



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

August 26, 2011

Andrew J. Waldera  
101 S. Capitol Blvd., 10<sup>th</sup> Floor  
P.O. Box 829  
Boise, ID 83701-0829

*RE: SRBA Subcase Nos: 63-127C, 63-128C, 63-129C, 63- 130C, 63-131C,  
63-178B & 63-21530 (Tree Top Ranches/Williams)*

Dear Andy:

Pursuant to your recent communications with Jan Shurte, I am enclosing a revised Standard Form 5 ("SF5") for each of the above-referenced water rights. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original SF5s to me. I will obtain the remaining signatures and file the SF5s with the SRBA Court.

The SF5s that I sent to you on August 2, 2011 concerning these specific water rights can be discarded.

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

Enclosures

**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. 63-127C             |
|                | ) | <i>Split from 63-127B</i>       |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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(s):**

Estate of Tina Iest

The Tina Iest Family, LLP

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Claimant/Objector

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

**OBJECTOR/RESPONDENT:**

Greg Obendorf

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

**RESPONDENT(s):**

Boise Project Board of Control

Bureau of Reclamation

\_\_\_\_\_  
Albert P. Barker                      Date  
Attorney for Respondent

\_\_\_\_\_  
David W. Gehlert                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                              Date  
Water Rights Supervisor

 8/26/11  
\_\_\_\_\_  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-127C

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.890 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: 06/01/1864

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

ATC

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 2.890 CFS       |

Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of 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 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

PLACE OF USE: IRRIGATION in CANYON County

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T05N R05W S22       | SWNE | 36.00 | T05N R05W S22       | SENE | 0.70  |
| T05N R05W S22       | SENE | 21.00 | T05N R05W S22       | NESW | 23.00 |
| T05N R05W S22 Lot 2 | SESE | 9.30  | T05N R05W S22       | NESE | 26.00 |
| T05N R05W S22       | NWSE | 34.00 | T05N R05W S22 Lot 1 | SWSE | 22.00 |
| T05N R05W S22       | SESE | 27.00 | T05N R05W S23       | NWSW | 18.00 |
| T05N R05W S27 Lot 5 | NENE | 0.30  |                     |      |       |

217.3 ACRES TOTAL

This right is limited to the irrigation of 199.3 acres within the place of use described above in a single irrigation season.

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 199.3 acres in a single irrigation season. Combined Right Nos.: 63-127C and 63-128C.

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 a split of Right No. 63-127B per settlement agreement dated 2-11-11.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is designated as No. 4 in the Stewart Decree and the Boise Water Distribution Report.

AT

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

BOISE PROJECT BOARD OF CONTROL  
Represented by:  
ALBERT P. BARKER  
1010 W. JEFFERSON, STE 102  
P.O. BOX 2139  
BOISE, ID 83701-2139

ESTATE OF TINA IEST  
GREG OBENDORF  
THE TINA IEST FAMILY, LLLP  
Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702

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

USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES  
550 WEST FORT STREET, MSC O33  
BOISE, ID 83724

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

---

Signature of person or attorney

**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. 63-128C             |
|                | ) | <i>Split from 63-128B</i>       |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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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(s):**

Estate of Tina Iest

The Tina Iest Family, LLP

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Claimant/Objector

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

**OBJECTOR/RESPONDENT:**

Greg Obendorf

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

**RESPONDENT(s):**

Boise Project Board of Control

Bureau of Reclamation

\_\_\_\_\_  
Albert P. Barker                      Date  
Attorney for Respondent

\_\_\_\_\_  
David W. Gehlert                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                              Date  
Water Rights Supervisor

Andrea L. Courtney 8/26/11  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-128C

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.280 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: 06/01/1865

POINT OF DIVERSION:

T05N R05W S25 SWSW Lot 2 Within CANYON County

PURPOSE AND  
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

5.280 CFS

Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of 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 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

PLACE OF USE: IRRIGATION in CANYON County

|                          |      |       |                          |      |       |
|--------------------------|------|-------|--------------------------|------|-------|
| T05N R05W S22            | SWNE | 36.00 | T05N R05W S22            | SENE | 0.70  |
| T05N R05W S22            | SENE | 21.00 | T05N R05W S22            | NESW | 23.00 |
| T05N R05W S22 Lot 2 SESW |      | 9.30  | T05N R05W S22            | NESE | 26.00 |
| T05N R05W S22            | NWSE | 34.00 | T05N R05W S22 Lot 1 SWSE |      | 22.00 |
| T05N R05W S22            | SESE | 27.00 | T05N R05W S23            | NWSW | 18.00 |
| T05N R05W S27 Lot 5 NENE |      | 0.30  |                          |      |       |

217.3 ACRES TOTAL

SF5 Right No. 63-128C

This right is limited to the irrigation of 199.3 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 199.3 acres in a single irrigation season. Combined Right Nos.: 63-127C and 63-128C.

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

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 a split of Right No. 63-128B per settlement agreement dated 2-11-11.

