

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. 63-21530

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 13 2014

Clerk

Deputy Clerk

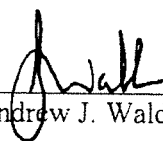
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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

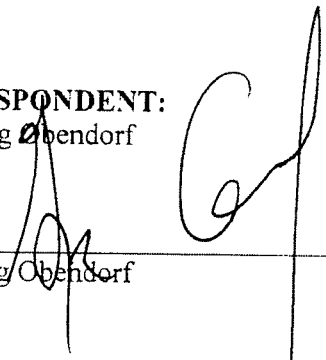

Andrew J. Waldera

12/17/13

Date

RESPONDENT:

Greg Obendorf


Greg Obendorf

12/30/13
Date

IDWR Concurrence:

Jan Shurte 12-18-13
Jan Shurte Date
Adjudication Technical Specialist

Meghan Carter 1/10/2014
Meghan Carter 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, IDAHO 83707

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:

PURPOSE OF USEPERIOD OF USEQUANTITY

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

.69 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B,
63-21530 and 63-23590 are limited to the irrigation of a combined total of
379.5 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 water master with
responsibility for the distribution of water among appropriators within a
water district. At the time of this recommendation 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 33 cfs
per acre

CERTIFICATE OF MAILING

I certify that on January 10th, 201⁴8, 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:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GREG OBENDORF
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

TREE TOP RANCHES LP
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829



Signature of person or attorney mailing form