

RECEIVED

JUN 27 2006

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A67-02302

Date Received

Receipt Number

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWAttorney: 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) July 9, 1962
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 13N Range 04W Section 13,
SW 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.
Well, 12" casing, 1260' deep, submersible pump to irrigation system.

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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 5.54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.54 (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	12											30	20			6		56
13N	04W	13		38	38		25	40	40	40									221

Total number of acres irrigated 277

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.
67-0638, 67-0639, 67-0644 through 67-0653, 67-02390, 67-07732, and 67-07899 or None (☐)

14. Remarks:

The purpose of this notice of claim is to claim the full 5.54 cfs that was licensed by the Department on October 30, 1978.
Tree Top Ranches, LP previously filed a notice of claim for this water right that erroneously claimed 0.2 cfs.

Last Name Tree Top Ranches, LP Ident No. A67-02302

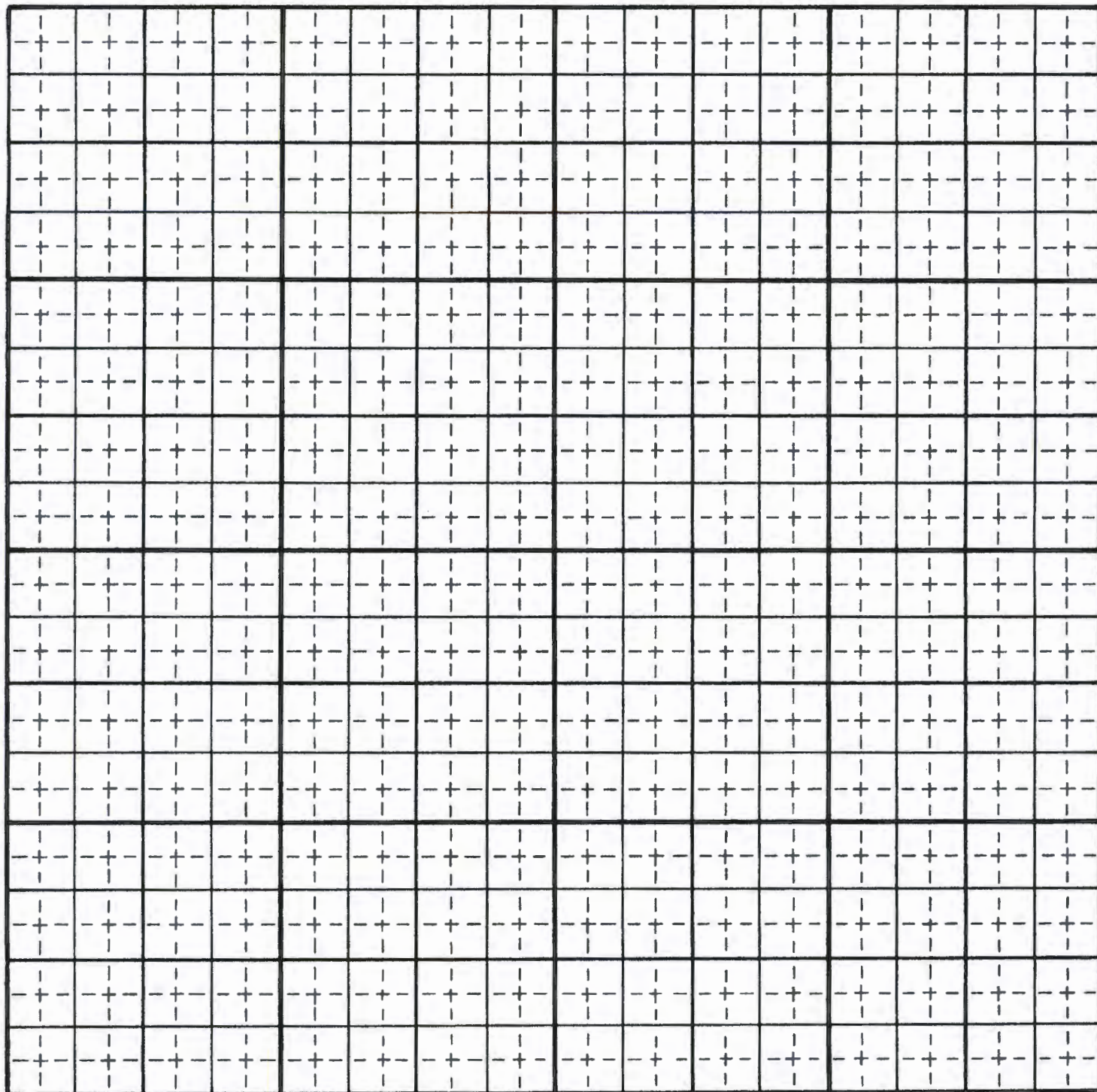
BOI_MT2:618856.1

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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. A67-02302

