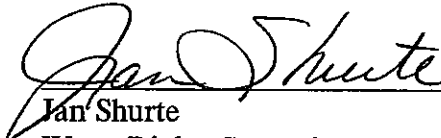


DEPARTMENT OF
WATER RESOURCES

IDWR Concurrence:

 6/3/09
Jan Shurte Date
Water Rights Supervisor

 6/2/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-4641B

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

RIGHT NUMBER: 63-4641B

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

SOURCE: SAND HOLLOW CREEK
UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SAND HOLLOW CREEK

QUANTITY: 0.060 CFS ~~0.05 CFS~~

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION:

T05N R05W S14 SWSW Within CANYON County

T05N R05W S15 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.060 CFS ~~0.05 CFS~~

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S15 SWSE 2.30

2.3 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 this time, this water right is within State Water District No. 63, Boise River.

The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641A, 63-7921.

Right No. 63-4641A is also diverted through point of diversion in the SWSW S14 described above.

Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.

SF5 Right No. 63-4641B

CERTIFICATE OF MAILING

I certify that on June 25, 2009, 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

(Hand Delivery)

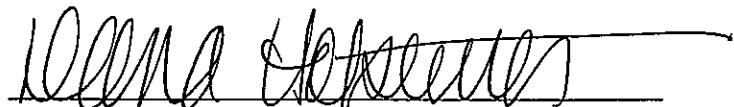
2. Copies to:

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

N/A

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

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


Signature of person or attorney