

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

October 21, 2011

Dana L. Hofstetter
608 W. Franklin Street
Boise, ID 83702

RE: SRBA Subcase Nos. 63-127B, 63-127D, 63-128B, 63-128D, 63-129B, 63-129D, 63-130B, 63-130D, 63-131B, 63-131D, 63-178C, 63-178D & 63-178E (Tree Top Ranches, Inc., Obendorf, The Drake, LLC)

Dear Dana:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign the SF5s on the indicated signature lines and initial the revised recommendations. After signature, please return the original SF5s to me. I will obtain the remaining signatures and file them with the SRBA Court.

If you should have any questions or comments, please don't hesitate 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

Case No. 39576

) Subcase No. 63-127B
)

) Split into 63-127C & 63-127D
)

) 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.

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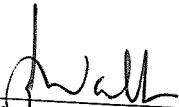
CLAIMANT/OBJECTOR:

Tree Top Ranches, LP

OBJECTOR(s):

Estate of Tina Iest

The Tina Iest Family, LLP



Andrew J. Waldera 10/19/11
Attorney for Claimant/Objector Date

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 8/1/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-127B

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

RIGHT NUMBER: 63-127B Disallowed

Recommended as Right Nos. 63-127C & 63-127D

AN
W

SF5 Right No. 63-127B

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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P. O. BOX 2707
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2. Copies to:

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

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GREG OBENDORF
THE TINA IEST FAMILY, LLLP
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BOISE, ID 83702

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

USDI BUREAU OF RECLAMATION
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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
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In Re SRBA

Case No. 39576

) Subcase No. 63-127D

) Split from 63-127B

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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/RESPONDENT:

Greg Obendorf
Ann Obendorf

OBJECTOR(s):

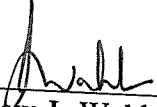
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Attorney for Claimant/Objector/Respondent

Dana L. Hofstetter Date
Attorney for Objectors

OBJECTOR:

Tree Top Ranches, LP

 10/19/11

Andrew J. Waldera Date
Attorney for Objector/Respondent

RESPONDENT(s):

Boise Project Board of Control

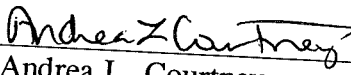
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Albert P. Barker Date
Attorney for Respondent

David W. Gehlert Date
Attorney for Respondent

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

 8/1/11

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: 63-127D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660

ANN OBENDORF
26496 DEB LN
PARMA ID 83660

Ann
Obendorf

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.410 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.

This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

PRIORITY DATE: 06/01/1864

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>
MITIGATION	03/01 11/15	0.410 CFS
Diversion for mitigation 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: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENE	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

SF5 Right No. 63-127D

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.

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

AK
W

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BOISE, ID 83701-2139

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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
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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

Case No. 39576

) Subcase No. 63-128B

) Split into 63-128C & 63-128D

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
WATER RIGHT

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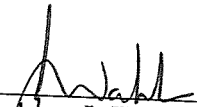
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Tree Top Ranches, LP

OBJECTOR(s):

Estate of Tina Iest

The Tina Iest Family, LLP


Andrew J. Waldera 10/19/11
Attorney for Claimant/Objector Date

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 8/1/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-128B

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

RIGHT NUMBER: 63-128B Disallowed

Recommended as Right Nos. 63-128C & 63-128D

AK
W

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Signature of person or attorney

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In Re SRBA

Case No. 39576

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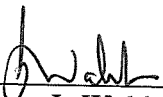
Estate of Tina Iest
The Tina Iest Family, LLP

Dana L. Hofstetter Date
Attorney for Claimant/Objector/Respondent

Dana L. Hofstetter Date
Attorney for Objectors

OBJECTOR:

Tree Top Ranches, LP

 10/19/11

Andrew J. Waldera 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

 8/1/11

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: 63-128D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660ANN OBENDORF
26496 DEB LN
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.720 CFS

This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

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 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

MITIGATION

03/01 11/15

0.720 CFS

Diversion for mitigation 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:

MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENW	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

