

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 67-2390
Date Received: 10/18/1989
Receipt No: C012335
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: 03/01/1968

3. Source: UNNAMED STREAM , UNNAMED STREAM , UNNAMED STREAM , UNNAMED STREAM ,
UNNAMED STREAM , UNNAMED STREAM Trib. to: SAGE CREEK , SAGE CREEK , SAGE CREEK ,
SAGE CREEK , SAGE CREEK , SAGE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
13N	05W	3	NE	SE	WASHINGTON	R
13N	04W	23	NE	NW	WASHINGTON	R
14N	05W	34	NE	NE	WASHINGTON	I
13N	05W	3	NE	SE	WASHINGTON	
13N	05W	14	SW	NW	WASHINGTON	
13N	05W	3	NW	NE	2 WASHINGTON	I

5. Description of diverting works:

DITCH AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		3700
IRRIGATION FROM STORAGE	03/15	10/31		3700
STOCKWATER	01/01	12/31	0.05	2.7
DIVERSION TO STORAGE	01/01	12/31	22.75	

7. Total Quantity Appropriated is:

22.75 C.F.S. and/or 3702.7 A.F.A.

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 SW	STOCKWATER	
			NE SE	STOCKWATER	
			SW SE	STOCKWATER	
			SE SE	STOCKWATER	
			SE SW	IRRIGATION FROM STORAGE	0.8
			NE SE	IRRIGATION FROM STORAGE	30
			SW SE	IRRIGATION FROM STORAGE	40
			SE SE	IRRIGATION FROM STORAGE	40
				Section Acres	110.8
13N	04W	12	SW SW	IRRIGATION FROM STORAGE	24
			SE SW	IRRIGATION FROM STORAGE	16
			SW SE	IRRIGATION FROM STORAGE	9.3
			SW SW	STOCKWATER	
			SE SW	STOCKWATER	
			SW SE	STOCKWATER	
				Section Acres	49.3
13N	04W	13	NW NE	STOCKWATER	
			SW NE	STOCKWATER	
			NE NW	STOCKWATER	
			NW NW	STOCKWATER	
			SW NW	STOCKWATER	
			SE NW	STOCKWATER	
			NE SW	STOCKWATER	
			NW SW	STOCKWATER	
			SW SW	STOCKWATER	
			SE SW	STOCKWATER	
			NW SE	STOCKWATER	
			NW NE	IRRIGATION FROM STORAGE	40
			SW NE	IRRIGATION FROM STORAGE	38
			NE NW	IRRIGATION FROM STORAGE	24
			NW NW	IRRIGATION FROM STORAGE	39
			SW NW	IRRIGATION FROM STORAGE	39
			SE NW	IRRIGATION FROM STORAGE	40
			NE SW	IRRIGATION FROM STORAGE	30
			NW SW	IRRIGATION FROM STORAGE	40
			SW SW	IRRIGATION FROM STORAGE	35
			SE SW	IRRIGATION FROM STORAGE	19
			NW SE	IRRIGATION FROM STORAGE	1.4
				Section Acres	345.4

13N	04W	14	NE	NE	IRRIGATION FROM STORAGE	40
			NW	NE	IRRIGATION FROM STORAGE	40
			SW	NE	IRRIGATION FROM STORAGE	39
			SE	NE	IRRIGATION FROM STORAGE	37
			NE	NW	IRRIGATION FROM STORAGE	28
			SE	NW	IRRIGATION FROM STORAGE	25
			NE	SE	IRRIGATION FROM STORAGE	39
			NW	SE	IRRIGATION FROM STORAGE	8.6
			SW	SE	IRRIGATION FROM STORAGE	6.1
			SE	SE	IRRIGATION FROM STORAGE	28
			NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			NE	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			SE	SW	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	

Section Acres 290.7

13N	04W	23	NE	NE	STOCKWATER	
			NE	NE	IRRIGATION FROM STORAGE	6.6

Section Acres 6.6

13N	04W	24	NE	NW	IRRIGATION FROM STORAGE	4.2
			NW	NW	IRRIGATION FROM STORAGE	20
			NE	NW	STOCKWATER	
			NW	NW	STOCKWATER	

Section Acres 24.2

13N	05W	10	SE	SE	IRRIGATION STORAGE	
13N	05W	11	SW	SW	IRRIGATION STORAGE	
13N	05W	14	NE	NW	IRRIGATION STORAGE	
			NW	NW	IRRIGATION STORAGE	
			SW	NW	IRRIGATION STORAGE	
			NW	SW	IRRIGATION STORAGE	

13N	05W	15	NE	NE	IRRIGATION STORAGE	
			SE	NE	IRRIGATION STORAGE	

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:

UNNAMED STREAMS ABOVE THE RESERVIOR ARE DIVERTED TO FILL THE RESERVOIR. THE WATER IS RELEASED INTO AN UNNAMED STREAM TRIBUTARY TO SAGE CREEK. THE WATER IS THEN REDIVERTED FROM SAGE CREEK.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.

Water is diverted under this right from an unnamed stream into a ditch in the NE~~1~~⁴NE~~1~~⁴ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE~~1~~⁴SE~~1~~⁴ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.

This right when combined with all other rights 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.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Rights 67-07732, 67-07899, 67-00638, 67-00639, 67-00644, 67-00645, 67-00646, 67-00647, 67-00648, 67-00649, 67-00650, 67-00651, 67-00652, 67-00653, and 67-02390 when combined shall not exceed the irrigation of 827 acres.

15. Basis of Claim: License

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. McGraham
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

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

Re: **Water Right** 67-2390
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

*Fairchild Tree Top
Ranch LTD = owner
amended claim
match license 8-10-06.
added Scott 8-10-06*

SCANNED

AUG 10 2006



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		

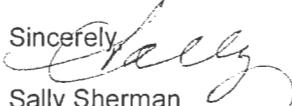
Water right claim #67-2390 was amended to match the License issued on 6/28/06. I have enclosed a copy for you.

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

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: **A67-02390**
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: FEB 10, 1967

3. Source: UNNAMED STREAM Trib. to: SAGE CREEK
SAGE CREEK 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	R	WASHINGTON
	05W	1	NW	NE	SW	I	WASHINGTON
			SE	NW	SW		WASHINGTON

5. Description of diverting works:
DITCH AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			4000.00
IRRIGATION FROM STORAGE	03/15	11/15			4000.00
STOCKWATER STORAGE	01/01	12/31			2.00
STOCKWATER FROM STORAGE	01/01	12/31			2.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 4000.00 A.F.A.

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

9. Non-irrigation uses:
STOCKWATER, 200 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	04W	11	NE		SE		IRR FS	18.0
			SE		SE		IRR FS	40.0
							Section Acres	58.0
		12	SW		SW		IRR FS	21.0
			SE		SW		IRR FS	14.0
			SW		SE		IRR FS	3.0
							Section Acres	38.0
		13	NW		NE		IRR FS	38.0
			SW		NE		IRR FS	38.0
			NE		NW		IRR FS	30.0
			NW		NW		IRR FS	39.0
			SW		NW		IRR FS	40.0
			SE		NW		IRR FS	38.0
			NE		SW		IRR FS	35.0
			NW		SW		IRR FS	40.0
			SW		SW		IRR FS	36.0
			SE		SW		IRR FS	18.0
							Section Acres	352.0
		14	NE		NE		IRR FS	38.0
			NW		NE		IRR FS	39.0
			SW		NE		IRR FS	39.0
			SE		NE		IRR FS	35.0
			NE		NW		IRR FS	32.0
			SE		NW		IRR FS	35.0
			NE		SE		IRR FS	38.0
			SE		SE		IRR FS	36.0
							Section Acres	292.0
		23	NE		NE		IRR FS	7.0
							Section Acres	7.0
		24	NE		NW		IRR FS	29.0
			NW		NW		IRR FS	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:
67-07732, 67-00639

14. Remarks:

UNNAMED STREAMS ABOVE THE RESERVIOR ARE DIVERTED TO FILL THE
RESERVOIR. THE WATER IS RELEASED INTO AN UNNAMED STREAM
TRIBUTARY TO SAGE CREEK. THE WATER IS THEN REDIVERTED FROM
SAGE CREEK.

ADDRESS CHANGED PER CLAIMANT REQUEST. DB 4/26/99.

15. Basis of Claim: PERMIT

Water Right Number: R1241

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): 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 M. Meloni
Date: 4/23/99 (POA)

RECEIVED

APR 26 1999

WATER RESOURCES
WESTERN REGION

GENERAL 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:

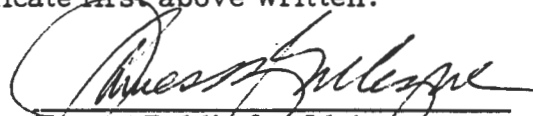
Kusan W. Hooley (Seal)

____ (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: A67-02390
Date Received: 10/18/1989
Receipt No: C012335
Received By: CG

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: FEB 10, 1967

3. Source: UNNAMED STREAM Trib. to: SAGE CREEK
SAGE CREEK 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	R	WASHINGTON
	05W	1	NW	NE	SW	I	WASHINGTON
			SE	NW	SW		WASHINGTON

5. Description of diverting works:
DITCH AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			4000.00
IRRIGATION FROM STORAGE	03/15	11/15			4000.00
STOCKWATER STORAGE	01/01	12/31			2.00
STOCKWATER FROM STORAGE	01/01	12/31			2.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 4000.00 A.F.A.