BOI_MT2:618856.1

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-2302
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 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
Organization _____
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 26th 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 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 A67-02302

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JUL 03 2006

BOI_MT2:618856.1

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. Peterzman
Mark S. Prusynski
Stephen R. Thomas
Glenn M. Christensen
Gerald T. Hutsch
Scott L. Campbell
Robert B. Burns

Michael B. Thomas
Patricia M. Olson
Bradley J. Williams
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David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGrosham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist

Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Walden
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 28, 2006
via Facsimile

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

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

*Record modified
7-5-06.
/s*

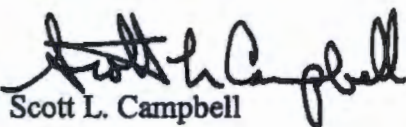
Re: **Water Right 67-02302**
MTBR&F File No. 22567.0

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.

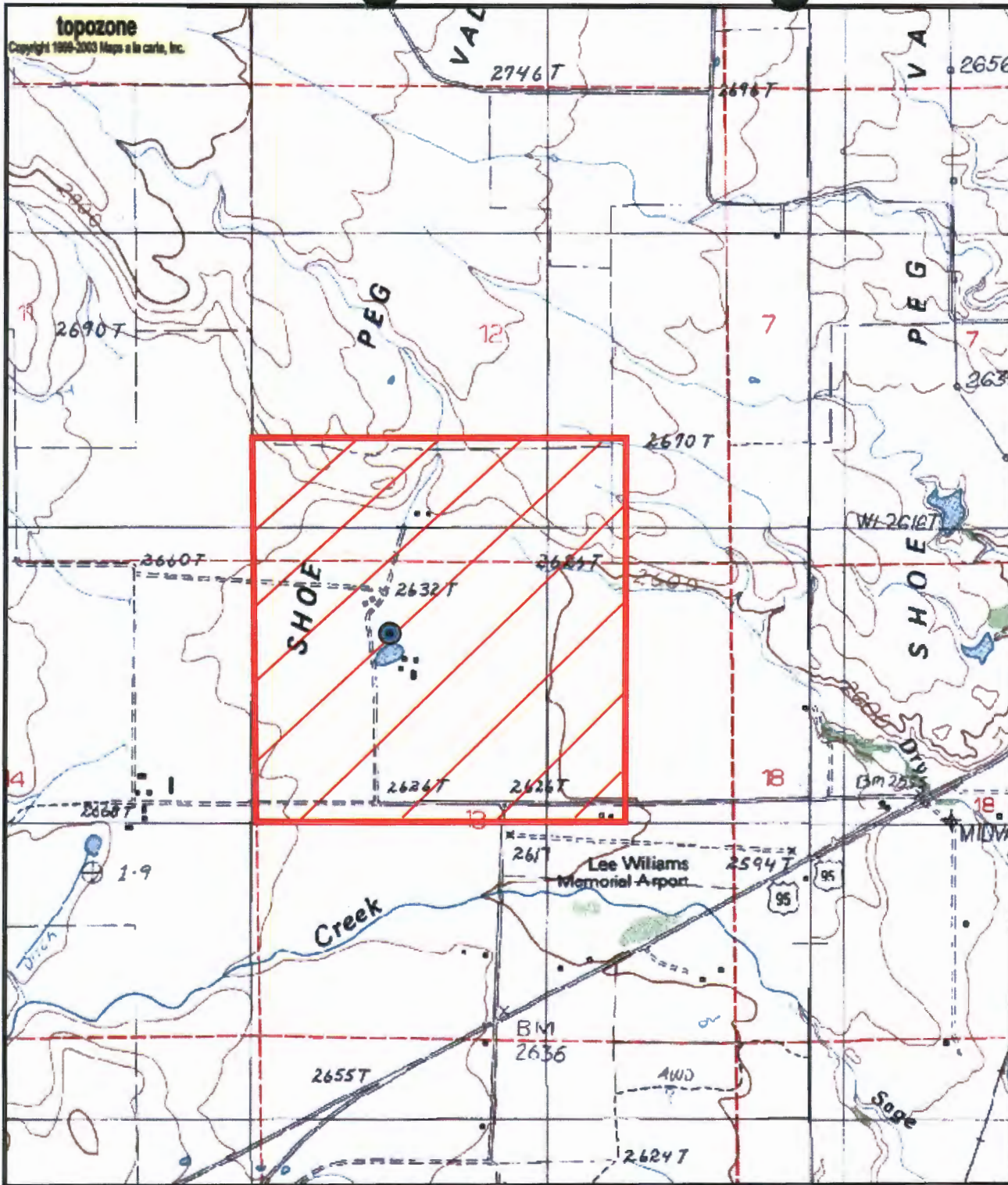
Very truly yours,


Scott L. Campbell

SLC/tmh

cc: Idaho Department of Water Resources (State Office)
Larry Williams

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JUL - 5 2006



Map center is UTM 11 518795E 4923964N (WGS84/NAD83)

Midvale Hill quadrangle

Projection is UTM Zone 11 NAD83 Datum

M=15.836
G=0.166

Township 13 North Range 4 West
Washington County, Idaho

- = place of use
- = point of diversion

SCANNED

JUL 03 2006

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

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JUL 03 2006

BOI_MT2:603021.1

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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John W. Barrett
R. B. Rock
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DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

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

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

June 27, 2006
via Hand Delivery

David R. Tuthill, Jr. *DR → 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.

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JUL 03 2006

BOI_MT2:619043.1

David R. Tuthill, Jr.

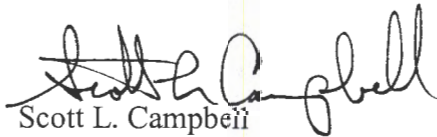
June 27, 2006

