

**STARTING  
LEFT  
SIDE OF  
FILE**

RECEIVED  
JUN 27 2006  
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 THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-00639

Date Received

Receipt Number

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Attorney: Scott L. Campbell  
Moffatt, Thomas, Barrett,  
Rock & Fields, Chartered  
P. O. Box 829  
Boise, Idaho 83701-0829  
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Tree Top Ranches, LP Phone ( 208 ) 377-0998  
Mailing Address 914 Houston Road, Boise, ID Zip 83706

2. Date of Priority (Only one (1) per claim) June 1, 1917

3. Source of water supply (a) Sage Creek  
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 13N Range 04W Section 23,  
NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Washington

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

Earthen dam in Sage Creek diverts water into an unnamed, earthen gravity flow transfer ditch to Fairchild Reservoir #2.  
Water is then diverted from Fairchild Reservoir #2 via pumps to a pressurized system to individual pivots or wheel lines.

SCANNED

BOI\_MT1:616316.1

JUL 2 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/31 amount 1.04 or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.04 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 13N | 04W | 11  |        |       |       |       |        |       |       |       |        |       | 0.8   | 30    |        | 40    | 40    |       | 110.8  |
| 13N | 04W | 12  |        |       |       |       |        |       |       |       |        | 24    | 16    |       |        | 9.3   |       |       | 49.3   |
| 13N | 04W | 13  |        | 40    | 38    |       | 24     | 39    | 39    | 40    | 30     | 40    | 35    | 19    |        | 1.4   |       |       | 345.4  |
| 13N | 04W | 14  | 40     | 40    | 39    | 37    | 28     |       |       | 25    |        |       |       |       | 39     | 8.6   | 6.1   | 28    | 290.7  |
| 13N | 04W | 23  | 6.6    |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       | 6.6    |
| 13N | 04W | 24  |        |       |       |       | 4.2    | 20    |       |       |        |       |       |       |        |       |       |       | 24.2   |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 827.0

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
67-00638, 67-00644 through 67-00653, 67-02390, 67-07732, 67-07899, and 67-02302 or None (☐)

14. Remarks:

Claimant files this claim and several other associated claims to split up the "umbrella" claim, assigned water right no. A67-14107, into a separate claim for each respective water right. By way of explanation, Tree Top Ranches, LP previously submitted one notice of claim for water rights 67-00638, 67-00639, and 67-00644 through 67-00653.

The irrigation system that is used on this property began irrigating the designated place of use prior to November 19, 1987.

Last Name Tree Top Ranches, LP Ident No. 67-00639

BOI\_MT1:616316.1

SCANNED

JUL 0 3 2006



15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree ☒

If applicable provide IDWR Water Right Number 67-0639

Court Washington County Case Number 2961

Decree Date May 16, 1929

Plaintiff vs Defendant Benjamin R. Fairchild, et al. v. John Warren, et al.

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am President

Title

of Tree Top Ranches, LP

, that I have signed the foregoing

document in the space below as President

of Tree Top Ranches, LP

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Larry D. Williams, President, Tree Top Ranches, LP

Date 6-26-06

State of Idaho/or \_\_\_\_\_ )

County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this

26<sup>th</sup>

day of

June, 2006

Notary Public [Signature]

Residing at Boise

My Commission Expires 9/16/09

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

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

Date 6/26/06

Last Name Tree Top Ranches, LP Ident. Number 67-00639

SCANNED

JUL 2 2006

BOI\_MT1:616316.1

**LIST OF PARTNERS OF TREE TOP RANCHES, L.P.**

**General Partner**

LDW, Inc.  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

**Limited Partners**

Larry Williams  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

Marianne Williams  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

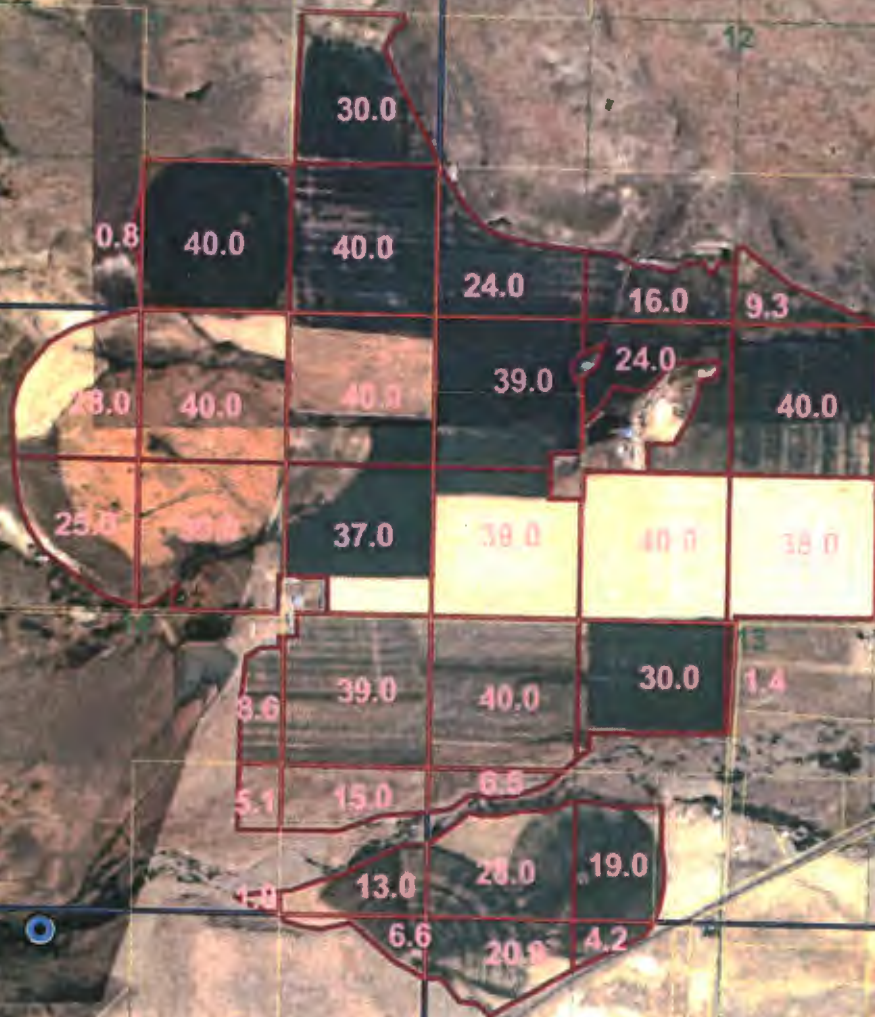
Williams Industries, Inc.  
1299 N. Orchard, Suite 203  
Boise, Idaho 83706

