

2. Attached hereto as Exhibit A is a true and correct e-mail from Idaho Department of Water Resources ("IDWR") GIS mapping specialist Danielle Bruno-Favreau to IDWR personnel David Tuthill and Jan Shurte, dated February 28, 2006. The e-mail is from the IDWR adjudication backfile for water right no. 63-00127B.

3. Attached hereto as Exhibit B is a true and correct copy of the current Director's Report Recommendation of water right no. 63-00178C.

4. Attached hereto as Exhibit C is a true and correct copy of the joint objection to water right no. 63-00178C filed by the Estate of Tina Iest and the Iest Family, L.L.L.P.

5. Attached hereto as Exhibit D are true and correct copies of the March 1990 and subsequent August 2006 Notices of Claim to Water Right for water right no. 63-00178 filed by, or on behalf of, Tina Iest.

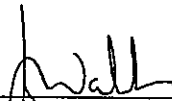
6. Attached hereto as Exhibit E is a true and correct copy of Standard Form 1 Objection against Tree Top's water right no. 63-00127B, filed jointly by the Estate of Tina Iest and The Tina Iest Family, L.L.L.P.

7. Subcase no. 63-00178C remains unresolved at this time; the subcase is set for the same trial setting as that of the Andrews Ditch Company and Tree Top subcases; Tree Top is already a party in subcase no. 63-00178C; and subcase no. 63-00178C was recently subject to the late objection filings of the Estate of Tina Iest, the Tina Iest Family, L.L.L.P., the Hauck Family Revocable Trust, and Greg Obendorf.

8. The recent SRBA filings of Obendorf, the Iest Family, the Hauck Family Trust, and the IDWR, spanning from February 2009 to date, required Tree Top to reexamine the *Stewart* Decree and the land ownership patterns in Sections 22, 23, 26, and 27. Tree Top had no

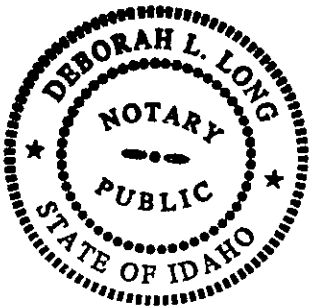
reason to do so previously because the Department had simply apportioned the former Andrews Ditch Company water rights according to the intentions of the parties (Tree Top, Iest, and the Department) in 2006.

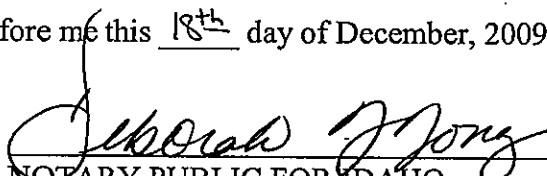
Further your affiant sayeth naught.



Andrew J. Waldera

SUBSCRIBED AND SWORN to before me this 18th day of December, 2009.

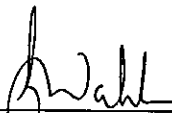




NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 10/10/2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2009, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ANDREW J. WALDERA IN SUPPORT OF TREE TOP'S MOTION AND MEMORANDUM IN SUPPORT OF MOTION TO FILE LATE OBJECTION** to be served by U.S. Mail, First-Class, and addressed to the parties listed on the SRBA Mailing List.



Andrew J. Waldera

2-28-06

Favreau, Danielle

To: Tuthill, Dave; Shurte, Jan
Subject: Andrews Ditch Co.

Hello,

I just spoke to Dave Tidwell today. (He was on vacation.) He said that there are only 2 users on the Andrews Ditch:
The East Family Partnership - Tina East
Treetop Farms - Larry Williams

Dave has just been taking care of things for the Andrews Ditch because he attended many of the meetings.

Dave would like to know the cfs that goes to each person on the ditch as they need to do some improvements.

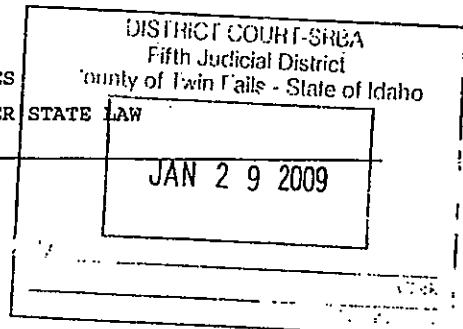
Well, it looks as if these are individual claims, not a true ditch company.

What is the next step?