Page 2

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.)

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JUL 03 2006

BOI_MT2:619043.1

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: A67-02302
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
Address: 914 HOUSTON RD
BOISE ID

83706

208-383-0000

2. Date of Priority: JUL 9, 1962

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, 12" CASING, 1260' DEEP, SUBMERSIBLE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 30.0 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	13	NE	NW		IRR	8.0
			SE	NW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

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:
NONE

14. Remarks:
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 4/26/99

15. Basis of Claim: LICENSE

Water Right Number: 30570

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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APR 26 1999

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

AL7-02302, -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 Williams
(POA)

Date:

4/23/99

RECEIVED

APR 26 1999

WATER RESOURCES
WESTERN REGIONGENERAL POWER OF ATTORNEY

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:

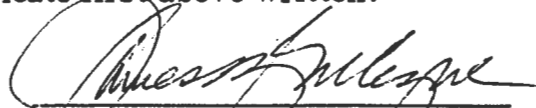
Kusan W. Dooley (Seal)

____ (Seal)

STATE OF IDAHO)
) ss.
County of Ada)

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: Boise, 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

Ident. Number: A67-02302
Date Received: 10/18/1989
Receipt No: 0012335
Received By: CA

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: JUL 09, 1962
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 13N | 04W | 13 | SW | NE | NW | | WASHINGTON |
5. Description of diverting works:
WELL, 12" CASING, 1260' DEEP, SUBMERSIBLE PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.200 | | |
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 30.0 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	13	NE	NW		IRR	8.0
			SE	NW		IRR	2.0
Section Acres							10.0

10. Place of Use: Continued

Total Acres 10.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 30570

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: -/-

For Organizations:

I do solemnly swear or affirm that I am Owner of _____ Title

Fritschle Tree Taps Ranch, that I have signed the foregoing Organization document in the space below as Owner of _____ Title

Fritschle Tree Taps Ranch and that the statements contained in the Organization foregoing document are true and correct.

Carter A. Fritschle
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 18th day
of October 19 89

Carter Fritschle
Notary Public



Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

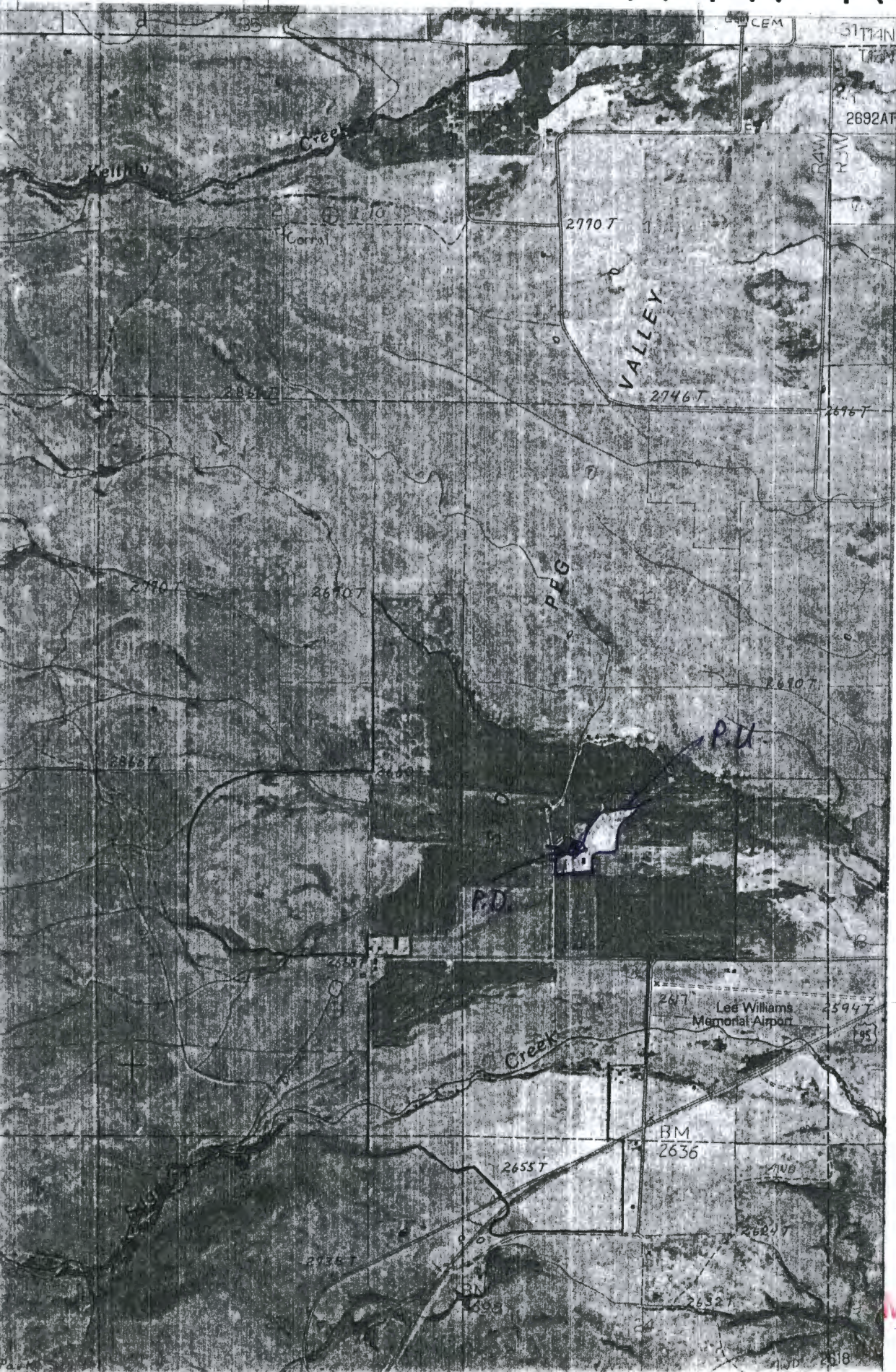
230 000 FEET

116°45'

R4W R3W

44°30'

T
T



1 030 000
FEET

T 13N
R 4W

A67-02302

MICROFILMED

OCT 01 1992

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
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Rebecca A. Rainey

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

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

December 8, 2006
via Hand Delivery

US Bank Plaza Building
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PO Box 829
Boise Idaho 83701 0829

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RECEIVED

DEC 8 2006

DEPARTMENT OF
WATER RESOURCES

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

Re: Tree Top Ranches, LP's Water Rights
MTBR&F File No. 22567.0

Dear Sir or Madam:

Enclosed please find the original Notice of Error Reply form for each of the following water rights: 67-638, 67-639, 67-643, 67-644, 67-645, 67-646, 67-647, 67-648, 67-649, 67-650, 67-651, 67-652, 67-653, 67-2302, and 67-2390. We are submitting the enclosed Notices on behalf of our clients, Tree Top Ranches, LP, and Larry and Marianne Williams. A copy of each form is also enclosed. Please receive stamp the copies and return them in the enclosed self-addressed, stamped envelope.

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

Very truly yours,



Scott L. Campbell

SLC/tmh
Enclosures

SCANNED

DEC 11 2006

BOI_MT2:635307.1

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: 67-2302

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):

Claimant Name

2. Describe the changes you wish to make in the proposed recommendation:

Tree Top Ranches, LP should be identified as claimant.

3. Give a brief explanation as to why you disagree with these portions:

Tree Top Ranches, LP owns the property to which the water right is appurtenant.

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

Date: 12/8/6

SIGNATURE: Scott L. Campbell

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

12-18-06: Change made as if
matched claim.

SCANNED
DEC 11 2006

12/18/2006

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

RIGHT NUMBER: 67-2302

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.540 CFS
1,108.000 AFY

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: 07/09/1962

POINT OF DIVERSION:

T13N R04W S13 SWNENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.540 CFS 1,108.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T13N R04W S12	SWSW	24.00	T13N R04W S12	SESW	16.00
T13N R04W S12	SWSE	9.00	T13N R04W S13	NWNE	40.00
T13N R04W S13	SWNE	38.00	T13N R04W S13	NENW	32.00
T13N R04W S13	NWNW	39.00	T13N R04W S13	SWNW	39.00
T13N R04W S13	SENW	40.00			

277 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:

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 - License

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

08/29/2006

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

RIGHT NUMBER: 67-2302

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.540 CFS
1,108.000 AFY

This right when combined with Right No. 67-638, 67-639, 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, 67-7899 and 67-14107 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: 07/09/1962

POINT OF DIVERSION:

T13N R04W S13 SWNENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.540 CFS 1,108.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T13N R04W S12	SWSW	24.00	T13N R04W S12	SESW	16.00
T13N R04W S12	SWSE	9.00	T13N R04W S13	NWNE	40.00
T13N R04W S13	SWNE	38.00	T13N R04W S13	NENW	32.00
T13N R04W S13	NWNW	39.00	T13N R04W S13	SWNW	39.00
T13N R04W S13	SENW	40.00			

277 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, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, 67-7899, and 67-14107

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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



Idaho Department of Water Resources

SRBA Recommendation:

67-2302

(Irrigation)

Legend

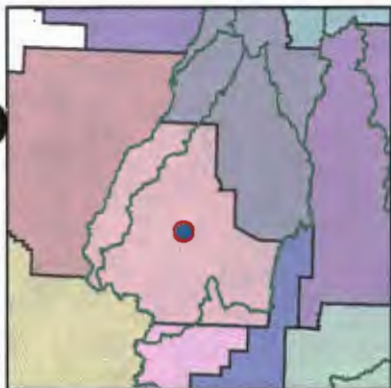
 **Point of Diversion**

 **Place of Use**

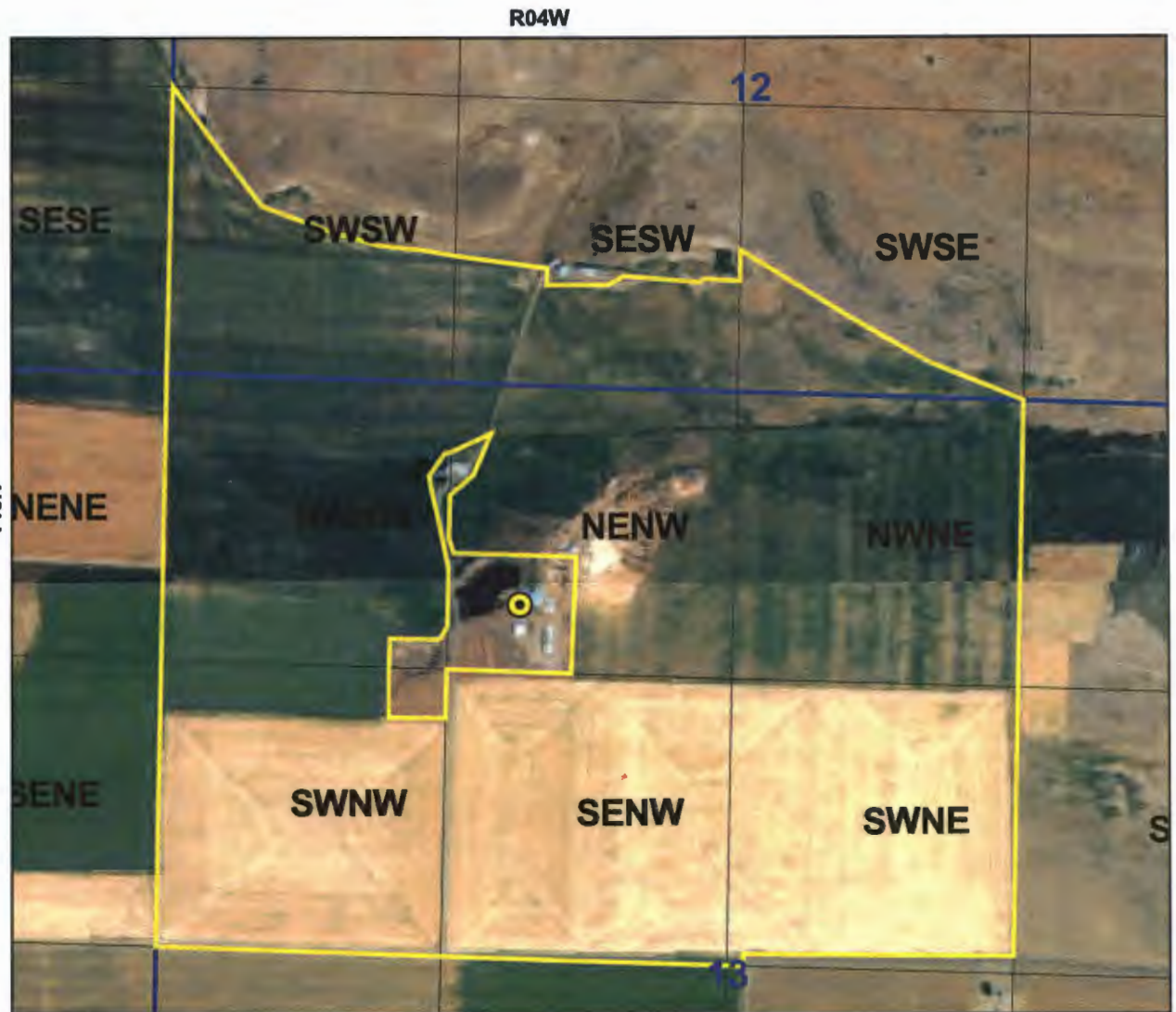
 **Townships**

 **PLS Sections**

 **Quarter Quarters**



Washington County
IDWR Basin 67



0 0.3 0.6 Miles

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2302 V1

WATER RIGHT NUMBER: 67-2302 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARTHUR A FAIRCHILD 2324 AIRPORT RD MIDVALE, ID 83645 (208)355-2248
Current Owner	FAIRCHILD TREE TOP RANCH LTD 914 HOUSTON RD BOISE, ID 83706 (208)383-0000

Priority Date: 07/09/1962

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	5.540 CFS	1,108.00 AF
	<u>Total Diversion:</u>	5.540 CFS	1,108.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NW1/4	Sec. 13, Twp 13N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
13N	04W	12	24.0	16.0	9.0		49.0
13N	04W	13	40.0	38.0	32.0	39.0	228.0

Total Acres: 277

Conditions of Approval:

1. 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.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. 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, 67-644, 67-645, 67-646, 67-647, 67-648, 67-00649, 67-650, 67-651, 67-652, 67-653, 67-2302, 67-2390, 67-7732, 67-7899, and 67-14107

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2302 V1

4. E62 This right when combined with Right No. 67-638, 67-639, 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, 67-7899 and 67-14107 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

Remarks:Comments:

1. csaxton 8/29/2006 Recommend

Comment: In general, this license recommend as licensed. Acreage distribution is different and there is a change in POD. This right is not included in the PPU with the other rights it overlaps.

2. csaxton 8/29/2006 POD

Comment: Well log search shows wells drilled in this QQ in 1962. I question if the actual location even changed. But other wells drilled are pre-1987 so if the POD moved, it moved here prior to 1987.

