

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

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

In Re SRBA

Subcase No. 63-33497

Case No. 39576

JAN 13 2014

STANDARD FORM 5

By
STIPULATED ELEMENTS OF A
WATER RIGHT

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:

Greg Obendorf

Greg Obendorf

Date

CLAIMANT/OBJECTOR:

Ann Obendorf

Ann Obendorf

Date

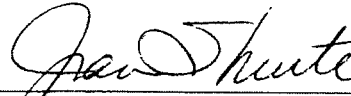
RESPONDENT:

Tree Top Ranches LP

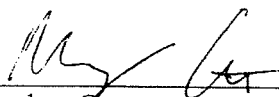
Andrew J. Waldera
Attorney

Date

IDWR Concurrence:

 12-18-13

Jan Shurte Date
Adjudication Technical Specialist

 1/19/2014

Meghan Carter Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-33497

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

RIGHT NUMBER: 63-33497
NAME AND ADDRESS: ANN OBENDORF
26496 DEB LN
PARMA ID 83660
GREG OBENDORF
26496 DEB LN
PARMA ID 83660

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 2 790 CFS

This right is diverted from the Boise River in the SWSE, Lot 2, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, Lot 6, S25, Twp. 5N, Rge. 5W for mitigation of irrigation use Sand Hollow Creek under Right Nos. 63-3201 and 63-9744 63-33570 and 63-33571.

PRIORITY DATE: 03/01/1964

POINT OF DIVERSION

T05N R05W S25 NWNW Lot 6 Injection Within CANYON County
T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MITIGATION	03/01 11/15	2 790 CFS
Diversion for mitigation 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 30.9) 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 <u>be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRSA Case No. 39576, not interfere with storage of water under water rights for Lake Lowell, Lucky Peak, Arrowrock or Anderson Ranch Reservoirs.</u>		

PLACE OF USE: MITIGATION in CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW

SF5 Right No. 63-33497

Handwritten signatures and initials:
ce
me

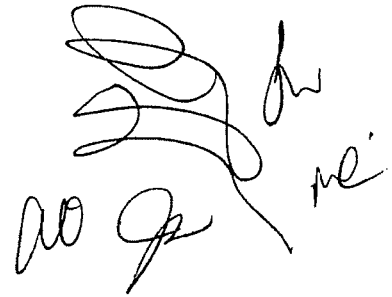
SF5 Right No. 63-33497

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 - Beneficial Use

Handwritten signature and initials. The signature appears to be "Dw" with a large flourish. Below it, the initials "AO" and "JP" are written. To the right of the signature, the word "re:" is written.

SF5 Right No. 63-33497

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

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

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



Signature of person or attorney mailing form