**SCANNED**

**JUL 13 2006**

BOL\_MT2:603021.1

TOWNSHIP 13N, RANGE 4W, WASHINGTON COUNTY



SCANNED  
JUL 03 2006

&  
or

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

*Renumbered to Ab7-14107*

Ident. Number: A67-00639

Date Received: 10/18/1989

Receipt No: C012335

Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**COPY FOR  
YOUR FILES**

1. Name: FAIRCHILD TREE TOP RANCH LTD 208-383-0000  
Address: 914 HOUSTON RD  
BOISE ID 83706

2. Date of Priority: JUN 1, 1917

3. Source: SAGE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 13N      | 04W   | 23      | NW     | NE     | NW  |     | WASHINGTON |

5. Description of diverting works:  
DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 6.960 |      |        |

7. Total Quantity Appropriated is:  
6.960 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 2400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13N      | 04W   | 11      | NE     | SE  |     | IRR | 18.0  |
|          |       |         | SE     | SE  |     | IRR | 40.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 58.0  |
|          |       | 12      | SW         | SW  | IRR           | 21.0  |
|          |       |         | SE         | SW  | IRR           | 14.0  |
|          |       |         | SW         | SE  | IRR           | 3.0   |
|          |       |         |            |     | Section Acres | 38.0  |
|          |       | 13      | NW         | NE  | IRR           | 38.0  |
|          |       |         | SW         | NE  | IRR           | 38.0  |
|          |       |         | NE         | NW  | IRR           | 30.0  |
|          |       |         | NW         | NW  | IRR           | 39.0  |
|          |       |         | SW         | NW  | IRR           | 40.0  |
|          |       |         | SE         | NW  | IRR           | 38.0  |
|          |       |         | NE         | SW  | IRR           | 35.0  |
|          |       |         | NW         | SW  | IRR           | 40.0  |
|          |       |         | SW         | SW  | IRR           | 36.0  |
|          |       |         | SE         | SW  | IRR           | 18.0  |
|          |       |         |            |     | Section Acres | 352.0 |
|          |       | 14      | NE         | NE  | IRR           | 38.0  |
|          |       |         | NW         | NE  | IRR           | 39.0  |
|          |       |         | SW         | NE  | IRR           | 39.0  |
|          |       |         | SE         | NE  | IRR           | 35.0  |
|          |       |         | NE         | NW  | IRR           | 32.0  |
|          |       |         | SE         | NW  | IRR           | 35.0  |
|          |       |         | NE         | SE  | IRR           | 38.0  |
|          |       |         | SE         | SE  | IRR           | 36.0  |
|          |       |         |            |     | Section Acres | 292.0 |
|          |       | 23      | NE         | NE  | IRR           | 7.0   |
|          |       |         |            |     | Section Acres | 7.0   |
|          |       | 24      | NE         | NW  | IRR           | 29.0  |
|          |       |         | NW         | NW  | IRR           | 24.0  |
|          |       |         |            |     | Section Acres | 53.0  |
|          |       |         |            |     | Total Acres   | 800.0 |

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
67-02390, 67-07732, AND SEE REMARKS

14. Remarks:  
THIS CLAIM IS FOR THE COMBINATION OF THE FOLLOWING WATER RIGHTS:  
67-00638, 0.80 CFS, 1888  
67-00639, 1.04 CFS, 1917  
67-00640, 0.30 CFS, 1887  
67-00641, 0.10 CFS, 1911  
67-00642, 0.16 CFS, 1914  
67-00643, 0.50 CFS, 1909  
67-00644, 0.30 CFS, 1905  
67-00645, 0.30 CFS, 1906  
67-00646, 0.10 CFS, 1911  
67-00647, 0.30 CFS, 1913  
67-00648, 0.56 CFS, 1914  
67-00649, 0.30 CFS, 1911  
67-00650, 0.50 CFS, 1913  
67-00651, 0.70 CFS, 1906  
67-00652, 0.70 CFS, 1908  
67-00653, 0.30 CFS, 1913  
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 4/26/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BENJAMIN R. FAIRCHILD ET. AL.  
Decree Plaintiff

JOHN WARREN ET. AL.  
vs Decree Defendant

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 26 1999

WATER RESOURCES  
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[ ] Water Right Number(s): 467-02302, -02390  
-07005, -14107,  
-00639

[ ] Claimant Name(s): ARTHUR A. FAIRCHILD  
FAIRCHILD TREE TOP RANCH LTD

[ ] Old Mailing Address: RT1 BOX 87  
MIDVALE ID 83645

[ ] New Mailing Address: 914 HOUSTON RD  
BOISE ID 83706

Telephone Number: (208) 383 - 0000

[ ] Signature of Claimant(s): Arthur A. Fairchild by Thomas M. Williams  
(POA)  
Date: 4/23/99

GENERAL POWER OF ATTORNEY

RECEIVED

APR 26 1999

WATER RESOURCES  
WESTERN REGION

KNOW ALL MEN BY THESE PRESENTS: That I, ARTHUR A. FAIRCHILD, of Middleton, State of Idaho, have made, constituted and appointed, and by these presents do make, constitute, and appoint MARIANNE WILLIAMS, of 914 Houston, Boise, County of Ada, State of Idaho, my true and lawful attorney for and my name, place and stead, and for my use and benefit, to ask, demand, sue for, recover, collect, and receive all such sums of money, debts, dues, accounts, legacies, bequests, interest, dividends, annuities, and demands whatsoever, as are now or shall hereafter become due, owing, payable, or belonging to me and have, use and take all lawful ways and means in my name, to make, seal, and deliver; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, and hypothecate lands, tenements, and hereditaments upon such terms and conditions, and under such covenants as she shall think fit. Also, to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods, wares, and merchandise, choses in action, and other property in possession or in action, and to make, do, and transact all and every kind of business of what nature or kind soever, and also for me and in my name and as my act and deed to sign, seal, execute, deliver, and acknowledge such deeds, leases, and assignments of leases, covenants, indentures, agreements, mortgages, hypothecations, bills of lading, bills bonds, notes, receipts, evidences of debt, releases, and satisfaction of mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present (with full power of substitution or revocation), hereby ratifying and confirming all that my said attorney (or her substitute or substitutes) shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the  
11 day of July, 1996.

Arthur A. Fairchild  
Arthur A. Fairchild

Signed, sealed and delivered in the presence of:

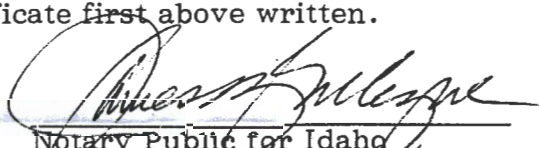
Kusan W. Hooley (Seal)

\_\_\_\_ (Seal)

STATE OF IDAHO                    )  
County of Ada                    ) ss.  
                                          )

On this 11 day of July, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ARTHUR A. FAIRCHILD, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

  
Notary Public for Idaho  
Residing at: Bowle, Id  
My commission expires: 4-1-2000

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

*Renumbered to A67-14107*

Ident. Number: A67-00639

Date Received: 10/18/1989

Receipt No: CO12335

Received By: CT

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FAIRCHILD TREE TOP RANCH, LTD. 208-355-2248  
Address: RT. 1 BOX 87  
MIDVALE, ID 83645
2. Date of Priority: JUN 01, 1917
3. Source: SAGE CREEK Trib. to: WEISER RIVER
4. Point of Diversion:  

|          |       |         |        |        |        |     |            |
|----------|-------|---------|--------|--------|--------|-----|------------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
| 13N      | 04W   | 23      | NW     | NE     | NW     |     | WASHINGTON |
5. Description of diverting works:  
DITCH
6. Water is used for the following purposes:  

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 6.960  |      |        |
7. Total Quantity Appropriated is:  
6.960 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 2400.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

|               |       |         |        |        |     |     |       |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| Township      | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
| 13N           | 04W   | 11      | NE     | SE     |     | IRR | 18.0  |
|               |       |         | SE     | SE     |     | IRR | 40.0  |
| Section Acres |       |         |        |        |     |     | 58.0  |

A67-00639

Page 1

Date: 10/18/89

MICROFILMED

OCT 01 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 13N      | 04W   | 12      | SW            |    | SW  |     | IRR | 21.0  |
|          |       |         | SE            |    | SW  |     | IRR | 14.0  |
|          |       |         | SW            |    | SE  |     | IRR | 3.0   |
|          |       |         | Section Acres |    |     |     |     | 38.0  |
|          |       | 13      | NW            |    | NE  |     | IRR | 38.0  |
|          |       |         | SW            |    | NE  |     | IRR | 38.0  |
|          |       |         | NE            |    | NW  |     | IRR | 30.0  |
|          |       |         | NW            |    | NW  |     | IRR | 39.0  |
|          |       |         | SW            |    | NW  |     | IRR | 40.0  |
|          |       |         | SE            |    | NW  |     | IRR | 38.0  |
|          |       |         | NE            |    | SW  |     | IRR | 35.0  |
|          |       |         | NW            |    | SW  |     | IRR | 40.0  |
|          |       |         | SW            |    | SW  |     | IRR | 36.0  |
|          |       |         | SE            |    | SW  |     | IRR | 18.0  |
|          |       |         | Section Acres |    |     |     |     | 352.0 |
|          |       | 14      | NE            |    | NE  |     | IRR | 38.0  |
|          |       |         | NW            |    | NE  |     | IRR | 39.0  |
|          |       |         | SW            |    | NE  |     | IRR | 39.0  |
|          |       |         | SE            |    | NE  |     | IRR | 35.0  |
|          |       |         | NE            |    | NW  |     | IRR | 32.0  |
|          |       |         | SE            |    | NW  |     | IRR | 35.0  |
|          |       |         | NE            |    | SE  |     | IRR | 38.0  |
|          |       |         | SE            |    | SE  |     | IRR | 36.0  |
|          |       |         | Section Acres |    |     |     |     | 292.0 |
|          |       | 23      | NE            |    | NE  |     | IRR | 7.0   |
|          |       |         | Section Acres |    |     |     |     | 7.0   |
|          |       | 24      | NE            |    | NW  |     | IRR | 29.0  |
|          |       |         | NW            |    | NW  |     | IRR | 24.0  |
|          |       |         | Section Acres |    |     |     |     | 53.0  |
|          |       |         | Total Acres   |    |     |     |     | 800.0 |

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
67-02390, 67-07732, AND SEE REMARKS

14. Remarks:

THIS CLAIM IS FOR THE COMBINATION OF THE FOLLOWING WATER RIGHTS:

67-00638, 0.80 CFS, 1888  
67-00639, 1.04 CFS, 1917  
67-00640, 0.30 CFS, 1887  
67-00641, 0.10 CFS, 1911  
67-00642, 0.16 CFS, 1914  
67-00643, 0.50 CFS, 1909  
67-00644, 0.30 CFS, 1905  
67-00645, 0.30 CFS, 1906  
67-00646, 0.10 CFS, 1911  
67-00647, 0.30 CFS, 1913  
67-00648, 0.56 CFS, 1914  
67-00649, 0.30 CFS, 1911  
67-00650, 0.50 CFS, 1913  
67-00651, 0.70 CFS, 1906  
67-00652, 0.70 CFS, 1908  
67-00653, 0.30 CFS, 1913

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BENJAMIN R. FAIRCHILD ET. AL.

Decree Plaintiff

vs

JOHN WARREN ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -1-

For Organizations:

I do solemnly swear or affirm that I am Owner of \_\_\_\_\_ Title

Farishold Tree Top Ranch, that I have signed the foregoing Organization  
document in the space below as Owner of \_\_\_\_\_ Title

Farishold Tree Top Ranch and that the statements contained in the Organization  
foregoing document are true and correct.

Arthur H. Farishold  
Signature of Authorized Agent

Owner  
Title and Organization

Oct 18, 1989  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 18<sup>th</sup> day  
of October 19 89

Carter Fritschler  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschler, Notary Public  
Residence: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_, 1994

1 030 000  
FEET

T 13 N  
R 4 W

A67-00163

# MICROFILMED

OCT 07 1992

Water Right Number - A67-00642

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
 FAIRCHILD

DEAN D.

1 - BOX 125  
 2 -  
 3 -

City- MIDVALE  
 Phone - 208-355-2277

State- ID Zip- 83645

FAIRCHILD

VELDA C.