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:
 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	4/28/2004 11:32:08 AM	awarntje			Active
POD	4/28/2004 11:38:18 AM	awarntje			Active
Source	4/28/2004 11:39:17 AM	awarntje			Active
POU	4/28/2004 11:40:46 AM	awarntje			Active
Use	4/28/2004 11:41:21 AM	awarntje			Active
Season	4/28/2004 11:42:52 AM	awarntje			Active
Quantity	4/28/2004 11:43:16 AM	awarntje			Active
Contacts	8/29/2006 2:05:17 PM	csaxton			Active
Priority Date	8/29/2006 2:06:35 PM	csaxton			Active
Source	8/29/2006 2:12:23 PM	csaxton			Active
POU	8/29/2006 2:12:32 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2302 V1

Use	8/29/2006 2:13:24 PM	csaxton	Active
Season	8/29/2006 2:14:26 PM	csaxton	Active
Quantity	8/29/2006 2:15:28 PM	csaxton	Active
Summary	08/29/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/26/2004 8:37:00 AM	awarntje	Edited shape boundary
POU	1/26/2004 8:38:05 AM	awarntje	Edited shape boundary
POD	4/28/2004 11:38:18 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD?
Source	4/28/2004 11:39:17 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	4/28/2004 11:40:47 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	4/28/2004 11:41:21 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	4/28/2004 11:42:52 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	4/28/2004 11:43:17 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 7. Is a flow measurement required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2302 V1

Priority Date	4/28/2004 11:32:09 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Contacts	8/29/2006 2:05:14 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
Source	8/29/2006 2:12:19 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	8/29/2006 2:12:28 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	8/29/2006 2:12:50 PM	csaxton	Updated shape for Active POU
Use	8/29/2006 2:13:20 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	8/29/2006 2:14:22 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2302 V1

Quantity	8/29/2006 2:15:24 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Recommended as Licensed.
General	8/29/2006 2:06:31 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	8/29/2006 2:13:04 PM	csaxton	Updated PLS for Active POU
Summary	8/29/2006 2:16:51 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?
POU	1/26/2004 8:38:48 AM	awarntje	Edited shape boundary

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 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 STR	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 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 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, JOHN	wrWaterRight
67	645		Decreed	Active	6/1/1906	0.3			SAGE CREEK	IRRIGATION	WARREN, JOHN	wrWaterRight
67	646		Decreed	Active	6/1/1911	0.1			SAGE CREEK	IRRIGATION	WARREN, JOHN	wrWaterRight
67	647		Decreed	Active	6/1/1913	0.3			SAGE CREEK	IRRIGATION	WARREN, JOHN	wrWaterRight
67	648		Decreed	Active	6/1/1914	0.56			SAGE CREEK	IRRIGATION	WARREN, JOHN	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 Meir	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

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		

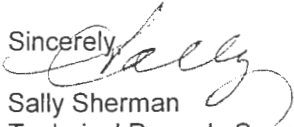
Water right claim #67-2390 was amended to match the License issued on 6/28/06. I have enclosed a copy for you.

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

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 Schaefer 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 28, 2006
via Facsimile

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PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
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Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: **Water Right** 67-02302
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

Tree Top Ranch LP
added Scott. 8-10-06

SCANNED

AUG 10 2006



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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 30570/67-2302 Priority July 9, 1962 Amount 5.54 cfs

THIS IS TO CERTIFY, that ARTHUR A. FAIRCHILD
of Midvale, Idaho, has complied with the terms and conditions of Permit
No. 30570/67-2302 issued pursuant to Application for Permit dated July 9, 1962,
and has submitted proof to the Department of Water Resources on July 12, 1967,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 7.53 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>5.54</u> cfs and <u>1108</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 5.54 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1108 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, Twp. 13N,
Rge. 4W, B. M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13N	4W	12									30	20					6		56
		13	38	38			25	40	40	40									221

Total number of acres irrigated 277

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of October, 19 78

Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-30570/67-2302

This proof is for C/W & B/U

In Water District No.

1. Name of applicant Arthur A. Fairchild
2. Source of water supply: Subterranean Well
3. Location of point of diversion: Is in the NE 1/4 of Section 13
T. 13N R. 4W County of Washington

4. Describe works as they exist, giving dimensions and capacities of same:
U.S. Motors Hellehoff motor, 360hp., frame # A404 UP on well
with 12" casing discharging into 6" main line
that runs into fields for sprinkler irrigation.

P.D. SE 1/4 SW 1/4 S. 12 13N4W. Recommend Amendment

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 SE 1/4, Sec. 12; NW 1/4, NW 1/4, Sec. 13, T. 13N, R. 4W, B.M.