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

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

AK
dw

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STANDARD FORM 5

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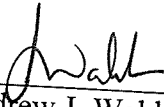
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SF5 Right No. 63-129B

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RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-129B

Disallowed

Recommended as Right Nos. 63-129C & 63-129D

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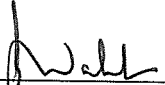
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Dana L. Hofstetter Date
Attorney for Claimant/Objector

Dana L. Hofstetter Date
Attorney for Objectors

OBJECTOR:

Tree Top Ranches, LP



Andrew J. Waldera 10/19/11
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

 8/1/11

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: 63-129D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660ANN OBENDORF
26496 DEB LN
PARMA ID 83660


SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 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.

This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

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>
MITIGATION	03/01 11/15	0.160 CFS
Diversion for mitigation 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: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENW	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

SF5 Right No. 63-129D

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. 63-129B per settlement agreement dated 2-11-11.

This right is designated as No. 51 in the Stewart Decree and the Boise Water Distribution Report.

ATC
JW

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 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

Case No. 39576

) Subcase No. 63-130B

) Split into 63-130C & 63-130D

) 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 disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

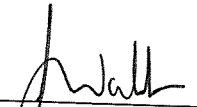
CLAIMANT/OBJECTOR:

Tree Top Ranches, LP

OBJECTOR(s):

Estate of Tina Iest

The Tina Iest Family, LLP



Andrew J. Waldera 10/19/11
Attorney for Claimant/Objector Date

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 8/1/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-130B

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

RIGHT NUMBER: 63-130B Disallowed

Recommended as Right Nos. 63-130C & 63-130D

AK

SF5 Right No. 63-130B

CERTIFICATE OF MAILING

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GREG OBENDORF
THE TINA IEST FAMILY, LLLP
Represented by:
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608 WEST FRANKLIN STREET
BOISE, ID 83702

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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

Case No. 39576

) Subcase No. 63-130D

) Split from 63-130B

) 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/RESPONDENT:

Greg Obendorf
Ann Obendorf

OBJECTOR(s):

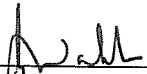
Estate of Tina Iest
The Tina Iest Family, LLP

Dana L. Hofstetter Date
Attorney for Claimant/Objector

Dana L. Hofstetter Date
Attorney for Objectors

OBJECTOR:

Tree Top Ranches, LP

 10/19/11

Andrew J. Waldera Date
Attorney for Objector/Respondent

RESPONDENT(s):

Boise Project Board of Control

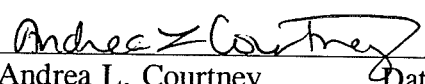
Bureau of Reclamation

Albert P. Barker Date
Attorney for Respondent

David W. Gehlert Date
Attorney for Respondent

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

 8/1/11

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: 63-130D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660ANN OBENDORF
26496 DEB LN
PARMA ID 83660


SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 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.

This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

MITIGATION

03/01 11/15

0.110 CFS

Diversion for mitigation 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: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENW	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

SF5 Right No. 63-130D

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. 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 'D. J. C.' with a stylized 'W' or 'L' below it.

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

Case No. 39576

) Subcase No. 63-131B

) *Split into 63-131C & 63-131D*

) **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 disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

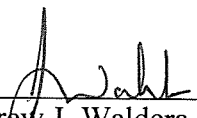
CLAIMANT/OBJECTOR:

Tree Top Ranches, LP

OBJECTOR(s):

Estate of Tina Iest

The Tina Iest Family, LLP



Andrew J. Waldera 10/17/11
Attorney for Claimant/Objector Date

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 8/1/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-131B

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

RIGHT NUMBER: 63-131B Disallowed

Recommended as Right Nos. 63-131C & 63-131D

AN

SF5 Right No. 63-131B

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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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
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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

Case No. 39576

) Subcase No. 63-131D

) *Split from 63-131B*

) **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/RESPONDENT:

Greg Obendorf
Ann Obendorf

OBJECTOR(s):