1 - BOX 125  
 2 -  
 3 -

City- MIDVALE  
 Phone - 208-355-2277

State- ID Zip- 83645

\*\*\* O - ORIGINAL OWNER \*\*\*  
 DYMOKE

BELLE

1 -  
 2 -  
 3 -

City- MIDVALE  
 Phone - 208-000-0000

State- ID Zip- 83649

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
 06/01/1914 14 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
 SAGE CREEK WEISER RIVER

+ - - - - Point of Diversion - - - - - +  
 TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)  
 13N 03W 19 NW NW SE (87) WASHINGTON

+ - - - - Water Use - - - - - +  
 Code Description Period From Period To Diversion Rate Diversion Volume  
 01 - IRRIGATION 03/15 11/15 0.560

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
 0.560 84.0

+ - - - - Place of Use - - - - - +  
 TwN Rng Sec Tract Lot Acres Code Description County  
 13N 03W 19 NW NE 20.0 01 IRRIGATION (87 ) WASHINGTON  
 13N 03W 19 SW NE 30.0 01 IRRIGATION (87 ) WASHINGTON  
 13N 03W 19 NE NW 25.0 01 IRRIGATION (87 ) WASHINGTON  
 13N 03W 19 SE NW 25.0 01 IRRIGATION (87 ) WASHINGTON

Total Acres: 100.0

+ - - Diversion Means - PUMP AND PIPELINE WITH SPRINKLER SYSTEM.

MICROFILMED

JUL 11 1992

+ - - Non-Irrigation Use - STOCKWATER INCIDENTAL TO IRRIGATION

MICROFILMED

OCT 01 1992

Water right number - A67-00642 Adj. flag translation: Adjudication Temporary Work Area

+ - - Other Rights for Same Use - 67-2384B

+ - - - - - Remarks - - - - - +

CLAIMANT IS THE OWNER OF THE FORMER BELLE DYMOKE PROPERTY  
WHICH HAS DECREED RIGHTS FROM SAGE CREEK, 67-0640, 67-0641, AND  
67-0642. THESE RIGHTS WERE DECREED FOR 15" WITH 1887 PRIORITY,  
5" WITH 1911 PRIORITY, AND 8" WITH 1914 PRIORITY RESPECTIVELY.  
CLAIMANT IS CLAIMING 28" FOR 67-0642 WITH THE 1914 PRIORITY.  
AS PRESENTLY USED THIS RIGHT IS DIVERTED AT THE LISTED POINT OF  
DIVERSION FROM WEISER RIVER PROPER AFTER SAGE CREEK HAS ENTERED  
THE RIVER.

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +  
BENJAMIN R. FAIRCHILD ET. AL.

+ - - - - Decree Defendant - - - +  
JOHN WARREN ET. AL.

+ - Decree Date - +  
00/00/0000

+ - - Audit Fields - 07/19/89 LUTHY

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing   | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date  | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date   | - 00/00/0000 | Verified Date         | - 04/23/1985 | Old Judicial District   | -       |
| Claim Received Date   | - 10/06/1989 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Claims Tape Error Flg | -            | Receipt Number        | - W006175    | Water District          | - 67    |
| Fee Exempt Flag       | -            | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                       |              | Name Connector        | -            |                         |         |

MICROFILMED

OCT 9 ' 89

**STARTING  
RIGHT  
SIDE OF  
FILE**

11/14/2006

**NOTICE OF ERROR  
REPLY**

RECEIVED  
DEC 08 2006  
DEPARTMENT OF  
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 8, 2006**

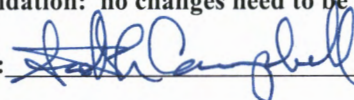
Water right number: 67-639

TREE TOP RANCHES, LP  
914 HOUSTON RD  
BOISE ID 83706

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

Date: 12/8/06

SIGNATURE: 

Please print your name: Scott L. Campbell, Moffatt Thomas  
PO Box 829, Boise, Idaho 83701  
Attorney of record for Tree Top Ranches, LP

IDWR Regional Office, 322 E. Front Street, Boise, ID 83702, (208) 287-4800

SCANNED  
DEC 11 2006

08/29/2006

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

RIGHT NUMBER: 67-639

NAME AND ADDRESS: FAIRCHILD TREE TOP RANCH LTD  
914 HOUSTON RD  
BOISE ID 83706

SOURCE: SAGE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.040 CFS

This right when combined with Right No. 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899 shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above

PRIORITY DATE: 06/01/1917

POINT OF DIVERSION:

T13N R04W S23 NWNENW Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 10/31          | 1.040 CFS       |

PLACE OF USE: IRRIGATION Within WASHINGTON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T13N R04W S11 | SESW | 0.80  | T13N R04W S11 | NESE | 30.00 |
| T13N R04W S11 | SWSE | 40.00 | T13N R04W S11 | SESE | 40.00 |
| T13N R04W S12 | SWSW | 24.00 | T13N R04W S12 | SESW | 16.00 |
| T13N R04W S12 | SWSE | 9.30  | T13N R04W S13 | NWNE | 40.00 |
| T13N R04W S13 | SWNE | 38.00 | T13N R04W S13 | NENW | 24.00 |
| T13N R04W S13 | NWNW | 39.00 | T13N R04W S13 | SWNW | 39.00 |
| T13N R04W S13 | SENW | 40.00 | T13N R04W S13 | NESW | 30.00 |
| T13N R04W S13 | NWSW | 40.00 | T13N R04W S13 | SWSW | 35.00 |
| T13N R04W S13 | SESW | 19.00 | T13N R04W S13 | NWSE | 1.40  |
| T13N R04W S14 | NENE | 40.00 | T13N R04W S14 | NWNE | 40.00 |
| T13N R04W S14 | SWNE | 39.00 | T13N R04W S14 | SENE | 37.00 |
| T13N R04W S14 | NENW | 28.00 | T13N R04W S14 | SENW | 25.00 |
| T13N R04W S14 | NESE | 39.00 | T13N R04W S14 | NWSE | 8.60  |
| T13N R04W S14 | SWSE | 6.10  | T13N R04W S14 | SESE | 28.00 |
| T13N R04W S23 | NENE | 6.60  | T13N R04W S24 | NENW | 4.20  |
| T13N R04W S24 | NWNW | 20.00 |               |      |       |

827 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 827.0 acres in a single irrigation season. Combined Right Nos.: 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

08/29/2006

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

---

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



# Idaho Department of Water Resources

SRBA Recommendation:

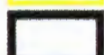
**67-639**

(Irrigation)

## Legend

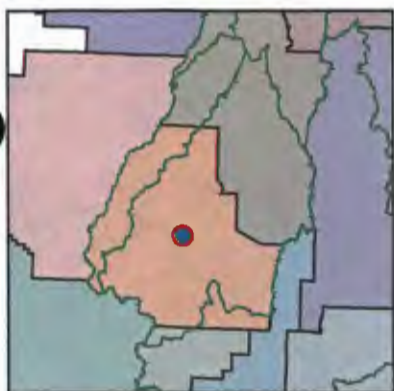
 **Point of Diversion**

 **Place of Use**

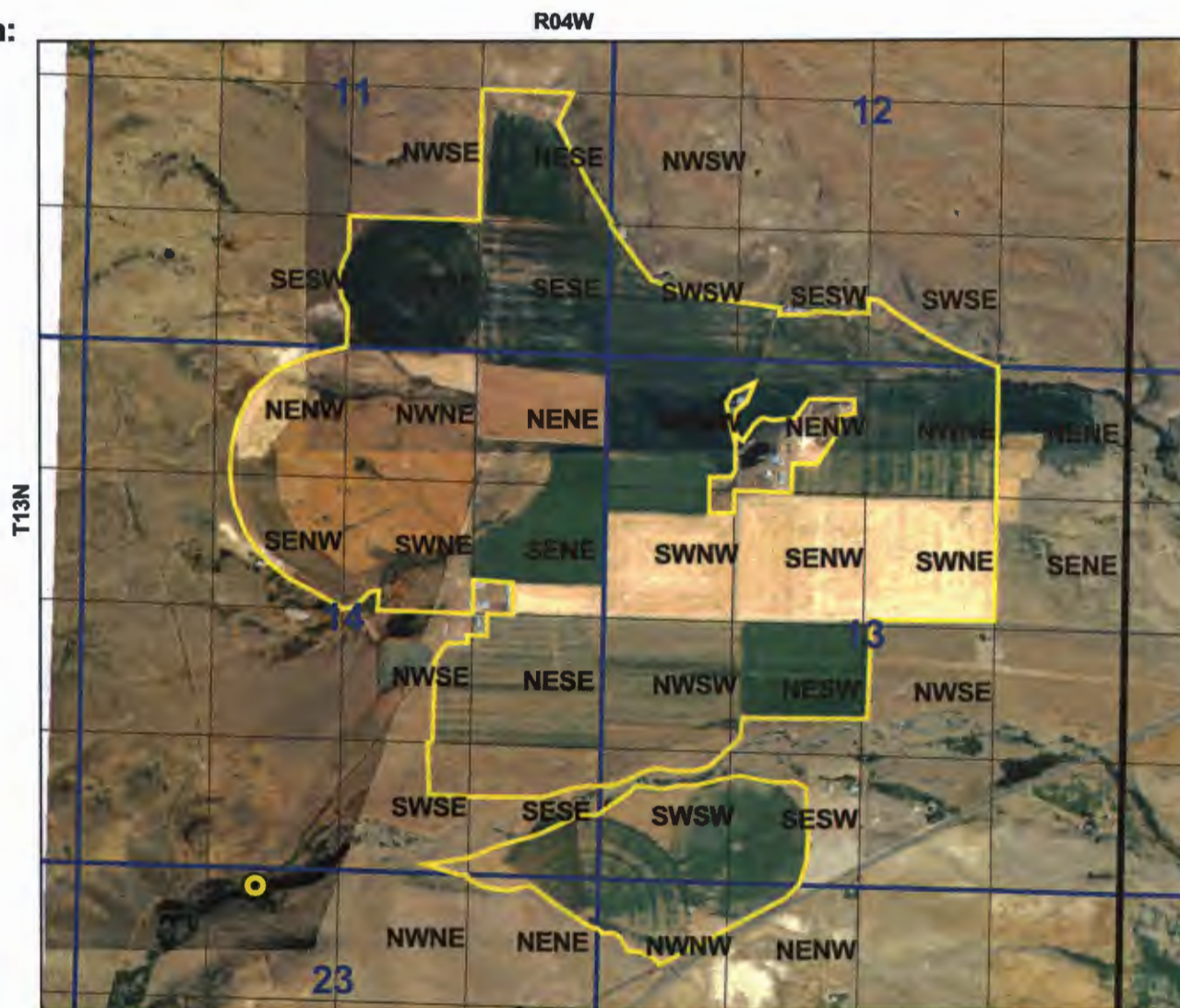
 **Townships**

 **PLS Sections**

 **Quarter Quarters**



Washington County  
IDWR Basin 67



0

0.7

1.4 Miles



Prepared by C. Saxton  
On Tuesday, August 29, 2006  
1987/88 Aerial Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-639 V1

WATER RIGHT NUMBER: 67-639 V1

|                   |                              |
|-------------------|------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>      |
| Original Owner    | BENJAMIN R FAIRCHILD         |
|                   | MIDVALE, ID                  |
| Original Owner    | FEDERAL LAND BANK OF SPOKANE |
|                   | , ZZ                         |
| Current Owner     | FAIRCHILD TREE TOP RANCH LTD |
|                   | 914 HOUSTON RD               |
|                   | BOISE, ID 83706              |
|                   | (208)383-0000                |

Priority Date: 06/01/1917

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SAGE CREEK    | WEISER RIVER     |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/15 to 10/31          | 1.040 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.040 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| SAGE CREEK        | NW1/4NE1/4NW1/4 | Sec. 23, Twp 13N, Rge 04W, B.M. |
| WASHINGTON County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |     |      |       | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|------|-------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW  | SW   | SE    |        |
| 13N | 04W | 11  |      |      |      |      |      |      |      |      |      |      |      | .8   | 30.0 |     | 40.0 | 40.0  | 110.8  |
| 13N | 04W | 12  |      |      |      |      |      |      |      |      | 24.0 | 16.0 |      |      |      | 9.3 |      | 49.3  |        |
| 13N | 04W | 13  |      | 40.0 | 38.0 |      | 24.0 | 39.0 | 39.0 | 40.0 | 30.0 | 40.0 | 35.0 | 19.0 |      | 1.4 |      | 345.4 |        |
| 13N | 04W | 14  | 40.0 | 40.0 | 39.0 | 37.0 | 28.0 |      |      | 25.0 |      |      |      |      | 39.0 | 8.6 | 6.1  | 28.0  | 290.7  |
| 13N | 04W | 23  | 6.6  |      |      |      |      |      |      |      |      |      |      |      |      |     |      | 6.6   |        |
| 13N | 04W | 24  |      |      |      |      | 4.2  | 20.0 |      |      |      |      |      |      |      |     |      | 24.2  |        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-639 V1

Total Acres: 827

Conditions of Approval:

1. E62 This right when combined with Right No. 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899 shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above
2. C18 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 827.0 acres in a single irrigation season. Combined Right Nos.: 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899

Remarks:Comments:

1. csaxton 8/29/2006 Recommendation

Comment: This right is recommended as a PPU with rights 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, and 67-7899. This right is delivered by the watermaster to the claimant. To see answers to the ECVR questions for decreed rights see file 67-638.

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number: 67  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 6/25/2004 2:37:23 PM      | awarntje        |                           |                 | Active        |
| Source         | 6/25/2004 2:37:42 PM      | awarntje        |                           |                 | Active        |
| Contacts       | 8/29/2006 3:22:12 PM      | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 08/29/2006                | csaxton         | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-639 V1

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source         | 6/25/2004 2:37:42 PM   | awarntje        | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Priority Date  | 6/25/2004 2:37:24 PM   | awarntje        | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?                                                                                                                                                                                                                                                                                     |
| Contacts       | 8/29/2006 3:22:11 PM   | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Desktop Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POU            | 8/29/2006 3:23:29 PM   | csaxton         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POD            | 8/29/2006 3:23:05 PM   | csaxton         | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POU            | 8/29/2006 3:23:57 PM   | csaxton         | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Summary        | 8/29/2006 3:25:50 PM   | csaxton         | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |

Water Supply Bank:

**Claim**

| Basin | Sequence | Suffix | Basis   | Status | Priority Date | Rate(cfs) | Volume(a) | Acres | Source      | Water Use(s)   | Owner(s)      | Source Table |
|-------|----------|--------|---------|--------|---------------|-----------|-----------|-------|-------------|----------------|---------------|--------------|
| 67    | 638      |        | Decreed | Active | 1888-06-01    | 0.8       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 639      |        | Decreed | Active | 6/1/1917      | 1.04      |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 643      |        | Decreed | Active | 6/1/1917      | 6.96      |           |       | SAGE CREEK  | IRRIGATION     | FAIRCHILD TRE | Claim        |
| 67    | 644      |        | Decreed | Active | 6/1/1905      | 0.3       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 645      |        | Decreed | Active | 6/1/1906      | 0.3       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 646      |        | Decreed | Active | 6/1/1911      | 0.1       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 647      |        | Decreed | Active | 6/1/1913      | 0.3       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 648      |        | Decreed | Active | 6/1/1914      | 0.56      |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 649      |        | Decreed | Active | 6/1/1911      | 0.3       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 650      |        | Decreed | Active | 6/1/1913      | 0.5       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 651      |        | Decreed | Active | 6/1/1906      | 0.7       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 652      |        | Decreed | Active | 6/1/1908      | 0.7       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 653      |        | Decreed | Active | 6/1/1913      | 0.3       |           |       | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 2302     |        | License | Active | 7/9/1962      | 5.54      |           |       | GROUND WATE | IRRIGATION     | TREE TOP RAN  | Claim        |
| 67    | 2390     |        | License | Active | 3/1/1968      | 22.75     | 3702.7    |       | UNNAMED STR | DIVERSION TO S | TREE TOP RAN  | Claim        |
| 67    | 14107    |        | Decreed | Re-#d  | 6/1/1917      | 6.96      |           |       | SAGE CREEK  | IRRIGATION     | FAIRCHILD TR  | Claim        |

**Recommendation**

| Basin | Sequence | Suffix | Basis   | Status | Priority Date | Rate(cfs) | Volume(a) | Acres | Source      | Water Use(s)   | Owner(s)      | Source Table   |
|-------|----------|--------|---------|--------|---------------|-----------|-----------|-------|-------------|----------------|---------------|----------------|
| 67    | 638      |        | Decreed | Active | 1888-06-01    | 0.8       |           | 40    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 639      |        | Decreed | Active | 6/1/1917      | 1.04      |           | 52    | SAGE CREEK  | IRRIGATION     | FAIRCHILD TRE | Recommendation |
| 67    | 643      |        | Decreed | Active | 6/1/1917      | 0.5       |           | 25    | SAGE CREEK  | IRRIGATION     | FAIRCHILD TRE | Recommendation |
| 67    | 644      |        | Decreed | Active | 6/1/1905      | 0.3       |           | 15    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 645      |        | Decreed | Active | 6/1/1906      | 0.3       |           | 15    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 646      |        | Decreed | Active | 6/1/1911      | 0.1       |           | 5     | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 647      |        | Decreed | Active | 6/1/1913      | 0.3       |           | 15    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 648      |        | Decreed | Active | 6/1/1914      | 0.56      |           | 28    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 649      |        | Decreed | Active | 6/1/1911      | 0.3       |           | 15    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 650      |        | Decreed | Active | 6/1/1913      | 0.5       |           | 25    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 651      |        | Decreed | Active | 6/1/1906      | 0.7       |           | 35    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 652      |        | Decreed | Active | 6/1/1908      | 0.7       |           | 35    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 653      |        | Decreed | Active | 6/1/1913      | 0.3       |           | 15    | SAGE CREEK  | IRRIGATION     | TREE TOP RAN  | Recommendation |
| 67    | 2302     |        | License | Active | 7/9/1962      | 5.54      | 1108      | 277   | GROUND WATE | IRRIGATION     | FAIRCHILD TRE | Recommendation |
| 67    | 2390     |        | License | Active | 2/10/1967     | 22.75     | 3702.7    | 827   | UNNAMED STR | IRRIGATION FRC | FAIRCHILD TRE | Recommendation |
| 67    | 14107    |        | Re-#d   |        | 6/1/1917      | 0         |           | 0     | SAGE CREEK  | IRRIGATION     | FAIRCHILD TRE | Recommendation |