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

9. Non-irrigation uses:
STOCKWATER, 200 HEAD CATTLE

A67-02390

Page 1

Date: 10/18/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	04W	11	NE		SE		IRR FS	18.0
			SE		SE		IRR FS	40.0
							Section Acres	58.0
		12	SW		SW		IRR FS	21.0
			SE		SW		IRR FS	14.0
			SW		SE		IRR FS	3.0
							Section Acres	38.0
		13	NW		NE		IRR FS	38.0
			SW		NE		IRR FS	38.0
			NE		NW		IRR FS	30.0
			NW		NW		IRR FS	39.0
			SW		NW		IRR FS	40.0
			SE		NW		IRR FS	38.0
			NE		SW		IRR FS	35.0
			NW		SW		IRR FS	40.0
			SW		SW		IRR FS	36.0
			SE		SW		IRR FS	18.0
							Section Acres	352.0
		14	NE		NE		IRR FS	38.0
			NW		NE		IRR FS	39.0
			SW		NE		IRR FS	39.0
			SE		NE		IRR FS	35.0
			NE		NW		IRR FS	32.0
			SE		NW		IRR FS	35.0
			NE		SE		IRR FS	38.0
			SE		SE		IRR FS	36.0
							Section Acres	292.0
		23	NE		NE		IRR FS	7.0
							Section Acres	7.0
		24	NE		NW		IRR FS	29.0
			NW		NW		IRR FS	24.0
							Section Acres	53.0
							Total Acres	800.0

11. Place of use in counties: WASHINGTON

A67-02390

Page 2

Date: 10/18/89

MICROFILMED
OCT 02 1992

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

13. Other Water Rights Used:
67-07732, 67-00639

14. Remarks:

UNNAMED STREAMS ABOVE THE RESERVIOR ARE DIVERTED TO FILL THE RESERVOIR. THE WATER IS RELEASED INTO AN UNNAMED STREAM TRIBUTARY TO SAGE CREEK. THE WATER IS THEN REDIVERTED FROM SAGE CREEK.

15. Basis of Claim: PERMIT
Water Right Number: R1241

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 Organizations:

I do solemnly swear or affirm that I am Owner of

Title

Francis J. Tree Top Ranch, that I have signed the foregoing
Organization

document in the space below as Owner of

Title

Francis J. Tree Top Ranch and that the statements contained in the
Organization

foregoing document are true and correct.

Arthur R. Francis
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

Seal

Residing at _____

My Commission Expires _____

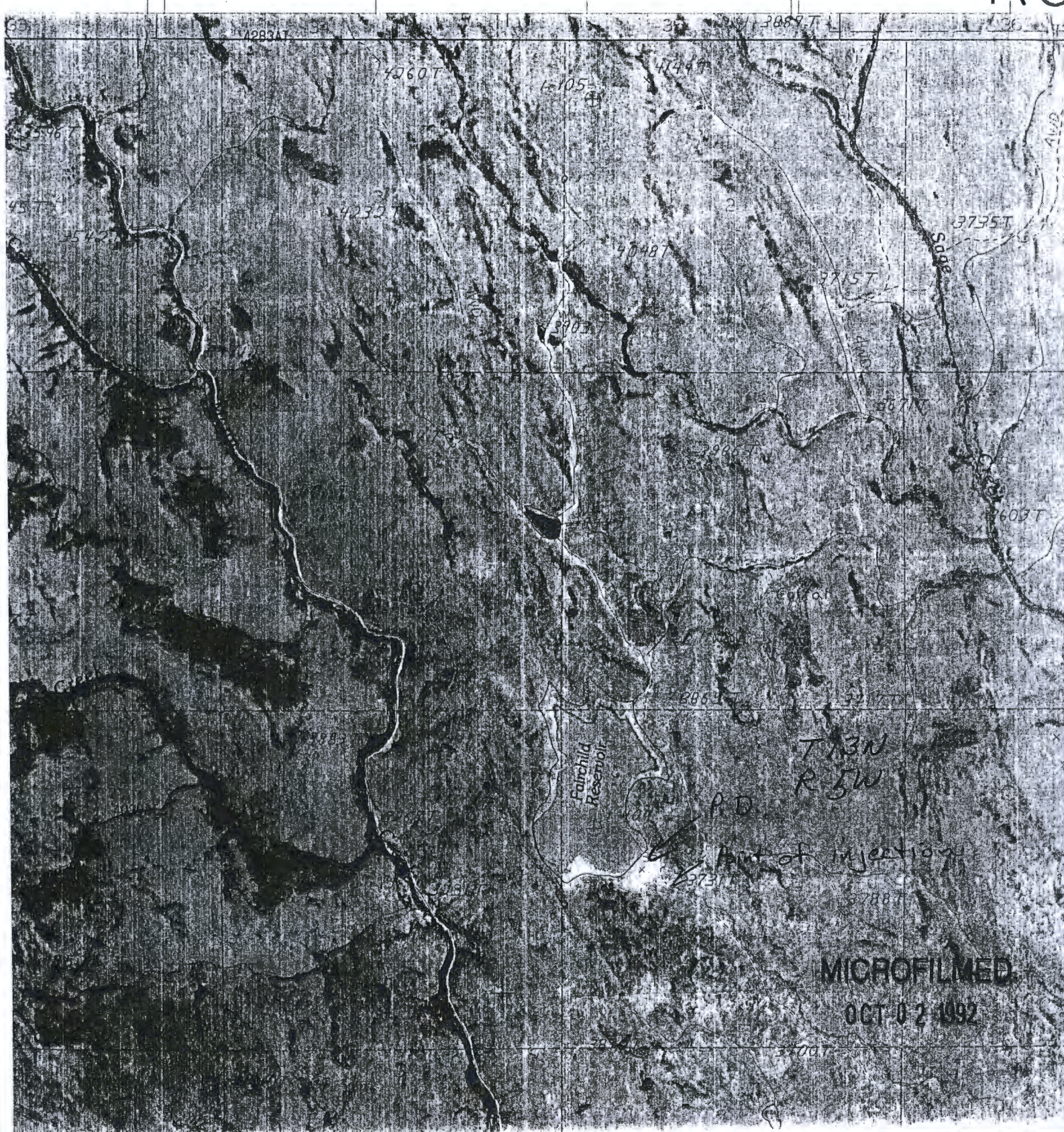
Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

A67-02390

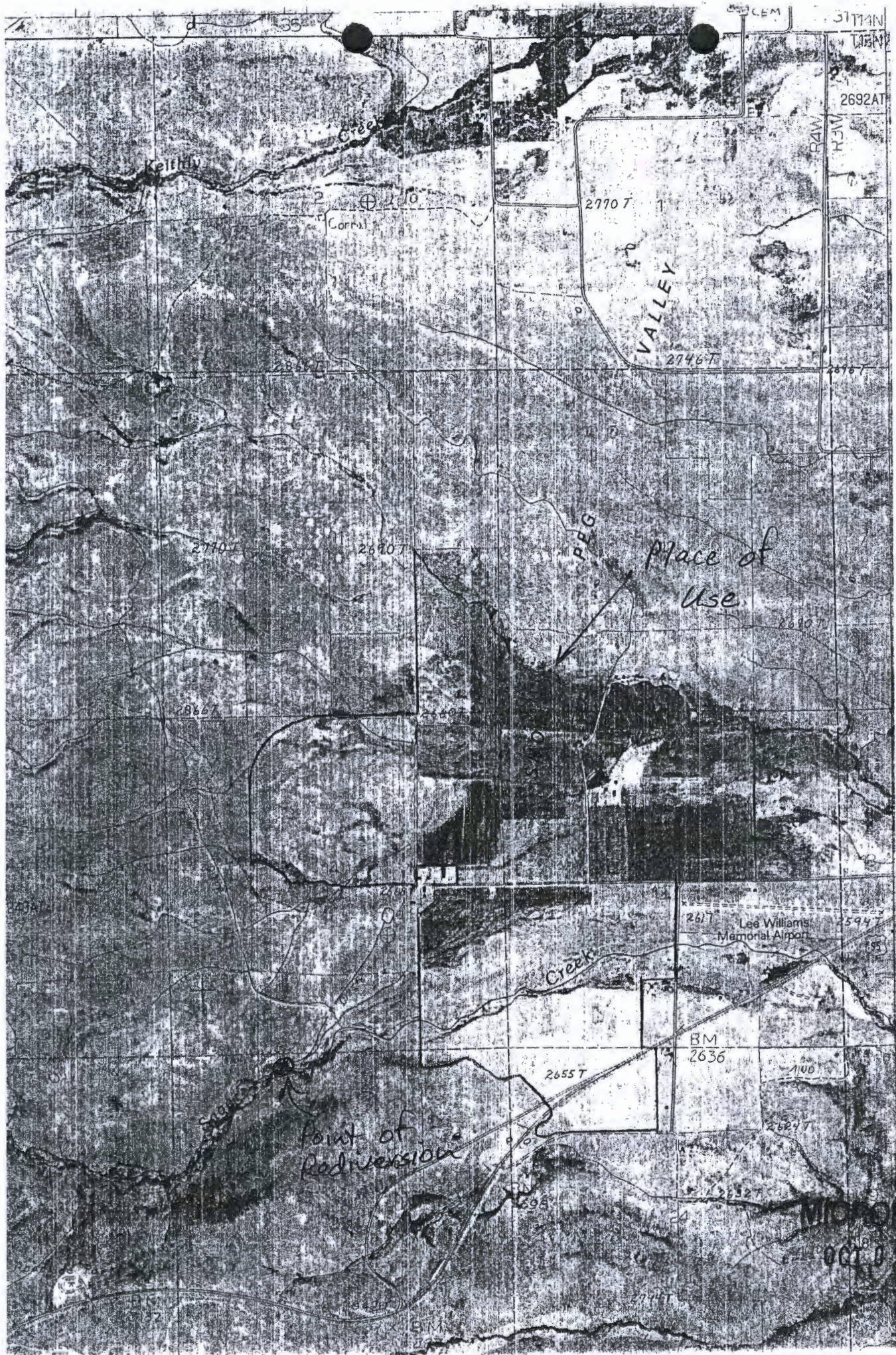
MANN CREEK NW 0
IDAHO

200 000 FEET

R5



44°30'