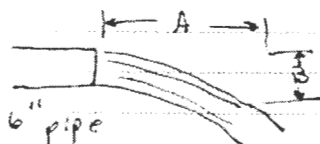
Acres recommended = 284 A → 277

Irrigation Requirement = 4.0 AF/A Year

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Measurement: A = 2.39 ft. B = 1 ft.



$$Q = A \cdot V = 7.53 \text{ cfs}$$

Q Recommended ~~5.68 cfs~~ 5.54 from Mar 15 to Nov 15
V Recommended ~~1136 AF/Year~~ 1108

This examination was made on the

26

day of

May

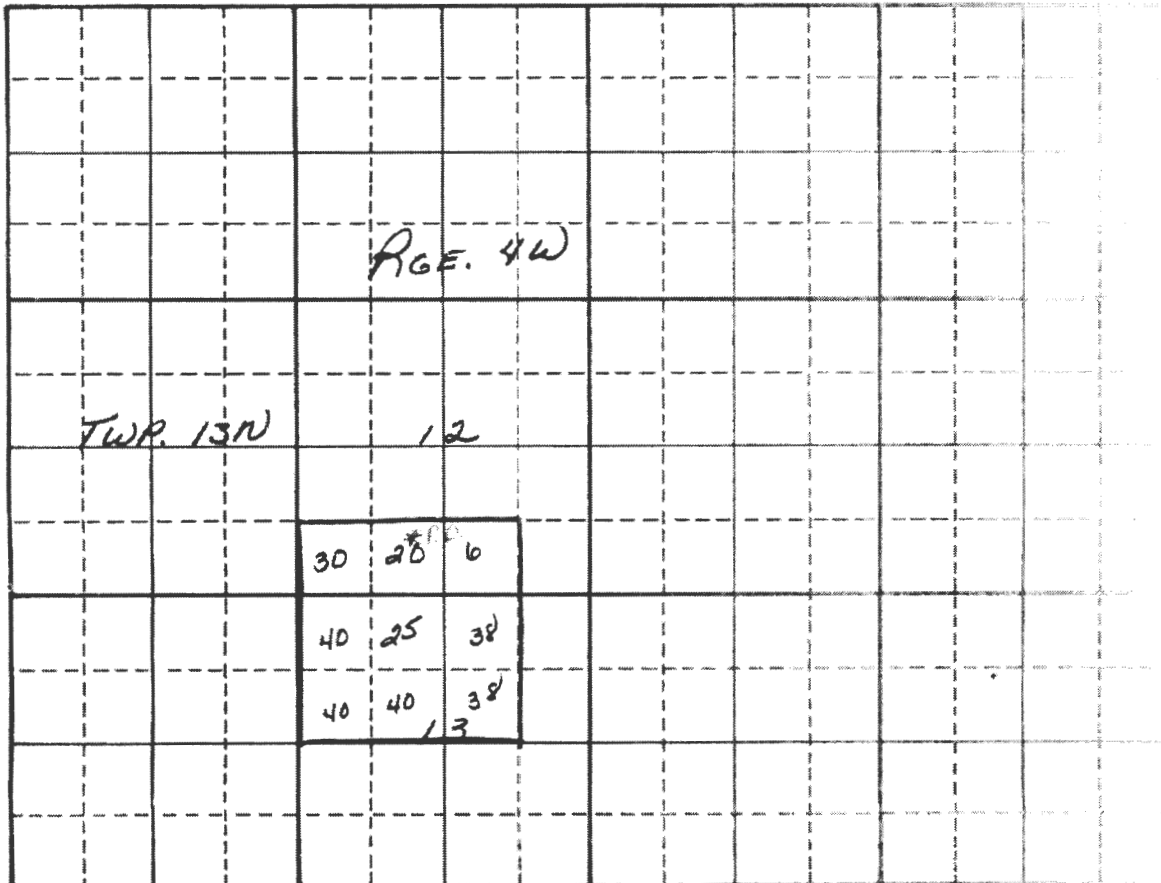
1977

(Signed)

William H. Mac Allister
Examiner.

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Minneapolis, Idaho, this 16 day of October, 19 78.

Walter L. Finckel
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by AP Fee = \$20.00 Received by JP Date 10/30/78 Rec'd # 12365
Publication prepared by JP Date _____ Published in _____
Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby
APPROVE the above application for amendment for Permit No. 67-2302.

Witness my hand this 30 day of October, 19 78.
C. Stephen Allred
Director

Range 421

US 100