Danielle

Danielle Bruno-Favreau
GIS Specialist
Idaho Water Resource Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0088
Phone: (208) 287-4938
Fax: (208) 287-6701

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER



RIGHT NUMBER: 63-178C
NAME AND ADDRESS: TINA IEST
C/O HELEN C TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

C/O DAVID TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 7.330 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	7.330 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S23	NESW	31.10	T05N R05W S23	NWSW	15.20
T05N R05W S23	SWSW	34.30	T05N R05W S23	SESW	38.20
T05N R05W S23	NWSE	12.30	T05N R05W S23	SWSE	27.20
T05N R05W S26 Lot 1	NENE	27.00	T05N R05W S26 Lot 2	NWNE	27.60
T05N R05W S26	NENW	12.20			

225.1 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 - Decreed

This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.

This right is renumbered from former right 63-178.

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 39576

A. Subcase 63-178C

(Insert water right number)

STANDARD FORM 1
OBJECTION

LODGED

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Estate of Tina Iest The Hauck Family Revocable Trust

The Tina Iest Family LLLP

Address: c/o Helen Tidwell 30 Horizon Drive
5700 S. Linder Road Boise, Idaho 83702

Meridian, Idaho 83642

Daytime Phone: (208) 888-3325

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 5 2009	
By _____	Clerk
_____	Deputy Clerk

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Tina Iest

Address: c/o Helen Tidwell

5700 S. Linder Road

Meridian, Idaho 83642

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)):

1. ☒ **Name and Address**
Should be: include The Hauck Family Revocable Trust
2. ☒ **Source**
Should be: as claimed.
3. ☒ **Quantity**
Should be: as claimed.
4. ☒ **Priority Date**
Should be: as claimed.
5. ☒ **Point of Diversion**
Should be: as claimed.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: as claimed.
8. ☒ **Period of Year**
Should be: irrigation 3/1 to 11/15; stockwater 1/1-12/31
9. ☒ **Place of Use**
Should be: include Hauck property in Lot 4, Section 26, 5N, R5W
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Stewart decree

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

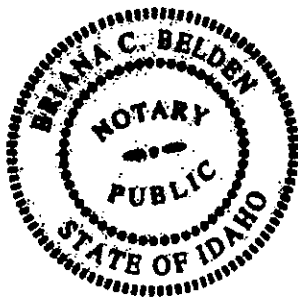
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana L. Hofstetter

Attorney signing in representative capacity

Subscribed and sworn to before me on: February 5, 2009



Briana C. Belden
Notary Public for the State of Idaho
Residing at: Meridian
My Commission expires: 01/16/13

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on February 5, 2009, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

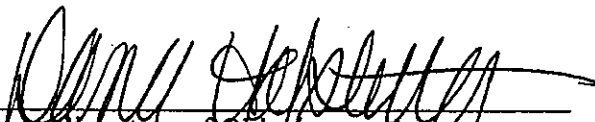
Name: Tina Iest
Address: c/o Helen Tidwell
5700 S. Linder Road
Meridian, Idaho 83642

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00178

Date Received: 3/06/1990

Receipt No: 404432 (850)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO.
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID

208-888-3325

83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID

83660

2. Date of Priority: JUN 01, 1869

3. Source: BOISE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	25	SW	SE		2	CANYON

5. Description of diverting works:

DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.500		

7. Total Quantity Appropriated is:

8.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

INSTREAM STOCKWATERING.

A63-00178

Page 1

Date: 03/14/90

Exhibit D

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
05N	05W	22	SW	NE		IRR	15.0	
			SE	NW		IRR	23.0	
			NE	SW		IRR	24.0	
			SE	SW	2	IRR	16.0	
			NE	SE		IRR	23.0	
			NW	SE		IRR	35.0	
			SW	SE	1	IRR	32.0	
			SE	SE		IRR	28.0	
			Section Acres					196.0
		23	NE	SW		IRR	35.0	
			NW	SW		IRR	38.0	
			SW	SW		IRR	40.0	
			SE	SW		IRR	38.0	
			NW	SE		IRR	14.0	
			SW	SE		IRR	31.0	
			Section Acres					196.0
		26	NW	NE		IRR	30.0	
			SW	NE		IRR	35.0	
			NE	NW		IRR	12.0	
			Section Acres					77.0
		27	NW	NE		IRR	6.0	
			NE	NW		IRR	7.0	
			Section Acres					13.0
			Total Acres					482.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

CLAIM NO.'S A63-00127, 00128, 00129, 00130, & 00131.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A63-00178

Page 2

Date: 03/14/90

MICROFILMED

APR 17 1992

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Agent of
Tina Test Title
Organization, that I have signed the foregoing
document in the space below as Agent of
Tina Test Title
Organization and that the statements contained in the
foregoing document are true and correct.

