STARTING

LEFT

SIDE OF

FILE

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 67-645
Date Received: 6/27/2006
Receipt No: C081590
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TREE TOP RANCHES LP Phone: (208)377-0998

914 HOUSTON RD
BOISE ID USA 83706

2. Date of Priority: 06/01/1906

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	Type
13N	04W	23	NW	NE	NW		WASHINGTON	

5. Description of diverting works:

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.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.3	

7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	04W	11	SE	NW		IRRIGATION	0.8
			NE	SE		IRRIGATION	30
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	110.8
13N	04W	12	SW	SW		IRRIGATION	24
			SE	SW		IRRIGATION	16
			SW	SE		IRRIGATION	9.3
						Section Acres	49.3
13N	04W	13	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	38
			NE	NW		IRRIGATION	24
			NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	39
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	30
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	35
			SE	SW		IRRIGATION	19
			NW	SE		IRRIGATION	1.4
						Section Acres	345.4
13N	04W	14	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	39
			SE	NE		IRRIGATION	37
			NE	NW		IRRIGATION	28
			SE	NW		IRRIGATION	25
			NE	SE		IRRIGATION	39
			NW	SE		IRRIGATION	8.6
			SW	SE		IRRIGATION	6.1
			SE	SE		IRRIGATION	28
						Section Acres	290.7
13N	04W	23	NE	NE		IRRIGATION	6.6
						Section Acres	6.6
13N	04W	24	NE	NW		IRRIGATION	4.2
			NW	NW		IRRIGATION	20
						Section Acres	24.2
						Total Acres	827

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:

14. Remarks:

THIS WATER RIGHT HAS BEEN COMBINED WITH ALL OF THE DECREED WATER RIGHTS ON SAGE CREEK AND HAS BEEN CLAIMED AS A67-00639.

OTHER WATER RIGHTS USED AT THE SAME PLACE AND FOR THE SAME PURPOSES AS DESCRIBED ABOVE: 67-638, 67-639, 67-644, 67-646 THROUGH 67-653, 67-2390, 67-7732, 67-7899 AND 67-2302.

CLAIMANT FILES THIS CLAIM AND SEVERAL OTHER ASSOCIATED CLAIMS TO SPLIT UP THE "UMBRELLA" CLAIM, ASSIGNED WATER RIGHT NO. 67-14107, 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 67-638, 67-639, AND 67-644 THROUGH 67-653.

THE IRRIGATION SYSTEM THAT IS USED ON THIS PROPERTY BEGAN IRRIGATING THE DESIGNATED PLACE OF USE PRIOR TO NOVEMBER 19, 1987.

CLAIM FEES PAID 6/27/06 - C081590.

15. Basis of Claim: Decreed

Form No. 42-1409 (2) a 1/88 (Intern[illegible])

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

CIVIL CASE NUMBER: 39576

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

Ident. Number 67-00645
Date Received
Receipt Number C081590
d.e. 07-12-06

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, 1906

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
JUL 0 3 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	0.30	or
For		purposes from		to		amount		or
For		purposes from		to		amount		or
For		purposes from		to		amount		or

7. Total quantity claimed (a) 0.30 (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:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. 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, 67-00639, 67-00644, 67-00646 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.

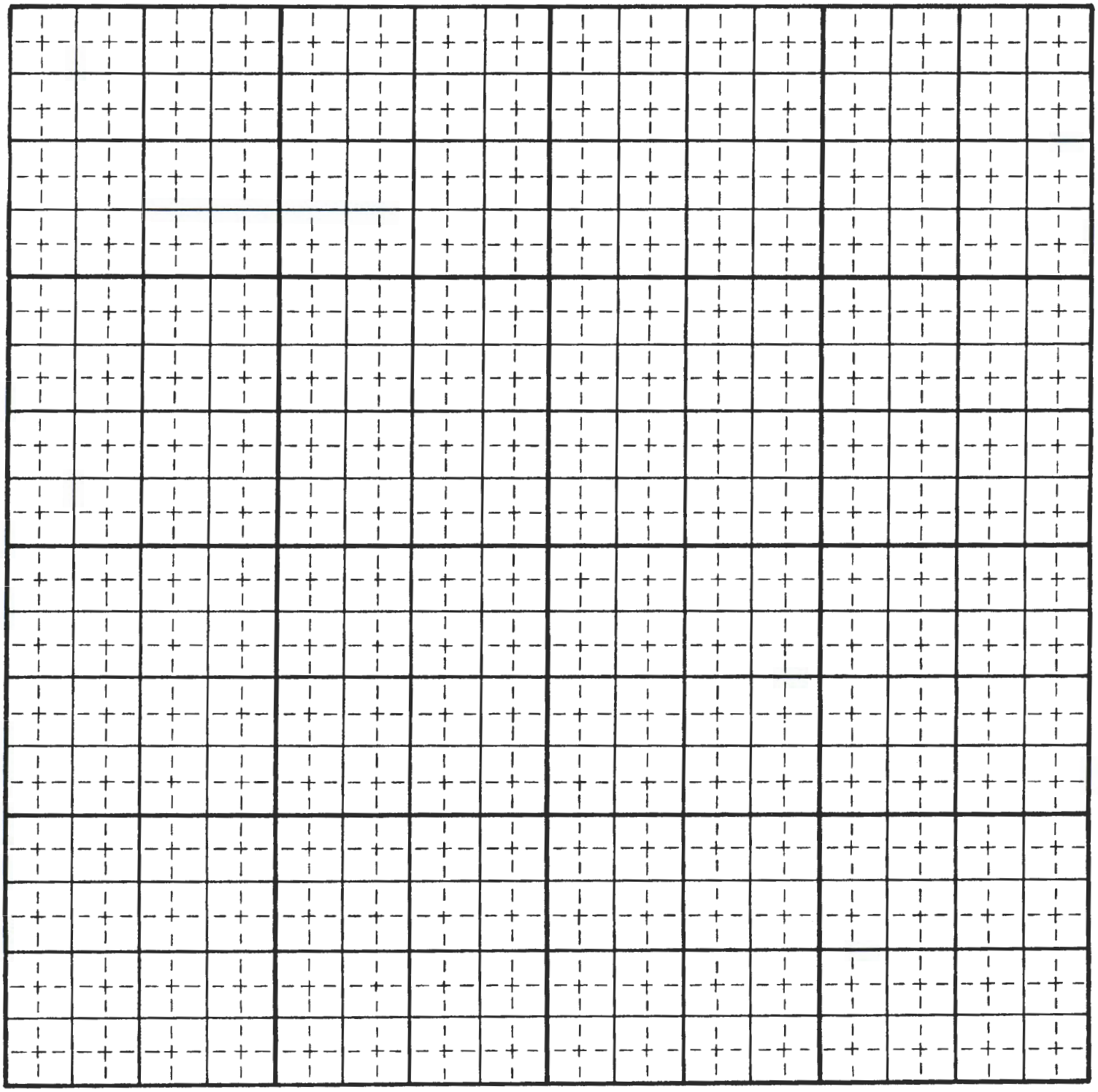
The irrigation system that is used on this property began irrigating the designated place of use prior to November 19, 1987.

Last Name Tree Top Ranches, LP Ident No. 67-00645

SCANNED
JUL 0 3 2006

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile **Please see attached map.**



Last Name **Tree Top Ranches, LP** Ident No. **67-00645**

SCANNED

JUL 0 3 2006

BOI_MT2:616323.1

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 67-0645
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 x 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 (Organization), that I have signed the foregoing document in the space below as President (Title) of Tree Top Ranches, LP (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Larry D. Williams, President, Tree Top Ranches, LP Date 6-26-06

State of Idaho/or _____)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 26th day of June, 2006

SEAL

Notary Public _____

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 _____

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

Date 6/26/06

Last Name Tree Top Ranches, LP Ident. Number 67-00645

SCANNED
JUL 0 3 2006

BOI_MT2:616323.1

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

General Partner

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

Limited Partners

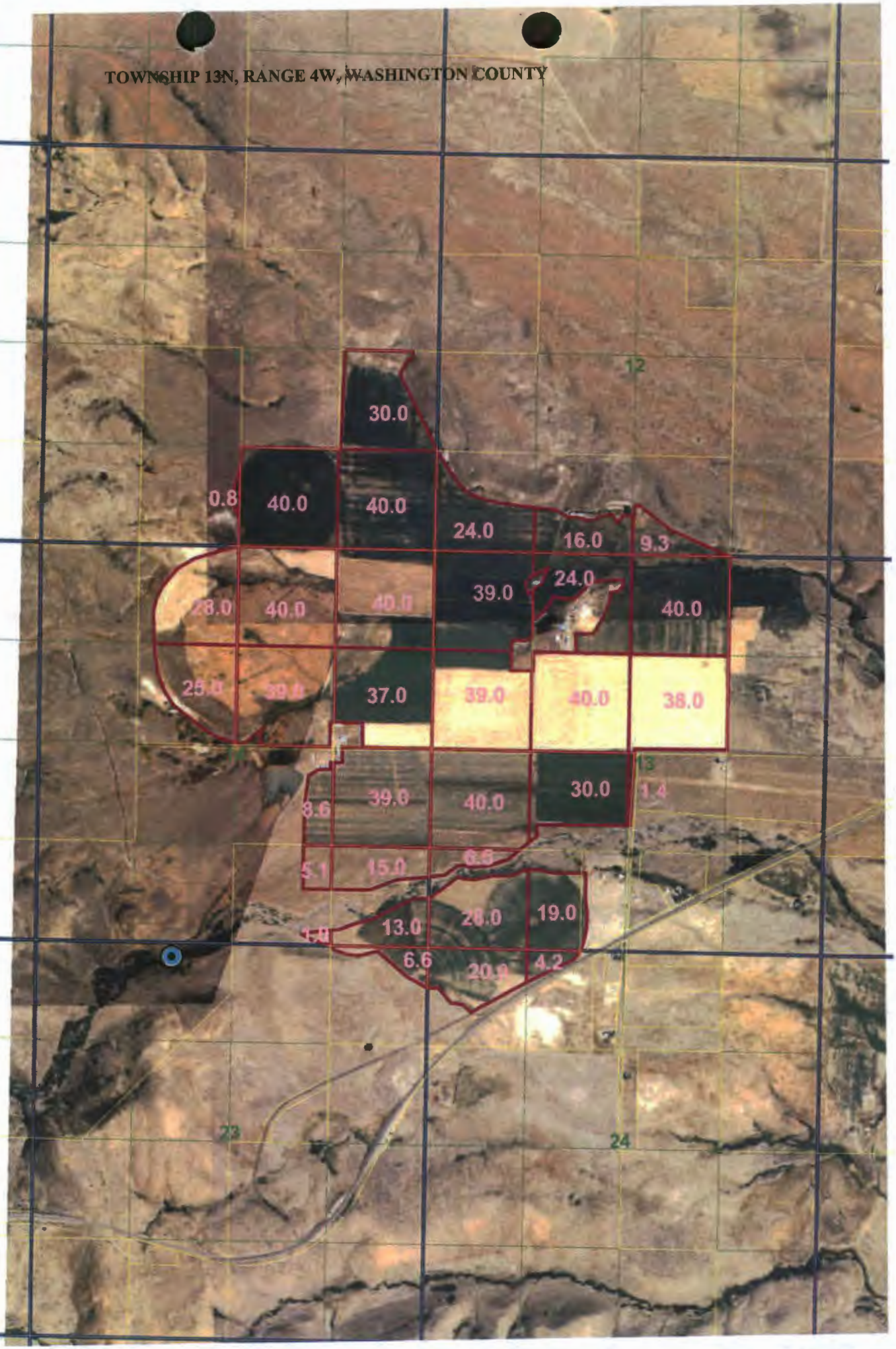
Larry Williams
1299 N. Orchard, Suite 203
Boise, Idaho 83706

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

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

SCANNED
JUL 0 3 2006

TOWNSHIP 13N, RANGE 4W, WASHINGTON COUNTY



SCANNED
0 3 2006
r &
or

Tuthill

RECEIVED
JUN 27 2006
DEPARTMENT OF
WATER RESOURCES

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

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800 422 2889
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Eugene 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. Burns
Michael 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 Schaer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist
Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

June 27, 2006
via Hand Delivery

David R. Tuthill, Jr. DRT → Craig Saxton –
Administrator
Resource Protection Bureau
Idaho Department of Water Resources
322 E. Front Street
Idaho Water Center
Boise, ID 83702

Re: Submission of Notices of Claims
MTBR&F File No. 22-567.00

Dear Dave:

Enclosed with this letter are notices of claim and filing fees for the following water rights: 67-00638, 67-00639, 67-00644 through 67-00653, and A67-02302. I am submitting these claims on behalf of my client, Tree Top Ranches, L.P. Please direct any correspondence regarding these claims to my attention.

The claim for water right A67-02302 is actually an amended claim. IDWR licensed this water right on January 30, 1979. Originally, this right included a maximum diversion rate of 5.54 cfs and a 277-acre place of use. However, it appears that the prior owner of the ranch previously underclaimed this right for a maximum diversion rate of 0.20 cfs and a 10-acre place of use. Accordingly, we are submitting the enclosed amended claim in order to ensure that Tree Top Ranches receives its full water right.

The remainder of the claims are intended to split up water right A67-14107. Previously, Tree Top Ranches submitted a single notice of claim form that included several individual water rights that were decreed by the Washington County district court in 1929 in the *Fairchild v. Warren* case. We are now submitting a claim for each individual water right in order to split up this "umbrella" claim. I note that IDWR records reflect this "umbrella" claim to also include water rights 67-00640 through 67-00643, which were also decreed in *Fairchild v. Warren*. However, we have not submitted notices of claim for those water rights because it does not appear at this time that Tree Top Ranches owns those water rights.

SCANNED
JUL 03 2006

BOI_MT2:619043.1

I also note that the place of use for some of these claims may differ from the place of use currently reflected in IDWR records. Tree Top Ranches believes that these water rights have been used to irrigate the 827-acre place of use identified in these claims since well before November 19, 1987, and, accordingly, that it has accomplished a transfer of the place of use in accordance with Idaho Code Section 42-1425.

If you have any questions or concerns about any of these claims, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

Scott L. Campbell

SLC/tmh
Enclosures
cc: Larry Williams (w/o encls.)

SCANNED
JUL 0 3 2006

STARTING RIGHT SIDE OF FILE

11/14/2006

RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: 67-645

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:**

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

Date:_____ **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 1 1 2006

08/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-645

NAME AND ADDRESS: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SOURCE: SAGE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.300 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: 06/01/1906

POINT OF DIVERSION:

T13N R04W S23 NWNENW Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 10/31	0.300 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

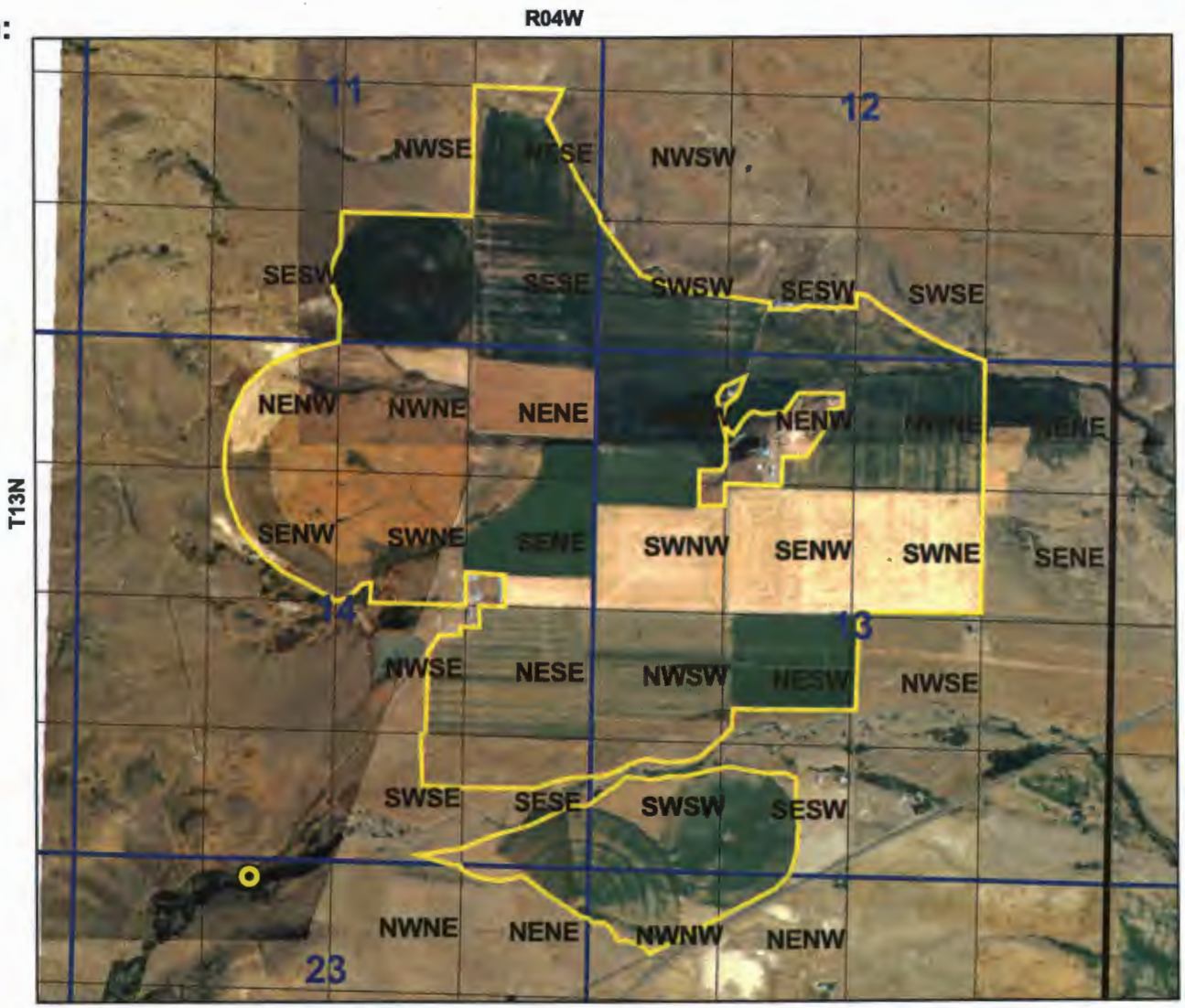
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Idaho Department of Water Resources

SRBA Recommendation:

67-645

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

Washington County
IDWR Basin 67

N

0 0.7 1.4 Miles

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

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

Adjudication Recommendation Report 67-645 V1

WATER RIGHT NUMBER: 67-645 V1

Owner Type	Name and Address
Original Owner	JOHN WARREN 880 RIVERTON RD BLACKFOOT, ID 83221 (208) 785-6858
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 06/01/1906

Basis: Decreed

Status: Active

Source	Tributary
SAGE CREEK	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	10/31	0.300 CFS	
		Total Diversion:	0.300 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

Total Acres: 827

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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
3. 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.
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: CLAIMANT FILES THIS CLAIM AND SEVERAL OTHER ASSOCIATED CLAIMS TO SPLIT UP THE "UMBRELLA" CLAIM, ASSIGNED WATER RIGHT NO. 67-14107, 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 67-638, 67-639, AND 67-644 THROUGH 67-653.

THE IRRIGATION SYSTEM THAT IS USED ON THIS PROPERTY BEGAN IRRIGATING THE DESIGNATED PLACE OF USE PRIOR TO NOVEMBER 19, 1987.

2. csaxton 8/29/2006 From Claim (1)
Comment: CLAIM FEES PAID 6/27/06 - C081590.

3. csaxton 8/29/2006 From Claim (2)
Comment: CLAIMANT FILES THIS CLAIM AND SEVERAL OTHER ASSOCIATED CLAIMS TO SPLIT UP THE "UMBRELLA" CLAIM, ASSIGNED WATER RIGHT NO. 67-14107, 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 67-638, 67-639, AND 67-644 THROUGH 67-653.

THE IRRIGATION SYSTEM THAT IS USED ON THIS PROPERTY BEGAN IRRIGATING THE DESIGNATED PLACE OF USE PRIOR TO NOVEMBER 19, 1987.

4. csaxton 8/29/2006 From Claim (3)
Comment: THIS WATER RIGHT HAS BEEN COMBINED WITH ALL OF THE DECREED WATER RIGHTS ON SAGE CREEK AND HAS BEEN CLAIMED AS A67-00639.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-645 V1

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:
Water District Number:
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			08/29/2006	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	8/29/2006 3:42:41 PM	csaxton	Updated shape
POU	8/29/2006 3:43:13 PM	csaxton	Updated shape for Active POU
POU	8/29/2006 3:43:26 PM	csaxton	Updated PLS for Active POU
Summary	8/29/2006 3:46:34 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (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 STRE	DIVERSION TO S	TREE TOP RAN	Claim
67	*14107*		*Decreed*	*Re-#d*	*6/1/1917*	*6.96*			*SAGE CREEK*	*IRRIGATION*	*FAIRCHILD TRE*	*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 STRE	IRRIGATION FRO	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 STRE	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 WATE	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 TREETO	40.00	638	Ben Fairch	6/1/1888	
33	13N04W147300	FAIRCHILD TREETO	52.00	639	Ben Fairch	6/1/1917	
33	*13N04W147300*	*FAIRCHILD TREETO*	*15.00*	*640*	*Belle Dym*	*6/1/1897*	Recommended as 67-14746
33	*13N04W147300*	*FAIRCHILD TREETO*	*5.00*	*641*	*Belle Dym*	*6/1/1911*	Recommended as 67-14746
33	*13N04W147300*	*FAIRCHILD TREETO*	*8.00*	*642*	*Belle Dym*	*6/1/1914*	Recommended as 67-14746
33	*13N04W147300*	*FAIRCHILD TREETO*	*25.00*	*643*	*Belle Dym*	*6/1/1909*	Recommended as 67-14107
33	13N04W147300	FAIRCHILD TREETO	15.00	644	John Warr	6/1/1905	
33	13N04W147300	FAIRCHILD TREETO	15.00	645	John Warr	6/1/1906	
33	13N04W147300	FAIRCHILD TREETO	5.00	646	John Warr	6/1/1911	
33	13N04W147300	FAIRCHILD TREETO	15.00	647	John Warr	6/1/1913	
33	13N04W147300	FAIRCHILD TREETO	28.00	648	John Warr	6/1/1914	
33	13N04W147300	FAIRCHILD TREETO	15.00	649	H J Sloan	6/1/1911	
33	13N04W147300	FAIRCHILD TREETO	25.00	650	H J Sloan	6/1/1913	
33	13N04W147300	FAIRCHILD TREETO	35.00	651	Mary Morr	6/1/1906	
33	13N04W147300	FAIRCHILD TREETO	35.00	652	R E Timpk	6/1/1908	
33	13N04W147300	FAIRCHILD TREETO	15.00	653	Frank Mei	6/1/1913	

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.

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 1 1 2006

Boise
Idaho Falls
Pocatello
Twin Falls

Moffatt Thomas
MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene 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. Burns
Michael 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 Schaer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist
Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Walders
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th F
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

June 28, 2006
via Facsimile

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Water Right 67-00645 record modified 8-4-06. .P
MTBR&F File No. 22567.0

Dear Sir or Madam:

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 Williams

SCANNED
AUG - 7 2006

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