This right is designated as No. 29 in the Stewart Decree and the Boise Water Distribution Report.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

ATK

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

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550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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

\_\_\_\_\_  
Signature of person or attorney

**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. 63-129C             |
|                | ) | <i>Split from 63-129B</i>       |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>              |

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**CLAIMANT/ OBJECTOR:**

Tree Top Ranches, LP

**OBJECTOR(s):**

Estate of Tina Iest

The Tina Iest Family, LLP

---

Andrew J. Waldera                      Date  
Attorney for Claimant/Objector

---

Dana L. Hofstetter                      Date  
Attorney for Objectors

**OBJECTOR/RESPONDENT:**

Greg Obendorf

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

**RESPONDENT(s):**

Boise Project Board of Control

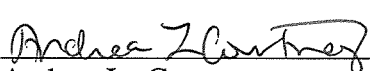
Bureau of Reclamation

\_\_\_\_\_  
Albert P. Barker                      Date  
Attorney for Respondent

\_\_\_\_\_  
David W. Gehlert                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                              Date  
Water Rights Supervisor

 8/26/11  
\_\_\_\_\_  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-129C

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707*ATN*

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.140 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: 06/01/1870

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 03/01 11/15          | 1.140 CFS       |
| Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of 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 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs. |                      |                 |

PLACE OF USE: IRRIGATION in CANYON County

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
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| T05N R05W S22       | SESE | 27.00 | T05N R05W S23       | NWSW | 18.00 |
| T05N R05W S27 Lot 5 | NENE | 0.30  |                     |      |       |

217.3 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

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. 51 in the Stewart Decree and the Boise Water Distribution Report.

This right is a split of Right No. 63-129B per settlement agreement dated 2-11-11.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

A handwritten signature, possibly reading "ATN", in dark ink.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

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Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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

\_\_\_\_\_  
Signature of person or attorney

**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. 63-130C             |
|                | ) | <i>Split from 63-130B</i>       |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
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| _____          | ) | <b>WATER RIGHT</b>              |

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**CLAIMANT/OBJECTOR:**

Tree Top Ranches, LP

**OBJECTOR(s):**

Estate of Tina Iest

The Tina Iest Family, LLP

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Claimant/Objector

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

**OBJECTOR/RESPONDENT:**

Greg Obendorf

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

**RESPONDENT(s):**

Boise Project Board of Control

Bureau of Reclamation

\_\_\_\_\_  
Albert P. Barker                      Date  
Attorney for Respondent

\_\_\_\_\_  
David W. Gehlert                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                              Date  
Water Rights Supervisor

 8/26/11  
\_\_\_\_\_  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-130C

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707

AZC

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.790 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: 06/01/1888

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 03/01 11/15          | 0.790 CFS       |
| Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of 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 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs. |                      |                 |

PLACE OF USE: IRRIGATION in CANYON County

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T05N R05W S22       | SWNE | 36.00 | T05N R05W S22       | SENE | 0.70  |
| T05N R05W S22       | SENE | 21.00 | T05N R05W S22       | NESW | 23.00 |
| T05N R05W S22 Lot 2 | SESW | 9.30  | T05N R05W S22       | NESE | 26.00 |
| T05N R05W S22       | NWSE | 34.00 | T05N R05W S22 Lot 1 | SWSE | 22.00 |
| T05N R05W S22       | SESE | 27.00 | T05N R05W S23       | NWSW | 18.00 |
| T05N R05W S27 Lot 5 | NENE | 0.30  |                     |      |       |

217.3 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is designated as No. 104 in the Stewart Decree and the Boise Water Distribution Report.

This right is a split of Right No. 63-130B per settlement agreement dated 2-11-11.

A handwritten signature in black ink, appearing to be 'AM' or similar, located on the right side of the page.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

BOISE PROJECT BOARD OF CONTROL  
Represented by:  
ALBERT P. BARKER  
1010 W. JEFFERSON, STE 102  
P.O. BOX 2139  
BOISE, ID 83701-2139

ESTATE OF TINA IEST  
GREG OBENDORF  
THE TINA IEST FAMILY, LLLP  
Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702

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

USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES  
550 WEST FORT STREET, MSC O33  
BOISE, ID 83724

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

---

Signature of person or attorney

**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. 63-131C             |
|                | ) | <i>Split from 63-131B</i>       |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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(s):**

Estate of Tina Iest

The Tina Iest Family, LLP

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Claimant/Objector

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

**OBJECTOR/RESPONDENT:**

Greg Obendorf

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

**RESPONDENT(s):**

Boise Project Board of Control

Bureau of Reclamation

\_\_\_\_\_  
Albert P. Barker                      Date  
Attorney for Respondent

\_\_\_\_\_  
David W. Gehlert                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                              Date  
Water Rights Supervisor

 8/26/11  
\_\_\_\_\_  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-131C

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707*AY*

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.080 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: 06/01/1891

