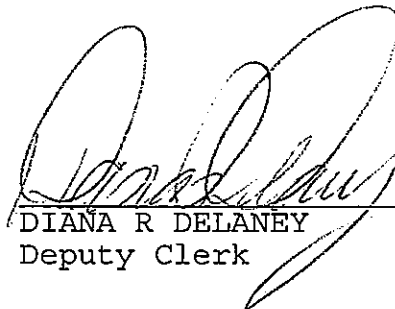
Water Right(s): 67-00638
(SEE ATTACHED EXHIBIT A)

On April 20, 2009, 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 April 20, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 20 2009	
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)
_____)

CERTIFICATE OF MAILING

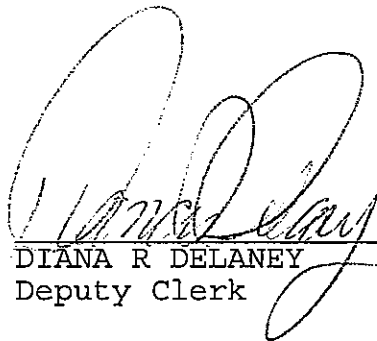
Water Right(s): 67-00638
(SEE ATTACHED EXHIBIT A)

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 April 20, 2009, with sufficient first-class postage prepaid to the following:

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

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE, ID 83706
Phone: 208-377-0998



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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04/20/09

Exhibit A

Subcase Nos:

67-00638
67-00644
67-00645
67-00646
67-00647
67-00648
67-00649
67-00650
67-00651
67-00652
67-00653
67-02302