1 030 000
FEET

T 13N
R 4W

AG7-0239

MICROFILMED
OCT 02 1992

CLAIMANT'S NAME: Fairchild Tree Top Ranch, Ltd. DATE: 10-18-89EMPLOYEE: Carter Fritschle

RE: It appears that additional points of diversion and points of injection will be required to fully describe this water right. Mr. Fairchild was not feeling well at the time of filing the claim. Therefore, the location of the dam was used for the P.D.

MICROFILMED
OCT 02 1992

09/21/2007

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

RIGHT NUMBER: 67-2390

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SAGE CREEK

QUANTITY: 22.750 CFS
3,702.700 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

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1968

POINT OF DIVERSION:

T13N R04W S23 NENW Rediversion Within WASHINGTON County
T13N R05W S3 NWNE Lot 2 Injection Within WASHINGTON County
T13N R05W S3 NESE Within WASHINGTON County
T13N R05W S3 NESE Rediversion Within WASHINGTON County
T13N R05W S14 SWNW Within WASHINGTON County
T14N R05W S34 NENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	22.750 CFS
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY
IRRIGATION STORAGE	01/01 12/31	3,700.00 AFY
IRRIGATION FROM STORAGE	03/15 10/31	3,700.00 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE in 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	SESW	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

09/21/2007

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

T13N R04W S23	NENE	6.60	T13N R04W S24	NENW	4.20
T13N R04W S24	NWNW	20.00			

STOCKWATER same as IRRIGATION FROM STORAGE

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:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Water is diverted under this right from an unnamed stream into a ditch in the NE¼NE¼ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE¼SE¼ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.

Stockwater use is for 200 range cattle.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within

State

Water District No. 67.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2390 V1

WATER RIGHT NUMBER: 67-2390 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARTHUR A FAIRCHILD 2324 AIRPORT RD MIDVALE, ID 83645 (208)355-2248
Original Owner	FAIRCHILD TREE TOP RANCH LTD 914 HOUSTON RD BOISE, ID 83706 (208)383-0000
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998

Priority Date: 03/01/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SAGE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	22.750 CFS	
STOCKWATER	01/01 to 12/31	0.050 CFS	2.70 AF
IRRIGATION STORAGE	01/01 to 12/31		3,700.00 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		3,700.00 AF
	<u>Total Diversion:</u>	22.750 CFS	3,702.70 AF

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SE1/4	Sec. 3, Twp 13N, Rge 05W, B.M.
WASHINGTON County	(Rediversion)	
UNNAMED STREAM	NE1/4NW1/4	Sec. 23, Twp 13N, Rge 04W, B.M.
WASHINGTON County	(Rediversion)	
UNNAMED STREAM	L2 (NW1/4NE1/4)	Sec. 3, Twp 13N, Rge 05W, B.M.
WASHINGTON County	(Injection)	
UNNAMED STREAM	NE1/4SE1/4	Sec. 3, Twp 13N, Rge 05W, B.M.
WASHINGTON County		
UNNAMED STREAM	SW1/4NW1/4	Sec. 14, Twp 13N, Rge 05W, B.M.
WASHINGTON County		
UNNAMED STREAM	NE1/4NE1/4	Sec. 34, Twp 14N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION FROM STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2390 V1

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

STOCKWATER same as IRRIGATION FROM STORAGE

Conditions of Approval:

1. 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
2. Water is diverted under this right from an unnamed stream into a ditch in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. X02 Stockwater use is for 200 range cattle.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
6. R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
7. 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
8. 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.
9. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2390 V1

Comments:

1. csaxton 8/29/2006 Recommendation

Comment: Licensed in 2006. Recommend as licensed. ECVR questions not answered.

2. mvanbussum 9/21/2007 Objection

Comment: Per objection, wanted designation of POD in NENE as injection removed. NENE POD was not licensed as an injection point, so removed designation.

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: 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	4/27/2004 11:09:38 AM	awarntje			Active
POD	4/27/2004 11:27:37 AM	awarntje			Active
Source	4/27/2004 11:28:41 AM	awarntje			Active
POU	4/27/2004 11:29:21 AM	awarntje			Active
Use	4/27/2004 11:32:21 AM	awarntje			Active
Season	4/27/2004 11:32:37 AM	awarntje			Active
Quantity	4/27/2004 11:32:49 AM	awarntje			Active
Contacts	8/29/2006 9:44:08 AM	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>
Priority Date	4/27/2004 11:09:38 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (Yes) 7. Is the basis of claim a Application or Permit? (Yes) 10a. Has proof of beneficial use been submitted? (No) 10b. Has the Field exam been completed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2390 V1

POD	4/27/2004 11:18:20 AM	awarntje	Edited point location
POD	4/27/2004 11:20:10 AM	awarntje	Edited point location
POD	4/27/2004 11:25:05 AM	awarntje	Edited point location
POD	4/27/2004 11:26:16 AM	awarntje	Edited PLS
POD	4/27/2004 11:27:02 AM	awarntje	Edited PLS
POD	4/27/2004 11:27:26 AM	awarntje	Edited PLS
POD	4/27/2004 11:27:37 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued?
Source	4/27/2004 11:28:41 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim an Application or Permit? (No) 3. Has the licensed been issued?
POU	4/27/2004 11:29:21 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (Yes) 3. Is the basis of claim a Application or Permit? (No) 4. Has the licensed been issued yet?
Use	4/27/2004 11:32:20 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued?
Season	4/27/2004 11:32:36 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim a Application or Permit? (No) 3. Has the licensed been issued?
Quantity	4/27/2004 11:32:48 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued?
POD	8/29/2006 9:59:43 AM	csaxton	Updated shape
POD	8/29/2006 10:01:06 AM	csaxton	Updated PLS
POD	8/29/2006 10:02:15 AM	csaxton	Updated shape
POD	8/29/2006 10:02:24 AM	csaxton	Updated PLS
POD	8/29/2006 10:02:37 AM	csaxton	Updated shape
POU	8/29/2006 10:04:34 AM	csaxton	Updated shape for Active POU
POU	8/29/2006 10:05:31 AM	csaxton	Updated PLS for Active POU
POU	8/29/2006 10:07:27 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2390 V1

Contacts	8/29/2006 9:44:22 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	8/29/2006 10:00:57 AM	csaxton	Updated shape
POD	8/29/2006 10:02:45 AM	csaxton	Updated PLS
POD	8/29/2006 9:59:06 AM	csaxton	Updated PLS
POD	8/29/2006 9:59:52 AM	csaxton	Updated PLS
POU	8/29/2006 10:06:47 AM	csaxton	Updated shape for Active POU
POD	8/29/2006 9:58:22 AM	csaxton	Updated shape
POU	8/29/2006 10:44:25 AM	csaxton	Updated shape for Active POU
POU	8/29/2006 10:44:44 AM	csaxton	Updated PLS for Active POU
Summary	8/29/2006 11:05:48 AM	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	2/6/2004 11:36:14 AM	awarntje	Edited shape boundary
POU	2/6/2004 11:56:08 AM	awarntje	Edited shape boundary
POU	2/6/2004 12:39:15 PM	awarntje	Edited shape boundary
POU	2/6/2004 1:10:09 PM	awarntje	Edited shape boundary
POU	2/6/2004 1:16:01 PM	awarntje	Edited shape boundary
POD	8/29/2006 9:58:43 AM	csaxton	Updated PLS
POD	8/29/2006 9:58:59 AM	csaxton	Updated shape

SubCase:

SubCase Number: 67-2390
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: csaxton
 Basis of Claim: License
 Date Filed: 8/21/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2390 V1

Water Supply Bank:

11/14/2006
RECEIVED
823
DEPT. 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: 67-2390

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 and the license was issued in the name of Tree Top Ranches, LP.

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

Date: 12/8/06

SIGNATURE: [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

12-18-06: Change made as claim filed
with name Tree Top Ranches, LP

[Signature]

SCANNED
DEC 11 2006

12/18/2006

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

RIGHT NUMBER: 67-2390

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

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TRIBUTARY: SAGE CREEK

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PRIORITY DATE: 03/01/1968

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T13N R05W S3 NWNE Lot 2 Injection Within WASHINGTON County
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T13N R05W S14 SWNW Within WASHINGTON County
T14N R05W S34 NENE Injection Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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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

12/18/2006

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

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
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08/29/2006

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

RIGHT NUMBER: 67-2390

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

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TRIBUTARY: SAGE CREEK

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PRIORITY DATE: 03/01/1968

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T13N R05W S3 NWNE Lot 2 Injection Within WASHINGTON County
T13N R05W S3 NESE Within WASHINGTON County
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T13N R05W S14 SWNW Within WASHINGTON County
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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	22.750 CFS
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY
IRRIGATION STORAGE	01/01 12/31	3,700.00 AFY
IRRIGATION FROM STORAGE	03/15 10/31	3,700.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE 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			

STOCKWATER same as IRRIGATION FROM STORAGE

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, 67-644, 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

Water is diverted under this right from an unnamed stream into a ditch in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.

Stockwater use is for 200 range cattle.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.



Idaho Department of Water Resources

SRBA Recommendation:

67-2390

(Irrigation From Storage)

Legend

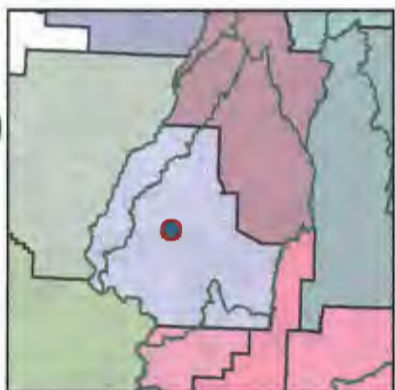
 **Point of Diversion**

 **Place of Use**

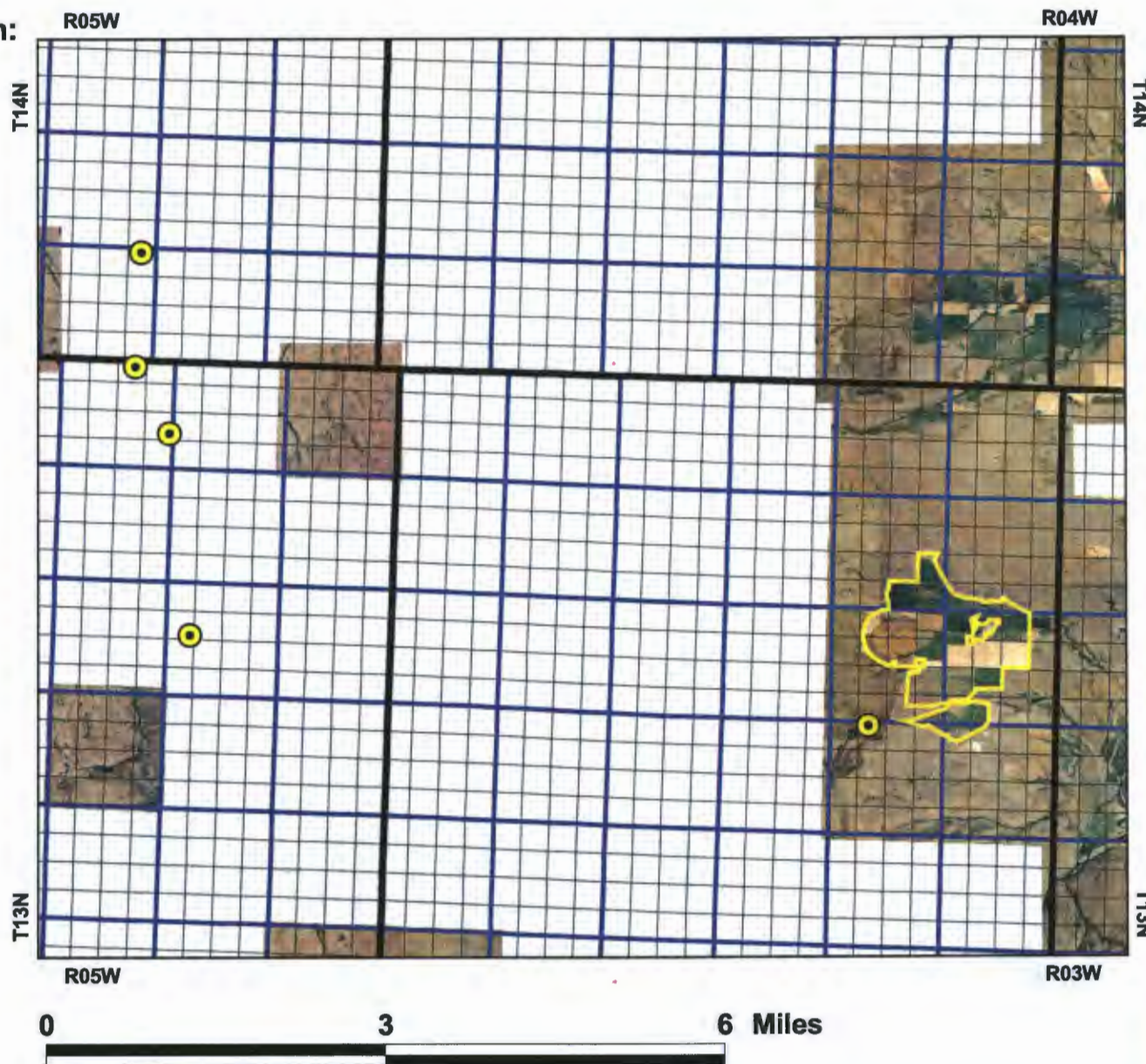
 **Townships**

 **PLS Sections**

 **Quarter Quarters**

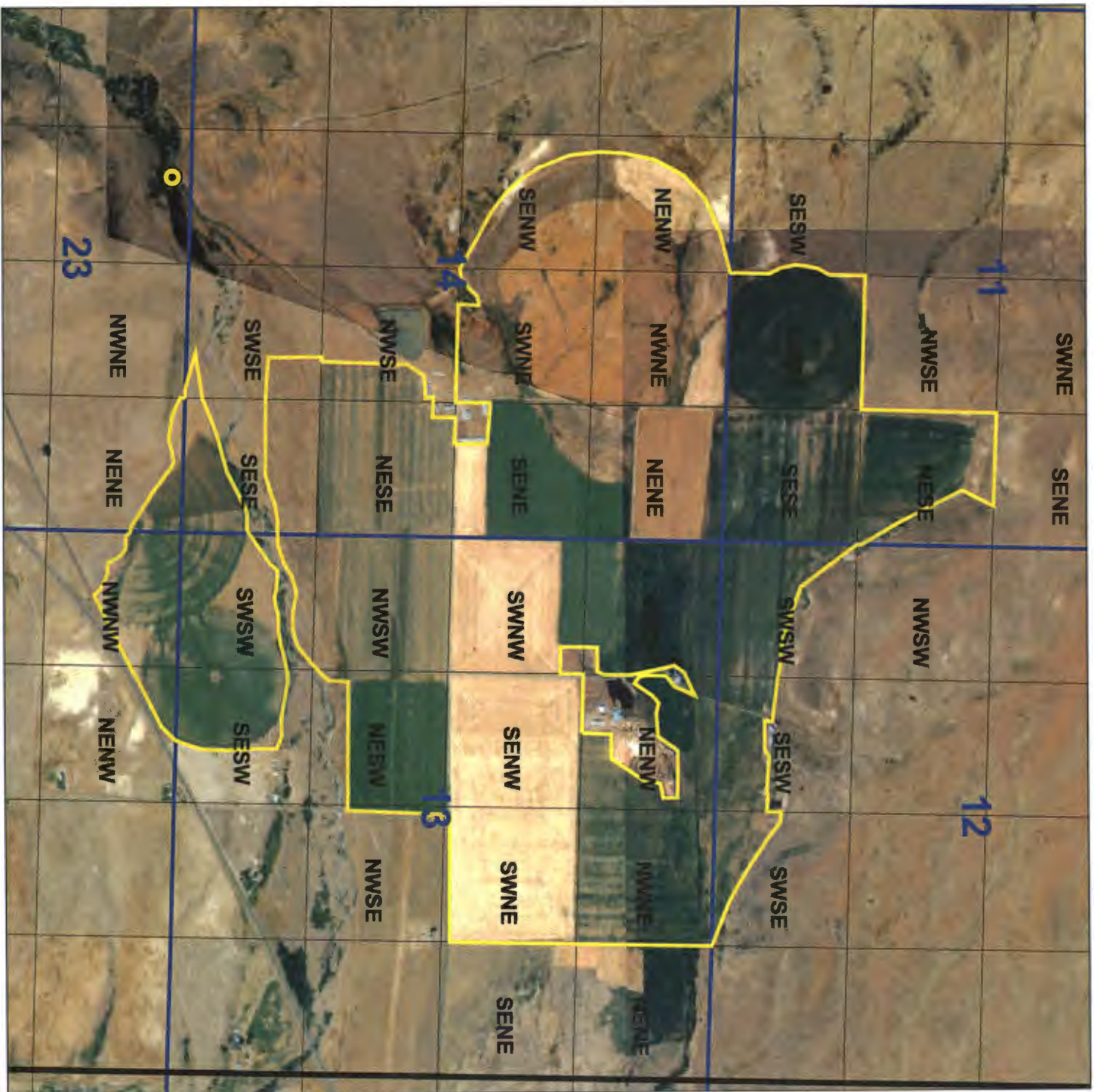


Washington County
IDWR Basin 67



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

67-2390



Adjudication Recommendation Report 67-2390 V1

WATER RIGHT NUMBER: 67-2390 V1

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

Priority Date: 03/01/1968

Basis:	License
--------	---------

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SAGE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	22.750 CFS	
STOCKWATER	01/01 to 12/31	0.050 CFS	2.70 AF
IRRIGATION STORAGE	01/01 to 12/31		3,700.00 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		3,700.00 AF
	Total Diversion:	22.750 CFS	3,702.70 AF

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SE1/4	Sec. 3,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County	(Rediversion)			
UNNAMED STREAM	NE1/4NW1/4	Sec. 23,	Twp 13N,	Rge 04W, B.M.
WASHINGTON County	(Rediversion)			
UNNAMED STREAM	L2 (NW1/4NE1/4)	Sec. 3,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County	(Injection)			
UNNAMED STREAM	NE1/4SE1/4	Sec. 3,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County				
UNNAMED STREAM	SW1/4NW1/4	Sec. 14,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County				
UNNAMED STREAM	NE1/4NE1/4	Sec. 34,	Twp 14N,	Rge 05W, B.M.
WASHINGTON County	(Injection)			

Place of Use

IRRIGATION FROM STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2390 V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
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

STOCKWATER same as IRRIGATION FROM STORAGEConditions of Approval:

1. 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, and 67-7899
2. Water is diverted under this right from an unnamed stream into a ditch in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.
3. X02 Stockwater use is for 200 range cattle.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
6. 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, 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
7. 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.

Remarks:Comments:

1. csaxton 8/29/2006 Recommendation
Comment: Licensed in 2006. Recommend as licensed. ECVR questions not answered.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-2390 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: 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	4/27/2004 11:09:38 AM	awarntje			Active
POD	4/27/2004 11:27:37 AM	awarntje			Active
Source	4/27/2004 11:28:41 AM	awarntje			Active
POU	4/27/2004 11:29:21 AM	awarntje			Active
Use	4/27/2004 11:32:21 AM	awarntje			Active
Season	4/27/2004 11:32:37 AM	awarntje			Active
Quantity	4/27/2004 11:32:49 AM	awarntje			Active
Contacts	8/29/2006 9:44:08 AM	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>
Priority Date	4/27/2004 11:09:38 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (Yes) 7. Is the basis of claim a Application or Permit? (Yes) 10a. Has proof of beneficial use been submitted? (No) 10b. Has the Field exam been completed?
POD	4/27/2004 11:18:20 AM	awarntje	Edited point location
POD	4/27/2004 11:20:10 AM	awarntje	Edited point location
POD	4/27/2004 11:25:05 AM	awarntje	Edited point location
POD	4/27/2004 11:26:16 AM	awarntje	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2390 V1

POD	4/27/2004 11:27:02 AM	awarntje	Edited PLS
POD	4/27/2004 11:27:26 AM	awarntje	Edited PLS
POD	4/27/2004 11:27:37 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued?
Source	4/27/2004 11:28:41 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim an Application or Permit? (No) 3. Has the licensed been issued?
POU	4/27/2004 11:29:21 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (Yes) 3. Is the basis of claim a Application or Permit? (No) 4. Has the licensed been issued yet?
Use	4/27/2004 11:32:20 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued?
Season	4/27/2004 11:32:36 AM	awarntje	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim a Application or Permit? (No) 3. Has the licensed been issued?
Quantity	4/27/2004 11:32:48 AM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued?
POD	8/29/2006 9:59:43 AM	csaxton	Updated shape
POD	8/29/2006 10:01:06 AM	csaxton	Updated PLS
POD	8/29/2006 10:02:15 AM	csaxton	Updated shape
POD	8/29/2006 10:02:24 AM	csaxton	Updated PLS
POD	8/29/2006 10:02:37 AM	csaxton	Updated shape
POU	8/29/2006 10:04:34 AM	csaxton	Updated shape for Active POU
POU	8/29/2006 10:05:31 AM	csaxton	Updated PLS for Active POU
POU	8/29/2006 10:07:27 AM	csaxton	Updated PLS for Active POU
Contacts	8/29/2006 9:44:22 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	8/29/2006 10:00:57 AM	csaxton	Updated shape
POD	8/29/2006 10:02:45 AM	csaxton	Updated PLS
POD	8/29/2006 9:59:06 AM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2390 V1

POD	8/29/2006 9:59:52 AM	csaxton	Updated PLS
POU	8/29/2006 10:06:47 AM	csaxton	Updated shape for Active POU
POD	8/29/2006 9:58:22 AM	csaxton	Updated shape
POU	8/29/2006 10:44:25 AM	csaxton	Updated shape for Active POU
POU	8/29/2006 10:44:44 AM	csaxton	Updated PLS for Active POU
Summary	8/29/2006 11:05:48 AM	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	2/6/2004 11:36:14 AM	awarntje	Edited shape boundary
POU	2/6/2004 11:56:08 AM	awarntje	Edited shape boundary
POU	2/6/2004 12:39:15 PM	awarntje	Edited shape boundary
POU	2/6/2004 1:10:09 PM	awarntje	Edited shape boundary
POU	2/6/2004 1:16:01 PM	awarntje	Edited shape boundary
POD	8/29/2006 9:58:43 AM	csaxton	Updated PLS
POD	8/29/2006 9:58:59 AM	csaxton	Updated shape

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 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 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
33	13N04W147300	FAIRCHILD TREETO	5.00	641	Belle Dym	6/1/1911
33	13N04W147300	FAIRCHILD TREETO	8.00	642	Belle Dym	6/1/1914
33	13N04W147300	FAIRCHILD TREETO	25.00	643	Belle Dym	6/1/1909
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 Meir	6/1/1913

Recommended as 67-14746

Recommended as 67-14746

Recommended as 67-14746

Recommended as 67-14107

Memorandum

Date: August 9, 2006

To: SRBA file 67-2390

From: Craig L. Saxton 

Re: Change of ownership and address on claim 67-2390

A request was receive to add Scott Campbell as attorney to SRBA claim 67-2390. 67-2390 was claimed based on permit, however was licensed in June 28, 2006 with the following ownership information:

TREE TOP RANCHES LP
1299 N ORCHARD ST STE 203
BOISE ID 83706

The SRBA claim 67-2390 was amended to reflect the license, ownership information included.

However, in a telephone conversation with Scott Campbell, IDWR was informed through that the address for Tree Top Ranches LP should be:

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

This address is consistent with recent filings for Tree Top Ranches LP. Despite not having this request in writing, I feel that the telephone conversation request along with the fact that the other claims by the same owner have the Houston Rd address, is enough to change address on SRBA claim 67-2390 to:

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

SCANNED

AUG 10 2006

WATER RIGHT NO. 67-02390

Maximum Diversion Rate: 22.75 CFS
Maximum Diversion Volume: 3,702.7 AF

conditions of the permit, issued pursuant to Application for Permit dated February 10, 1967; and has submitted Proof of Beneficial Use on May 12, 1981. An examination indicates that the works have a diversion capacity of 22.75 cfs of water from:

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	22.75 CFS	
IRRIGATION FROM STORAGE	03/15 to 10/31		3,700.0 AF
IRRIGATION STORAGE	01/01 to 12/31		3,700.0 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF

LOCATION OF POINTS OF DIVERSION:

UNNAMED STREAM	NE¼NE¼	Sec. 34, Twp 14N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM (Injection)	L2 (NW¼NE¼)	Sec. 3, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM (Rediversion)	NE¼SE¼	Sec. 3, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM	NE¼SE¼	Sec. 3, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM	SW¼NW¼	Sec. 14, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM (Rediversion)	NE¼NW¼	Sec. 23, Twp 13N, Rge 04W, B.M., WASHINGTON County

PLACE OF USE: IRRIGATION STORAGE

[illegible]

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-02390

PLACE OF USE: IRRIGATION FROM STORAGE

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

PLACE OF USE: STOCKWATER

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												X	X		X	X	
13N 04W 12											X	X			X		
13N 04W 13		X	X		X	X	X	X	X	X	X	X		X			
13N 04W 14	X	X	X	X	X		X				X		X	X	X	X	
13N 04W 23	X																
13N 04W 24					X	X											

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
2. Water is diverted under this right from an unnamed stream into a ditch in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercamp Creek. The injected water, along with Summercamp Creek water, is then (re)diverted in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.
3. This right when combined with all other rights 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.

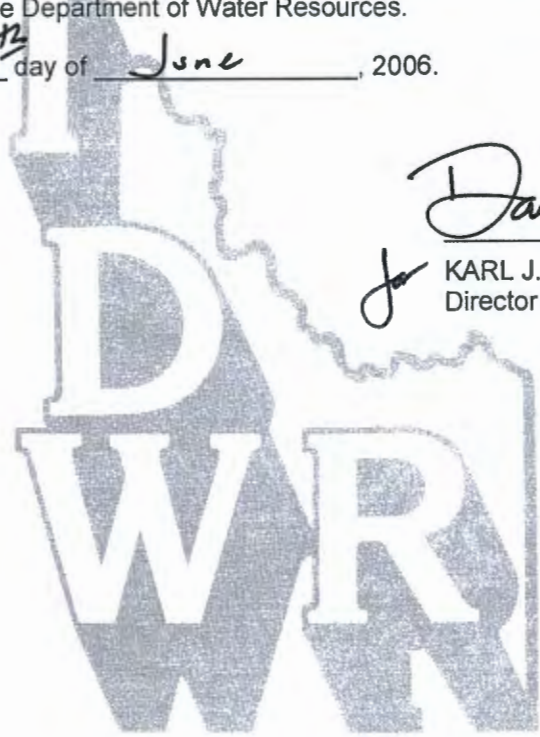
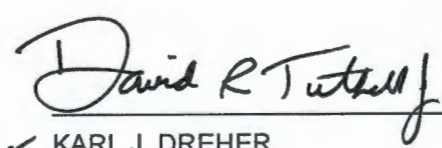
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-02390

4. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
5. Rights 67-07732, 67-07899, 67-00638, 67-00639, 67-00644, 67-00645, 67-00646, 67-00647, 67-00648, 67-00649, 67-00650, 67-00651, 67-00652, 67-00653, and 67-02390 when combined shall not exceed the irrigation of 827 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of June, 2006.



for **KARL J. DREHER**
Director

Saxton, Craig

From: Walker, Kay
Sent: Wednesday, November 30, 2005 12:00 PM
To: Saxton, Craig
Cc: Walker, Kay
Subject: Permit 67-2390

Hi, Craig... Came by to see you but you were with a customer so didn't bother you. Just wanted to let you know to recommend 67-2390 as permitted with condition A01. We can't license that permit just yet because they don't divert enough water (under the measurement that we obtained) to fill the reservoir. We will attempt making another measurement next spring or summer, when we can get into this place. Hope this doesn't mess up your process. Kay

Permit No: 67-2390

RECEIVED
JUN 27 2005
Page 1
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 67-2390
Exam Date: 9/23/1992

1. Current Owner: ARTHUR A FAIRCHILD
2324 AIRPORT RD
MIDVALE ID 83645
(208)355-2248
2. Accompanied by: Art Fairchild (now deceased)
Current Owner/Contact: Tree Top Ranches LP, c/o Larry Williams, President
Phone No: 377-0998
Address: PO Box 8126, Boise ID 83707
Relationship to Permit Holder: Son-in-Law & President; l of Tree Top Ranches LP

- | | |
|------------------|------------------|
| 3. SOURCE | TRIBUTARY |
| SAGE CREEK | WEISER RIVER |
| UNNAMED STREAM | SAGE CREEK |
| UNNAMED STREAMS | SAGE CREEK |

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 67-7732, 67-7899, 67-14107
2. Other water rights with the same point of diversion: 67-7732, 67-7899, 67-14107

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	L2 NW1/4NE1/4	Sec. 3,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County	(Injection)			
UNNAMED STREAM	NE1/4SE1/4	Sec. 3,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County	(Rediversion)			
UNNAMED STREAM	NE1/4SE1/4	Sec. 3,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County				
SAGE CREEK	NE1/4NW1/4	Sec. 23,	Twp 13N,	Rge 04W, B.M.
WASHINGTON County	(Rediversion)			
UNNAMED STREAM	NE1/4NE1/4	Sec. 34,	Twp 14N,	Rge 05VV, B.M.
WASHINGTON County				
UNNAMED STREAM	SE1/4NW1/4	Sec. 20,	Twp 13N,	Rge 04W, B.M.
WASHINGTON County	(Injection)			
UNNAMED STREAMS	SW1/4NW1/4	Sec. 14,	Twp 13N,	Rge 05W, B.M.
WASHINGTON County				

Method of Determination: Exam

SCANNED
JUN 29 2005

PLACE OF USE: IRRIGATION FROM STORAGE

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: 827.0

PLACE OF USE: IRRIGATION STORAGE

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 05W 10																X	
13N 05W 11										X							
13N 05W 14					X	X	X			X							
13N 05W 15	X			X													

PLACE OF USE: STOCKWATER

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									X				X		X	X	
13N 04W 12									X	X					X		
13N 04W 13		X	X		X	X	X	X	X	X	X	X		X			
13N 04W 14	X	X	X	X	X			X				X	X	X	X	X	
13N 04W 23	X																
13N 04W 24					X	X											

SCANNED

JUN 29 2005

Method of Determination: 1992 FSA Maps, 1987 Aerial Photos/ArcView, Field Exam

3. ☐ Y ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☐ Y ☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☐ Y ☐ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☐ Y ☐ Photo of Diversion and System Attached

4. See pump station summary notes in file dated 4/11/05 for details of 5 pumps that divert water into the irrigation system from Fairchild Reservoir No. 2.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS See File

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

E. FLOW CALCULATIONS

☐ X ☐ Additional Computation Sheets Attached

Measured Method:

See attached Mannings Equation-Data Collection sheet and computer calculations for capacity of ditch that feeds Fairchild Reservoir No. 1.

See attached calculations sheet dated 4/13/2005 for estimated capacity of ditch that feeds Fairchild Reservoir No. 2.

Stockwater flow rate was based on the department standard for 200 beef stock.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (5 \text{ af/ac allowed from storage}) = 827 \times 5 = 4135 \text{ af}$$

$$V_{D.R.} = \text{Fairchild Reservoir No. 1 Capacity} = 3700 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3700 \text{ af}$$

2. Volume Calculations for Other Uses:

$$200 \text{ beef stock} \times 12 \text{ gpd/hd} \times 365 \text{ dys} = 876000/325850 = 2.70 \text{ afa}$$

Fairchild Reservoir No. 1: 3700 af per D67-2390

SCANNED

JUN 29 2005

G. NARRATIVE/REMARKS/COMMENTS

This permit was originally filed in 1967 for 3160 acres in the name of Art Fairchild. Sufficient fees were received in 1988 for proof of beneficial use listing irrigation of 750 acres (fees are still sufficient for the recommended 827 acres). An SRBA claim was filed by Fairchild Tree Top Ranch LTD in 1989 on this permit listing irrigation of 800 acres. Current tax records show the property owned by Tree Top Ranches LP. President of this partnership is Larry Williams. Larry is Art Fairchild's son-in-law. Art Fairchild is deceased.

Steve Lester met with Art Fairchild and conducted an exam on this system in 1992. The recommended diversion to storage is based on a Mannings measurement made on the diversion ditch in S34 T14N R5W, which is used to collect the entire flow of an unnamed stream. Water collected in the ditch is injected into another unnamed stream, aka Summercamp Creek. The injected water, along with creek water, is then withdrawn into a ditch that is similar in size to the ditch measured above (basically a continuation of the first ditch). The ditch then feeds Fairchild Reservoir No. 1.

Fairchild Reservoir No. 1 has a capacity of 3700 af per Dam Safety File 67-2390. Storage water is released from the reservoir into an unnamed stream, which flows (injects) into Sage Creek. The water is then withdrawn from Sage Creek into a ditch and restored in Fairchild Reservoir No. 2 covered on right 67-7732. A Mannings measurement was attempted on this ditch during the 1992 exam, but the tripod broke. Steve calculated that a flow capacity of 1.0 cfs could easily be diverted from Sage Creek based on cross section and high water mark measurements taken at the flume located on the ditch. All of Sage Creek is diverted into this ditch, which includes the injected water from the upper reservoir.

Fairchild Reservoir No. 2 has a storage capacity of 108 af per Dam Safety File 67-7732. Permit 67-7732 covers 42 af storage volume and permit 67-7899 covers the remaining. Both permits list 1.0 cfs natural flow from Sage Creek. The purpose of the permits is basically to cover additional storage of natural flow water from Sage Creek in Fairchild Reservoir No. 2 that can occur when water is not being released and injected into Sage Creek from Fairchild Reservoir No. 1.

An 18 inch main diverts water from Fairchild Reservoir No. 2 to a pumping station consisting of 5 pumps that feed 2 mainlines used for sprinkler irrigation.

Total acres recommended for licensing were determined using FSA maps collected at the time of the field exam and ArcView. The north edge of the pivot located in the SWSE S11 was not recommended because the edge is not on property owned by the Tree Top Ranches. The pivot appears to slightly sprinkle beyond Tree Tops property line. All 827 acres recommended for licensing are owned by Tree Top Ranches LP, as confirmed by current Washington County tax records and Larry Williams. Please send a change in ownership form with the draft license.

Permit 67-2390 lists irrigation and stockwater uses and 4000 af storage. Flow rate and storage uses were not listed. The original application was filed in 1967 based on old terminology. The licensing recommendations reflect current department standards for the system developed.

Other overlaps include SRBA claims 67-14107 and 67-2302. Claim 67-14107 lists the same p/d from Sage Creek in S23 for irrigation of generally the same lands recommended for licensing. The claim is a combination of several decreed rights from Sage Creek. Claim 67-2302 is for ground water irrigation of 10 acres in S13 that appear to be separate from the acres recommended for licensing. The SRBA staff handling claims 67-2390 & 67-14107 have been notified and sent copies of this field exam report.

Please see file 67-2390 for additional exam details. Please note that when Steve composed his field exam notes and summary, he was unaware that the upper stock ponds above Fairchild Reservoir No. 1 are located on BLM property. As a result, stockwater storage cannot be licensed under this right as recommended by Steve. The stockwater p/u recommended for licensing is only on lands owned by Tree Top Ranches. Larry Williams confirmed the cattle number and type, which coincides with the amount listed on SRBA claim 67-2390. Steve was also unaware that permit 67-7899 was filed for the remaining storage in Fairchild Reservoir No. 2.

Have conditions of permit approval been met? ☒ Yes ☐ No

SCANNED**JUN 7 9 2005**

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	3.160 CFS	
IRRIGATION FROM STORAGE	03/15 to 10/31		3,700.00 AF
IRRIGATION STORAGE	01/01 to 12/31		3,700.00 AF
STOCKWATER	01/01 to 12/31	0.050 CFS	2.70 AF
	<u>Totals:</u>	3.160 CFS	3,702.70 AF

2. Recommended Amendments

☐X Change P.D. as reflected above ☒X Add P.D. as reflected above ☐None

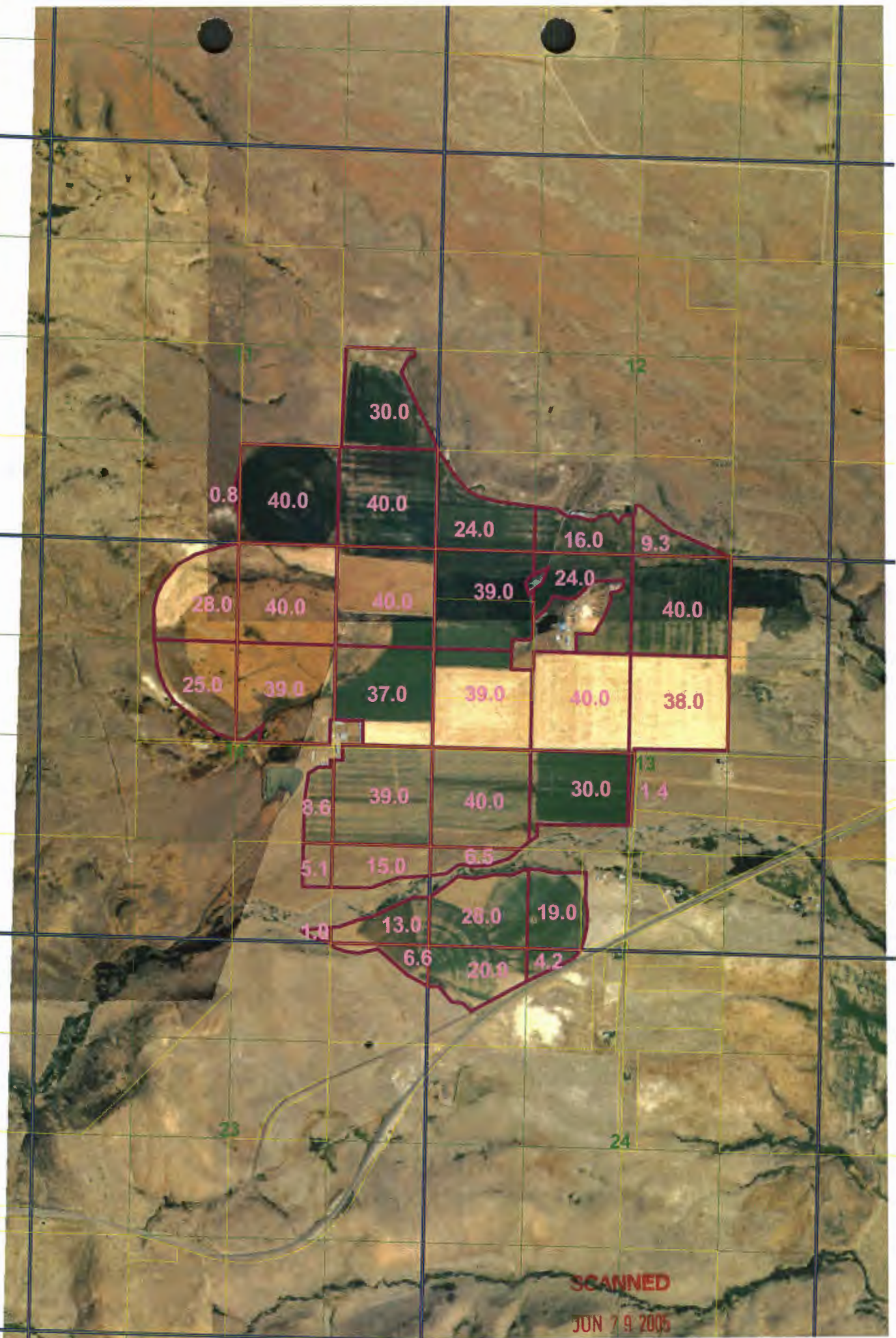
☐X Change P.U. as reflected above ☐Add P.U. as reflected above ☐Other

I. AUTHENTICATION

Field Examiner's Name W. G. Gorman Date 6/1/05

Reviewer _____ Date _____

SCANNED**JUN 29 2005**



&
or

SCANNED
JUN 7 9 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: **67-7732**

Exam Date: 9/23/1992

1. Current Owner: ARTHUR A FAIRCHILD
PO BOX 158
MIDVALE ID 83645
(208)355-2248
2. Accompanied by: Art Fairchild (now deceased)
Current Owners/Contact: Tree Top Ranches LP, c/o Larry Williams, President
Phone No: 377-0998
Address: PO Box 8126, Boise ID 83707
Relationship to Permit Holder: Son-in-Law & President of Tree Top Ranches

3. **SOURCE** **TRIBUTARY**
SAGE CREEK WEISER RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 67-2390, 67-7899, 67-14107
2. Other water rights with the same point of diversion: 67-2390, 67-7899, 67-14107

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

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

Method of Determination: Exam

2.

PLACE OF USE: IRRIGATION FROM STORAGE

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: 827.0

SCANNED**JUN 29 2005**

PLACE OF USE: IRRIGATION STORAGE

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	14														X			

Method of Determination: 1992 FSA Maps, 1987 Aerial Photos/ArcView, Field Exam

3. See File 67-2390

- _____ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- _____ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- _____ Aerial Photo Attached (required for irrigation of 10+ acres).
- _____ Photo of Diversion and System Attached

4. See pump station summary notes in file 67-2390 dated 4/11/05 for details of 5 pumps that divert water into the irrigation system from Fairchild Reservoir No. 2.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS See File 67-2390

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

E. FLOW CALCULATIONS

__X__ Additional Computation Sheets Attached

Measured Method:

See calculations sheet dated 4/13/2005 in file 67-2390 for estimated capacity of ditch that feeds Fairchild Reservoir No. 2.

SCANNED**JUN 29 2005**

F. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation: Limited to 400 irrigation acres per the permit**

$$V_{I.R.} = (\text{acres irrigated}) \times (5 \text{ af/ac allowed from storage}) = 400 \times 5 = 2000 \text{ af}$$

$$V_{D.R.} = \text{Fairchild Reservoir No. 2 Capacity} = 108 \text{ af, limited to 42 af per permit}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 42 \text{ af}$$

2. Volume Calculations for Other Uses:

Capacity of Fairchild Reservoir No. 2: 108 af per D67-7732, limited to 42 af per permit

This right when combined with right 67-7899 is limited to 108 af and 1.0 cfs.

G. NARRATIVE/REMARKS/COMMENTS

Sufficient fees were received in 1991 for proof of beneficial use. An SRBA claim was not required for this right. The field exam was conducted in 1992 on this permit and permit 67-2390 since both rights are part of an integrated system. Exam memos, notes, maps and measurements are located in file 67-2390.

The reservoir represented by this right is aka Fairchild Reservoir No. 2. The p/d on Sage Creek is also a point of withdrawal for stored water injected into the creek from Fairchild Reservoir No. 1 covered on water right 67-2390.

Fairchild Reservoir No. 2 has a storage capacity of 108 af per Dam Safety File 67-7732. This permit covers 42 af storage and Permit no. 67-7899 covers the remaining. Both permits list 1.0 cfs natural flow from Sage Creek. The purpose of the permits is basically to cover additional storage of natural flow water from Sage Creek in Fairchild Reservoir No. 2 that can occur when water is not being released and injected into Sage Creek from Fairchild Reservoir No. 1.

A ditch with a flume is used to divert water from Sage Creek to Fairchild Reservoir No. 2. An 18 inch main is then used to divert water from the reservoir to a pumping station consisting of 5 pumps that feed 2 mainlines used for sprinkler irrigation.

A Mannings measurement was attempted at the flume location along the diversion ditch during the 1992 exam, but the tripod broke. Steve calculated that a flow capacity of 1.0 cfs could easily be diverted from Sage Creek based on cross section and high water mark measurements taken at the flume located on the ditch. All of Sage Creek is diverted into this ditch, which includes the injected water from the upper reservoir.