**WR**

| Basin | Sequence | Suffix | Basis   | Status | Priority Date | Rate(cfs) | Volume(a) | Acres | Source       | Water Use(s)   | Owner(s)       | Source Table |
|-------|----------|--------|---------|--------|---------------|-----------|-----------|-------|--------------|----------------|----------------|--------------|
| 67    | 2390     |        | License | Active | 3/1/1968      | 22.75     | 3702.7    |       | UNNAMED STR  | DIVERSION TO S | TREE TOP RAN   | wrWaterRight |
| 67    | 7732     |        | License | Active | 4/26/1988     | 1         | 42        |       | SAGE CREEK   | DIVERSION TO S | TREE TOP RAN   | wrWaterRight |
| 67    | 7899     |        | License | Active | 6/19/1992     | 1         | 66        |       | SAGE CREEK   | DIVERSION TO S | TREE TOP RAN   | wrWaterRight |
| 67    | 11659    |        | Decreed | Active | 10/31/1964    | 0.04      |           |       | GROUND WATER | DOMESTIC, STO  | TREE TOP RAN   | wrWaterRight |
| 67    | 638      |        | Decreed | Active | 1888-06-01    | 0.8       |           |       | SAGE CREEK   | IRRIGATION     | FAIRCHILD, BE  | wrWaterRight |
| 67    | 639      |        | Decreed | Active | 6/1/1917      | 1.04      |           |       | SAGE CREEK   | IRRIGATION     | FAIRCHILD, BE  | wrWaterRight |
| 67    | 644      |        | Decreed | Active | 6/1/1905      | 0.3       |           |       | SAGE CREEK   | IRRIGATION     | WARREN, JOH    | wrWaterRight |
| 67    | 645      |        | Decreed | Active | 6/1/1906      | 0.3       |           |       | SAGE CREEK   | IRRIGATION     | WARREN, JOH    | wrWaterRight |
| 67    | 646      |        | Decreed | Active | 6/1/1911      | 0.1       |           |       | SAGE CREEK   | IRRIGATION     | WARREN, JOH    | wrWaterRight |
| 67    | 647      |        | Decreed | Active | 6/1/1913      | 0.3       |           |       | SAGE CREEK   | IRRIGATION     | WARREN, JOH    | wrWaterRight |
| 67    | 648      |        | Decreed | Active | 6/1/1914      | 0.56      |           |       | SAGE CREEK   | IRRIGATION     | WARREN, JOH    | wrWaterRight |
| 67    | 649      |        | Decreed | Active | 6/1/1911      | 0.3       |           |       | SAGE CREEK   | IRRIGATION     | SLOAN, HUGH    | wrWaterRight |
| 67    | 650      |        | Decreed | Active | 6/1/1913      | 0.5       |           |       | SAGE CREEK   | IRRIGATION     | SLOAN, HUGH    | wrWaterRight |
| 67    | 651      |        | Decreed | Active | 6/1/1906      | 0.7       |           |       | SAGE CREEK   | IRRIGATION     | MORRIS, MARY   | wrWaterRight |
| 67    | 652      |        | Decreed | Active | 6/1/1908      | 0.7       |           |       | SAGE CREEK   | IRRIGATION     | TIMPKE, F E (C | wrWaterRight |
| 67    | 653      |        | Decreed | Active | 6/1/1913      | 0.3       |           |       | SAGE CREEK   | IRRIGATION     | MEIR, FRANK (  | wrWaterRight |
|       |          |        |         |        |               | 5.9       |           | 295   | ACRES        |                |                |              |

**Water Master Records**

| Page # | Parcel #     | Name             | Inches | WR # | Original O | Priority |
|--------|--------------|------------------|--------|------|------------|----------|
| 33     | 13N04W147300 | FAIRCHILD TREETC | 40.00  | 638  | Ben Fairch | 6/1/1888 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 52.00  | 639  | Ben Fairch | 6/1/1917 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 15.00  | 640  | Belle Dym  | 6/1/1897 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 5.00   | 641  | Belle Dym  | 6/1/1911 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 8.00   | 642  | Belle Dym  | 6/1/1914 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 25.00  | 643  | Belle Dym  | 6/1/1909 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 15.00  | 644  | John Warr  | 6/1/1905 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 15.00  | 645  | John Warr  | 6/1/1906 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 5.00   | 646  | John Warr  | 6/1/1911 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 15.00  | 647  | John Warr  | 6/1/1913 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 28.00  | 648  | John Warr  | 6/1/1914 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 15.00  | 649  | H J Sloan  | 6/1/1911 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 25.00  | 650  | H J Sloan  | 6/1/1913 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 35.00  | 651  | Mary Morr  | 6/1/1906 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 35.00  | 652  | R E Timpk  | 6/1/1908 |
| 33     | 13N04W147300 | FAIRCHILD TREETC | 15.00  | 653  | Frank Mei  | 6/1/1913 |

Recommended as 67-14746

Recommended as 67-14746

Recommended as 67-14746

Recommended as 67-14107



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

August 10, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

SCOTT L CAMPBELL  
MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD  
PO BOX 829  
BOISE ID 83701-0829

RE: Snake River Basin Adjudication (SRBA)  
Your File No. 22567.0  
Tree Top Ranches LP and Marianne and Larry Williams

Dear Scott,

Following receipt of your faxes dated June 28, 2006 and June 29, 2006, I have added your name to the following records as you requested:

|         |         |         |         |          |         |
|---------|---------|---------|---------|----------|---------|
| 2-2175A | 2-2197A | 2-2246  | 2-2294  | 63-127B  | 63-128B |
| 63-129B | 63-130B | 63-131B | 63-178B | 63-21530 | 63-4534 |
| 67-638  | 67-639  | 67-644  | 67-645  | 67-646   | 67-647  |
| 67-648  | 67-649  | 67-650  | 67-651  | 67-652   | 67-653  |
| 67-2302 | 67-2390 | 67-7732 | 67-7899 |          |         |

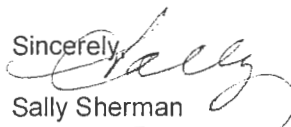
Water right claim #67-2390 was amended to match the License issued on 6/28/06. I have enclosed a copy for you.

Your name was already on water rights #2-2175B, 2-2197B, 63-127B, 63-128B, 63-129B, 63-130B, 63-131B and 63-178B, so I didn't make any changes to these records. Although you dropped the suffix on the Basin 63 rights, Andrews Ditch Co. has the "A" part and Tree Top Ranches, LP has the "B" part, as I am sure you know. I added your name to the Basin 67 rights as you requested.

I am returning your letter for water right #63-21580 as this right belongs to Gerald Kramer, not your clients. I have enclosed a Notice of Change in Water Right Ownership form for your client's possible use. This form is also on the Internet (Forms, Rules & Statutes).

I have also enclosed our Internet Research pamphlet for you. If you enter any of the water right numbers from the letters you faxed us, you can see my notes on each of them (click on Related Documents) as well as the change itself. If you need some guidance on our website, please give me a buzz (287-4922).

Sincerely,

  
Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

ss:region

Enclosures:

Copy of Notice of Claim to a Water Right #67-2390  
Letter for Notice of Claim to a Water Right #63-21580 (Returned)  
Notice of Change in Water Right Ownership Form  
Internet Research Pamphlet

SCANNED

AUG 11 2006

*Moffatt Thomas*

MOFFATT THOMAS BARRETT ROCK &amp; FIELDS, CHTD.

