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SEP 26 2012

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 63-33499

(Insert water right number
From the Objection Form)

Case No. 39576

STANDARD FORM 2 RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Tree Top Ranches, L.P.

Address: P.O. Box 8126

Boise, ID 83707

Daytime Phone: 208-377-0998

Name & Address of Attorney, if any:

Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields, Chtd.

P. O. Box 829

Boise, ID 83701-0829

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: THEDRAKE, LLC c/o Douglas K. Bates

Address: 950 W. Bannock Street, Suite 1050

Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☒ Priority Date -- Should be March 1, 1938.
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use -- Remark consistent with Andrews Ditch Settlement Agreement language.
8. ☒ Period of Year -- Remark consistent with Andrews Ditch Settlement Agreement language.
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. 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 response)

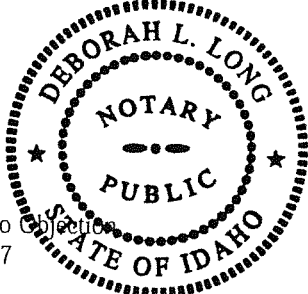
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 25th, 2012



[Signature]
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/10/2013

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on _____, 2012, I mailed the original and copies of this response, 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: THEDRAKE, LLC c/o Douglas K. Bates
Address: 950 West Bannock Street, Suite 1050, Boise, ID 83702

3. One copy to the party who filed the objection at the following address:

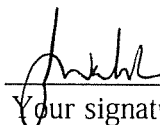
Name: Dana L. Hofstetter
Address: 608 W. Franklin Street, Boise, ID 83702

4. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Your signature or signature of attorney
mailing on your behalf