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DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-33590

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Tree Top Ranches, L.P.

Address: P.O. Box 8126

Boise, Idaho 83707

Daytime Phone: 208-377-0998

Name & Address of Attorney, if any:

Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields

P.O. Box 829, Boise, ID 83701-0829

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

Name: Tree Top Ranches, L.P.

Address: P.O. Box 8126

Boise, Idaho 83707

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date** Please see attached explanation sheet.
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Please see attached explanation sheet. _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Please see attached explanation sheet. _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): _____
Please see attached explanation sheet.

F.

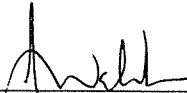
VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

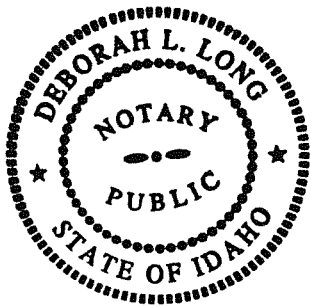
Andrew J. Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

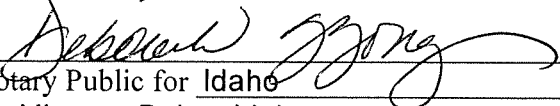
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____



June 13, 2012

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/10/2013

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 13, 20 12, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Tree Top Ranches, L.P.

Address: P.O. Box 8126

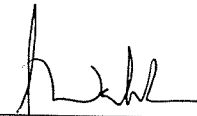
Boise, ID 83707

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

Explanation Sheet
Attachment to Standard Form 1 – Objection
Subcase No. 63-33590

A. Subcase No. 63-33590

D.4. Priority Date

This beneficial use-based water right, together with beneficial use right nos. 63-33497, 63-33498, and 63-33499, comprises replacement water for Stewart Decree-based right nos. 63-00180, 63-00181, and 63-33406 that ceased being diverted into the Andrews Ditch in 1938. As of March 1, 1938, water right nos. 63-00180, 63-00181, and 63-33406 were left undiverted in the Boise River by a former Andrews Ditch user as mitigation for more easily used water sourced from Sand Hollow Creek, an unnamed drain, and wastewater. The non-diversion of right nos. 63-00180, 63-00181, and 63-33406 from the Boise River into the Andrews Ditch created additional ditch capacity that was subsequently filled by the remaining Andrews Ditch water users in order to maintain the historic flow regime of the ditch. Consequently, the priority date should be March 1, 1938.

D.7. Purpose of Use

The Director's Report correctly identifies the purpose of use as "irrigation." However, the Director's Report contains an early/late season use remark that was subsequently revised by parties to the Andrews Ditch Settlement Agreement, dated February 11, 2011, and by the Boise Project Board of Control and the U.S. Bureau of Reclamation. Consequently, the early/late season remark needs to be revised to reflect that contained within the Andrews Ditch Settlement Agreement.

D.9. Place of Use

The place of use needs to be revised to include various Government Lot designations contained within Tree Top Ranches' other Parma Ranch water rights. Specifically, the following Government Lot designations are needed:

T05N R05W S22 Lot 2 SESW 9.30

T05N R05W S22 Lot 1 SWSE 22.00

T05N R05W S27 Lot 5 NENE 0.30

Also, the combined place of use remark needs to be revised from right no. "63-00127D" to right no. "63-00127C" because Tree Top Ranches owns the "C" split of right no. 63-00127, not the "D" split.