Boise  
Idaho Falls  
Pocatello  
Twin FallsEugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
John S. Simko  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen  
Gerald T. Husch  
Scott L. Campbell  
Robert B. BurnsMichael E. Thomas  
Patricia M. Olsson  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill  
David P. Gardner  
John O. Fitzgerald, II  
Julian E. Gabiola  
Angela Schaefer Kaufmann  
Michael W. McGraham  
Paul D. McFarlane  
Kimberly D. Evans Ross  
Jon A. StenquistTyler J. Henderson  
Jason G. Murray  
Mark C. Peterson  
Andrew J. Waldera  
Tyler J. Anderson  
Dylan B. Lawrence  
Russell G. Metcalf  
Benjamin C. RitchieRobert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel**Willis C. Moffatt, 1907-1980*  
*Kirk R. Helvie, 1956-2003*June 28, 2006  
*via Facsimile*US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.comIdaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, ID 83705Re: **Water Right 67-00639**  
MTBR&F File No. 22567.0

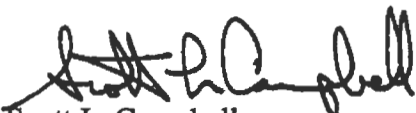
Dear Sir or Madam:

*Fairchild Tree Top  
Ranch LTD = owner  
added Jett. 8-10-06  
- 10*

This firm represents Larry and Marianne Williams and Tree Top Ranches LP with respect to certain water rights issues. The purpose of this correspondence is to request that all future notices, correspondence, pleadings, filings or other communication concerning the above-referenced water right be directed to the undersigned at the above-identified address.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Scott L. Campbell

SLC/tmh

cc: Idaho Department of Water Resources (State Office)  
Larry WilliamsSCANNED  
AUG 10 2006

67-H

FINDINGS OF FACT

—o—

BENJAMIN R. FAIRCHILD and THE FEDERAL LAND BANK OF SPOKANE,  
WASHINGTON.

-I-

That the plaintiffs, Benjamin R. Fairchild and the Federal Land Bank, are the owners and in the possession of the

Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twelve (12); the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ); the West Half (W $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ); and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirteen (13), all in Township Thirteen (13) North, of Range Four (4) West of the Boise Meridian, in Washington County, Idaho.

-II-

That on or about the year 1888 one William Shaw, a predecessor in interest of the plaintiffs in the

Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twelve (12); the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirteen (13) in Township Thirteen (13) North, of Range Four (4) West of the Boise Meridian, in said Washington County.

constructed a ditch from Sage Creek extending in a general northeasterly and northerly direction a distance of about a mile and one-half to the above described lands. That the head of said ditch was and is situated in the

Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-three (23), in Township Thirteen (13) North, of Range Four (4) West of the Boise Meridian, in said County.

That said ditch was of dimensions sufficient to carry at least 125 inches of water measured under a four-inch pressure. That the said Shaw immediately after construction of the said ditch diverted water through the same for the irrigation of the lands last above described.

-III-

-2-

JUL 24 1906

-III-

That thereafter, in the year 1915, one Walter B. Shaw, one of the predecessors in interest of the plaintiffs, acquired the

Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Thirteen (13),

and placed the same in cultivation and irrigated the same from the Shaw ditch above described, beginning with the year 1917, and used thereon a portion of the water which had theretofore been used upon the

North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Thirteen (13).

That water from Sage Creek to the extent of 40 inches measured under a four-inch pressure, has been used on said premises continuously beginning with the year 1888, and that an additional 52 inches of the waters of Sage Creek, diverted through the Shaw ditch aforesaid, has been used on the said premises continuously from the year 1917. That the water so used by plaintiffs and their predecessors in interest has been applied to a beneficial use in the irrigation of agricultural crops.

BELLE DYMCKE

-I-

That the defendant and cross-complainant Belle Dymcke is the owner of the

West Half (W $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the East Half (E $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Nineteen (19), in Township Thirteen (13) North, Range Three (3) West of the Boise Meridian, in Washington County, Idaho.

JUL 24 1906

described in the Findings herein, as belonging to the several parties in this action, are arid in character and require the artificial application of water to render them valuable for agricultural purposes.

## II

That the quantity of water required for the successful irrigation and cultivation of said land, measured at the intake of the respective ditches under a four-inch pressure, is one inch per acre of land.

## III

That the quantity of water to which each of the parties in this action is entitled under this Decree shall be measured at the point or points of diversion thereof.

## IV

That the following named parties to this action are entitled to the use of the waters of Sage Creek upon the lands mentioned and described in the complaint and cross-complaints, answers and the Findings herein, in the following amounts and from the following dates, to-wit:

1. That the plaintiffs, BENJAMIN R FAIRCHILD and THE FEDERAL LAND BANK OF SPOKANE, WASHINGTON, be and they are hereby awarded the use of the waters of Sage Creek, diverted from a point in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-three (23), in Township Thirteen (13) North, Range Four (4) West of the Boise Meridian, in said Washington County, through what is known as the "Shaw ditch" for use upon their lands as described in the complaint and in the Findings herein, in the following amounts from the following dates:

67 0638 Forty (40) inches of water from the year 1888;

67 0639 Fifty-two (52) inches of water from the year 1917.

2. That the defendant and cross-complainant BELLE DYMOKE is awarded the use of the waters of Sage Creek, for use upon her lands described in her cross-complaint, and the Findings

JUL 24 1996

GENERAL  
FINDINGS OF FACT

-I-

That all of the lands described in the foregoing Findings are arid in character and require the artificial application of water for the production of profitable agricultural crops.

-II-

That all of the water above mentioned as having been diverted and used in the irrigation of any of the lands above described has been applied to a beneficial use in the irrigation of agricultural products.

---

CONCLUSIONS OF LAW

As Conclusions of Law from the foregoing facts, the Court finds:

-I-

That the plaintiffs have a right to divert from Sage Creek, through what is known as the "Shaw ditch", and use upon their premises above described, 40 inches of water measured under a four-inch pressure, with date of priority the year 1888; and a further and additional right to divert from Sage Creek and use upon the premises above described for the irrigation thereof, an additional amount of 52 inches of water measured under a four-inch pressure.

-II-

-10-

JUL 24 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 26, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Re: Notice of Claim to a Water Right No. A67-02302, A67-02390,  
A67-07005, A67-14107 and A67-00639

Arthur A Fairchild  
Fairchild Tree Top Ranch LTD  
914 Houston Rd  
Boise ID 83706

Dear Mr. Fairchild:

Enclosed is a copy of the above referenced claim which reflects your change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington  
Records Clerk  
Adjudication Section  
Western Region Office

DB:db

Enclosure

SCANNED  
APR 07 2004