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND  
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

3.080 CFS

Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of 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 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

PLACE OF USE: IRRIGATION in CANYON County

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T05N R05W S22       | SWNE | 36.00 | T05N R05W S22       | SENE | 0.70  |
| T05N R05W S22       | SENE | 21.00 | T05N R05W S22       | NESW | 23.00 |
| T05N R05W S22 Lot 2 | SESE | 9.30  | T05N R05W S22       | NESE | 26.00 |
| T05N R05W S22       | NWSE | 34.00 | T05N R05W S22 Lot 1 | SWSE | 22.00 |
| T05N R05W S22       | SESE | 27.00 | T05N R05W S23       | NWSW | 18.00 |
| T05N R05W S27 Lot 5 | NENE | 0.30  |                     |      |       |
| 217.3 ACRES TOTAL   |      |       |                     |      |       |

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split of Right No. 63-131B per settlement agreement dated 2-11-11.

This right is designated as No. 121 in the Stewart Decree and the Boise Water Distribution Report.

*AK*

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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

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1010 W. JEFFERSON, STE 102  
P.O. BOX 2139  
BOISE, ID 83701-2139

ESTATE OF TINA IEST  
GREG OBENDORF  
THE TINA IEST FAMILY, LLLP  
Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702

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

USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES  
550 WEST FORT STREET, MSC O33  
BOISE, ID 83724

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

---

Signature of person or attorney

**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. 63-178B             |
|                | ) |                                 |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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(s):**

Estate of Tina Iest  
The Tina Iest Family, LLP

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Claimant/Objector

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

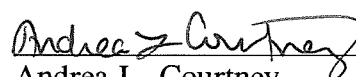
**OBJECTOR/RESPONDENT:**

Greg Obendorf

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

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                                      Date  
Water Rights Supervisor

 8/26/11  
\_\_\_\_\_  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-178B

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.420 CFS ~~0.570 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   | <u>0.420 CFS</u> <del>0.570 CFS</del> |
| <p>Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of 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 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.</p> <p><del>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</del></p> |               |                                       |

AK

PLACE OF USE: IRRIGATION in CANYON County

|                                 |             |              |                                 |             |              |
|---------------------------------|-------------|--------------|---------------------------------|-------------|--------------|
| <u>T05N R05W S22</u>            | <u>SWNE</u> | <u>36.00</u> | <u>T05N R05W S22</u>            | <u>SENE</u> | <u>0.70</u>  |
| <u>T05N R05W S22</u>            | <u>SENE</u> | <u>21.00</u> | <u>T05N R05W S22</u>            | <u>NESW</u> | <u>23.00</u> |
| <u>T05N R05W S22 Lot 2 SESW</u> |             | <u>9.30</u>  | <u>T05N R05W S22</u>            | <u>NESE</u> | <u>26.00</u> |
| <u>T05N R05W S22</u>            | <u>NWSE</u> | <u>34.00</u> | <u>T05N R05W S22 Lot 1 SWSE</u> |             | <u>22.00</u> |
| <u>T05N R05W S22</u>            | <u>SESE</u> | <u>27.00</u> | <u>T05N R05W S23</u>            | <u>NWSW</u> | <u>18.00</u> |
| <u>T05N R05W S27 Lot 5 NENE</u> |             | <u>0.30</u>  |                                 |             |              |

217.3 ACRES TOTAL ~~10 ACRES TOTAL~~

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

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 a split from former right 63-178.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

ESTATE OF TINA IEST  
GREG OBENDORF  
THE TINA IEST FAMILY, LLLP  
Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702

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

**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. 63-21530            |
|                | ) |                                 |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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(s):**  
Larry & Marianne Williams

**OBJECTOR:**  
Tree Top Ranches, LP

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Claimants

\_\_\_\_\_  
Andrew J. Waldera                      Date  
Attorney for Objector

**RESPONDENT:**

Greg Obendorf

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

**IDWR Concurrence:**

\_\_\_\_\_  
Jan Shurte                                      Date  
Water Rights Supervisor

 8/26/11  
\_\_\_\_\_  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-21530

NAME AND ADDRESS: TREE TOP RANCHES LP  
PO BOX 8126  
BOISE ID 83707

MARIANNE WILLIAMS  
LARRY WILLIAMS  
914 HOUSTON RD  
BOISE ID 83706

*AT*

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.380 CFS

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION:

T05N R05W S23 SENW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 3.380 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T05N R05W S22 | NENE | 30.00 | T05N R05W S22 | NWNE | 38.00 |
| T05N R05W S22 | SWNE | 26.00 | T05N R05W S22 | SENE | 23.00 |
| T05N R05W S22 | NENW | 20.00 | T05N R05W S23 | SWNW | 32.00 |

169 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B and 63-21530 are limited to the irrigation of a combined total of 260.3 acres in a single irrigation season.

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.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre.~~

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2011, 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:

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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  
LARRY & MARIANNE WILLIAMS  
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