827 acres were recommended for licensing under permit 67-2390. This right is limited to 400 acres irrigation within the recommended 827 acre ppu.

Other overlaps include SRBA claims 67-14107 and 67-2302. Claim 67-14107 lists the same p/d from Sage Creek in S23 for irrigation of generally the same lands recommended for licensing. The claim is a combination of several decreed rights on Sage Creek. Claim 67-2302 is for ground water irrigation of 10 acres in S13 that appear to be separate from the acres recommended for licensing.

No measuring devices were found above and below Fairchild Reservoir No. 2 as required on the permit. Steve stated that lockable diversion works are not required and are not applicable since the entire flow in Sage Creek is diverted into the ditch. The right is subject to watermaster control. If needed, the watermaster could require some/all of the flow to remain in the creek tributary to the Weiser River. The measuring device requirement needs modified to account for water flowing into but not out of the reservoir because the re-regulating storage use of Fairchild Reservoir No. 2 for water right 67-2390 makes measurement of water flowing out of the reservoir not needed or useful. This right is subject to the 6/15 cutoff date. If cutoff, storage from right 67-2390 can continue to be diverted from Sage Creek to the re-regulating reservoir for irrigation from storage.

Have conditions of permit approval been met? ____ Yes ____X____ No See above and also page 2 of Steve's exam summary dated 4/13/05

SCANNED**JUN 29 2005**

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	1.000 CFS	
IRRIGATION FROM STORAGE	03/15 to 10/31		42.00 AF
IRRIGATION STORAGE	01/01 to 12/31		42.00 AF
	<u>Totals:</u>	1.000 CFS	42.00 AF

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

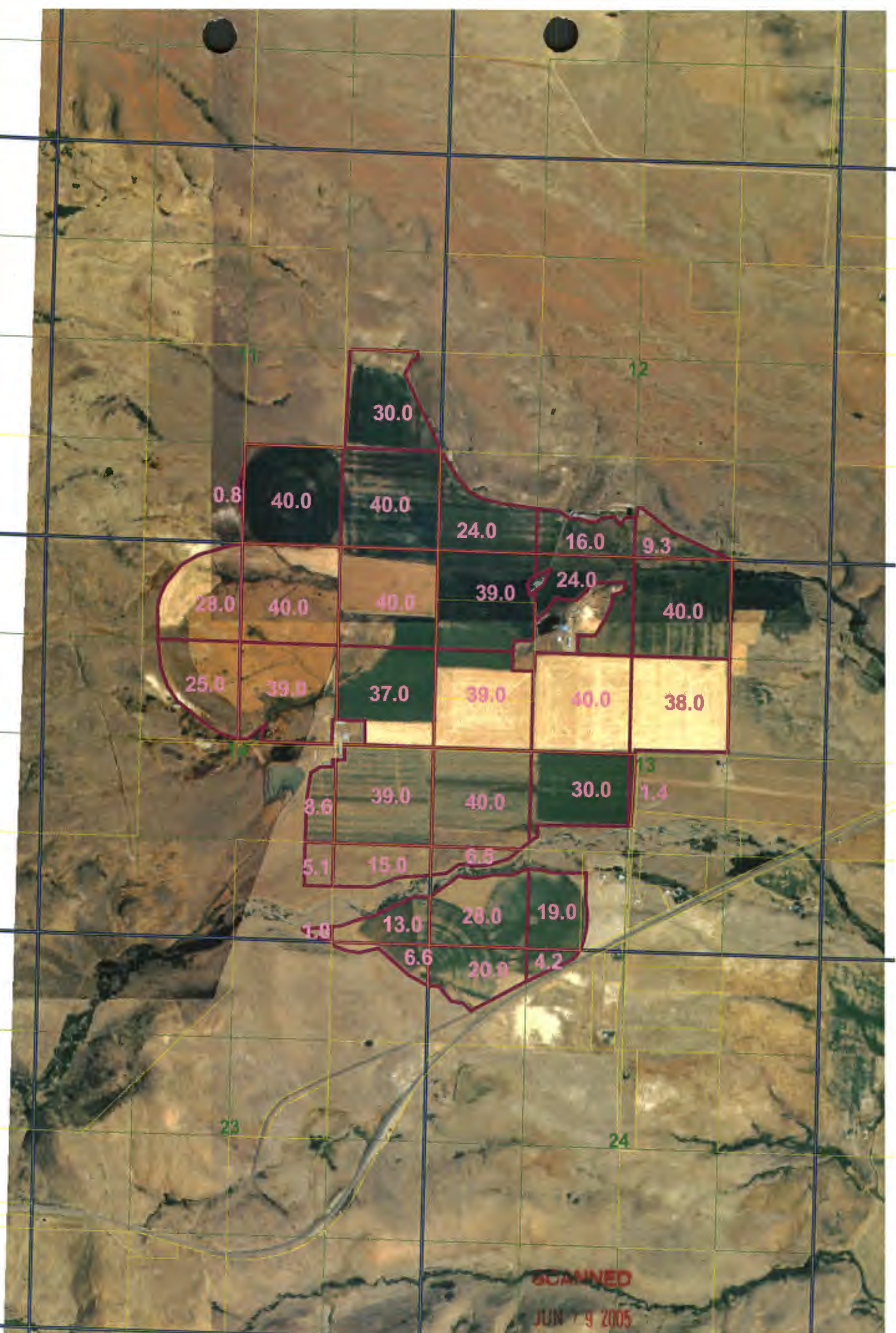
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Don Guzman Date 6/1/05

Reviewer _____ Date _____

SCANNED**JUN 7 9 2005**



&
or

SCANNED
JUN 19 2005



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,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:db

Enclosure



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District

Boise Field Office

3948 Development Avenue

Boise, Idaho 83705-5389

RECEIVED

JUN 09 1997

WATER RESOURCES
WESTERN REGION

In Reply Refer To:

7250

JUN 6 1997

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Greetings:

Re: BLM Claims #6701480761 and #6701480710

It has come to my attention that the water right adjudication claim #A67-02390 for Arthur Fairchild may injure BLM water right claims #6701480761 and #6701480710. The diversion dams which Mr. Fairchild has constructed in T. 14 N., R. 5 W., Section 27 and T. 13 N., R. 5 W., Section 3 do not appear to allow for any water to bypass the diversions and thus do not allow water to provide for the above referenced BLM water right claims.

I hereby request that should Mr. Fairchild's water right claim # A67-02390 be approved, that it be conditioned upon the fact that the diversions must be constructed/reconstructed to allow the water to flow back into the stream after his right is satisfied and to satisfy the BLM's water rights.

If you have any questions, please call Jon Haupt at 384-3371.

Sincerely,

John E. Fend
Cascade Area Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 5-2-97

TO: Effie
Blm

FROM: IDWR
Western

DOCUMENT DESCRIPTION: WR # 67-02390 - profile report +
adjudication claim

TOTAL PAGES SENT: 7 + COVER SHEET

CONTACT: Aue

WR5809NP
No. 67-02390

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/02/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARTHUR A. FAIRCHILD RT. 1 BOX 87 MIDVALE ID 83645	02/10/1967	IRRIGATION STOCKWATER	00/00 00/00 00/00 00/00		4000.00 AFA
TOTAL DIVERSION:						4000.00 AFA

Water Source: UNNAMED STREAM
SAGE CREEK

Tributary to: SAGE CREEK
WEISER RIVER

Stage: PERMIT

Point(s) of Diversion: T13N R05W S01 NWSW WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
13N	04W	11	:															40	40	40	40	:	40	40	40	40	:	40	40	40	40	: 320.0	
13N	04W	12	:															40	40	40	40	:	40	40	40	40	:	40	40	40	40	: 320.0	
13N	04W	13	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:					:	40	40	40	40	: 480.0
13N	04W	14	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	: 640.0
13N	04W	23	:	40	40	40	40	:	40	40	40	40	:					:					:					:					: 320.0
13N	04W	24	:					:	40	40	40	40	:					:					:					:					: 160.0
14N	03W	25	:					:		40	40		:					:	40				:					:					: 120.0
14N	03W	26	:			40	40	:					:					:					:	40	40	40	40	:					: 240.0
14N	03W	34	:	40			40	:					:					:					:					:					: 80.0
14N	03W	35	:	40	40	40	40	:	40	40	40	40	:			40		:	40				:	40	40		40	:			40	: 480.0	
TOTAL ACRES																														3160.0			

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: WASHINGTON

Other Water Rights Listing Overlapping Place(s) of use:

67-00638	67-00639	67-00644	67-00645	67-00646	67-00647	67-00648	67-00649	67-00650	67-00651
67-00652	67-00653	67-02025	67-02046	67-02080	67-02224	67-02253	67-02302	67-07793	

Remarks: WATER FOR LAND IN 14 N., R3W., B.M. WILL BE DIVERTED FROM THE
NEED TO DEVELOP THE REMAINING ACRES AND FINANCIAL REASONS.

Dates:	App. Received:	Priority Date:	02/10/1967
	Proof Due Date:	Proof Made Date:	01/01/1900
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 67 Field Exam Fee: R (Received)

Audit: 06/03/85 05/01/88 CONVERT 06/28/88 GARRETT 12/07/92 GARRETT

* IN PROCESS
being licensed so
final product may
be different
-JC