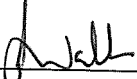
Estate of Tina Iest
The Tina Iest Family, LLP

Dana L. Hofstetter Date
Attorney for Claimant/Objector

Dana L. Hofstetter Date
Attorney for Objectors

OBJECTOR:

Tree Top Ranches, LP



Andrew J. Waldera Date
Attorney for Objector/Respondent

10/19/11

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

 8/1/11

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: 63-131D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660ANN OBENDORF
26496 DEB LN
PARMA ID 83660


SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.420 CFS

This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

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

MITIGATION

03/01 11/15

0.420 CFS

Diversion for mitigation 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: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENW	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

SF5 Right No. 63-131D

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. 63-131B per settlement agreement dated 2-11-11.

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

AZ
BW

CERTIFICATE OF MAILING

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P.O. BOX 2139
BOISE, ID 83701-2139

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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
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P.O. BOX 829
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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. 63-178C
)
)

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:

Tina Iest

OBJECTOR(s):

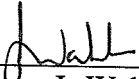
The Hauck Family Revocable Trust
The Tina Iest Family, LLP
Greg Obendorf

Dana L. Hofstetter Date
Attorney for Claimant/Objector

Dana L. Hofstetter Date
Attorney for Objectors

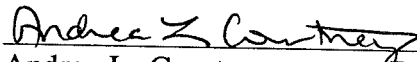
OBJECTOR/RESPONDENT:

Tree Top Ranches, LP

 10/19/11
Andrew J. Waldera Date
Attorney for Objector/Respondent

IDWR Concurrence:

Jan Shurte Date
Water Rights Supervisor

 8/1/11
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: 63-178C

NAME AND ADDRESS: TINA IEST
C/O HELEN C TIDWELL
5700 SOUTH 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 USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

7.330 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.

~~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.~~

SF5 Right No. 63-178C

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 a split from right 63-178.

~~This right is renumbered from former right 63-178.~~

AK
JW

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
HAUCK FAMILY REVOCABLE TRUST
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. 63-178D
	)	
	)	
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.

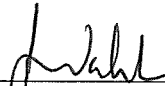
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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(s):
Greg & Ann Obendorf

OBJECTOR:
Tree Top Ranches, LP

Dana L. Hofstetter Date
Attorney for Claimants



Andrew J. Waldera 10/19/11
Attorney for Objector Date

OBJECTOR/RESPONDENT:

IDWR Concurrency:

Jan Shurte
Water Rights Supervisor

Date _____

Andrea L. Courtney 8/2/11
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: 63-178D

NAME AND ADDRESS: GREG OBENDORF
26496 DEB LN
PARMA ID 83660

ANN OBENDORF
26496 DEB LN
PARMA ID 83660

AN
LN

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.540 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.

This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

PRIORITY DATE: 06/01/1869

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>
MITIGATION	03/01 11/15	0.540 CFS
Diversion for mitigation 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: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENW	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

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 from former right 63-178.

AK
W

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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TWIN FALLS, IDAHO 83303-2707

2. Copies to:

GREG OBENDORF
ANN OBENDORF
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. 63-178E
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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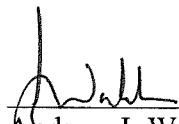
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The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
The Drake, LLC

OBJECTOR:
Tree Top Ranches, LP

Dana L. Hofstetter Date
Attorney for Claimant



Andrew J. Waldera 10/19/11
Attorney for Objector Date

IDWR Concurrency:

Date _____

Andrea L. Courtney 8/21
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: 63-178E

NAME AND ADDRESS: THE DRAKE LLC
C/O DOUGLAS K BATES
950 W BANNOCK ST STE 1050
BOISE ID 83702

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.210 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.210 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 S26 Lot 4 NWNW 7.50

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 from former right 63-178.

CERTIFICATE OF MAILING

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2. Copies to:

THE DRAKE, LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

TREE TOP RANCHES, LP
Represented by:
SCOTT L. CAMPBELL
ANDREW J. WALDERA
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BOISE, ID 83701-0829

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

Signature of person or attorney