David Fidler
Signature of Authorized Agent
Agent of Tina Test
Title and Organization
March 20, 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Seal

Jan Shute
Notary Public

Residing at Mendocino, ID
My Commission Expires 9-14-94

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-178C
Date Received: ~~6/27/2006~~ 8/1/2006
Receipt No: W011432
Received By: *ala*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TINA IEST Phone: (208)888-3325

C/O DAVID P TIDWELL
5700 SOUTH LINDER RD

MERIDIAN ID USA 83642

2. Date of Priority: 06/01/1869

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	25	SW SE 2	CANYON	

5. Description of diverting works:

DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	7.33	

7. Total Quantity Appropriated is:
7.33 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	05W	23	SW	SW		IRRIGATION	34.3
			NW	SE		IRRIGATION	12.3
			SE	SW		IRRIGATION	38.2
			NW	SW		IRRIGATION	15.2
			NE	SW		IRRIGATION	31.1
			SW	SE		IRRIGATION	27.2
Section Acres							158.3
05N	05W	26	NE	NE	1	IRRIGATION	27
			NE	NW		IRRIGATION	12.2
			NW	NE	2	IRRIGATION	27.6
Section Acres							66.8
Total Acres							225.1

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Tim Dext Date: 7/31/06

David P. Fairwell Date: 7/31/06

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this

of 31st July 2006

Cherice McDonough
Notary Public

Residing at Palmer Twp ID

My commission Expires 12/02/2011



1998

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 39576)

A. Subcase 63-127B

(Insert water right number)

STANDARD FORM 1
OBJECTION

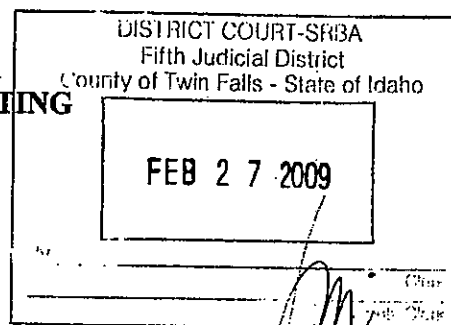
LODGED

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Estate of Tina Iest
The Tina Iest Family LLLP
Address: :c/o Helen Tidwell
5700 S. Linder Road
Meridian, Idaho 83642

Daytime Phone: (208) 888-3325



Name & Address of Attorney, if any:

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Tree Top Ranches LP
Address: 914 Houston Road
Boise, ID 83706



D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)):

1. ☒ **Name and Address**
Should be: also Greg and Ann Obendorf or just Andrews Ditch Company
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: no more than one miner's inch per acre
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: include Greg and Ann Obendorf's property and as claimed by Andrews Ditch Company
10. I object because:
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Greg and Ann Obendorf own portions of the place of use for this water right, as decreed in the Stewart decree. The quantity of water recommended exceeds the statutory standard. No more than a proportional amount of water per acre, as decreed in the Stewart decree, should be allocated under this right.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

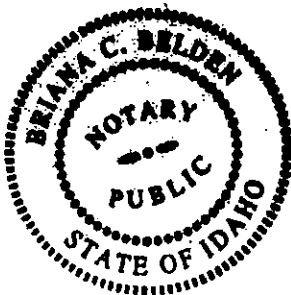
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana L. Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on: February 27, 2009



Briana C. Belden
Notary Public for the State of Idaho
Residing at: Meridian
My Commission expires: 01/16/2013

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on February 27, 2009, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

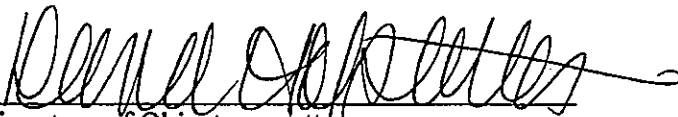
Name:	<u>Tree Top Ranches LP</u>	<u>Scott Campbell</u>
Address:	<u>914 Houston Road</u>	<u>Moffatt Thomas</u>
	<u>Boise, Idaho 83706</u>	<u>P.O. Box 829</u>
		<u>Boise, Idaho 83701-0829</u>

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf