

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 63-4534B
Date Received: 3/21/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TREE TOP RANCHES LP Phone: (208)377-0998
914 HOUSTON RD
BOISE ID USA 83706

2. Date of Priority: 06/01/1919

3. Source: COLE SLOUGH DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
05N	05W	23	NW	NW	NW	CANYON	
05N	05W	16		SW	NE	CANYON	

5. Description of diverting works:

Large concrete check box in slough or creek to gravity ditch.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	3	

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 11 2008

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	03W	15	SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	37
						Section Acres	75
05N	03W	16	SE	SE		IRRIGATION	28
						Section Acres	28
						Total Acres	103

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-4534.

15. Basis of Claim: Beneficial Use

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 63-4534
Date Received: 3/21/1990
Receipt No: C015824
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TREE TOP RANCHES LP Phone: (208)377-0998
914 HOUSTON RD
BOISE ID USA 83706

2. Date of Priority: 06/01/1919

3. Source: COLE SLOUGH DRAIN , COLE SLOUGH DRAIN Trib. to: BOISE RIVER , BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	23	NW NW NW	CANYON	
05N	05W	16	SW NE	CANYON	

5. Description of diverting works:

LARGE CONCRETE CHECK BOX IN SLOUGH OR CREEK TO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	3	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	15	SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	37
					Section Acres	75
05N	05W	16	SE	SE	IRRIGATION	28
					Section Acres	28
					Total Acres	103

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=102.6.

CHANGE IN OWNERSHIP LG 6-8-06

15. Basis of Claim: Statutory Claim

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: A63-04534

Date Received: 2/02/1990

Receipt No: CD 15824

Received By: RW H

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT WHITE 208-459-1287
Address: BOX 88
NOTUS, ID 83656
AND/OR
Name: JAMES WHITE 208-722-6517
Address: 26969 SAND RD
PARMA, ID 83660
AND/OR
Name: DEBBIE WHITE 208-722-6517
Address: 26969 SAND RD
PARMA, ID 83660

2. Date of Priority: JUN 01, 1919

3. Source: COLE SLOUGH DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	16	SW	NE			CANYON
		23	NW	NW	NW		CANYON

5. Description of diverting works:

LARGE CONCRETE CHECK BOX IN SLOUGH OR CREEK TO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.000		

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

A.F.A.

8. Total consumptive use is 360.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-04534

Page 1

Date: 03/21/90

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	15	SW	SW		IRR	38.0
			SE	SW		IRR	37.0
						Section Acres	75.0
		16	SE	SE		IRR	28.0
						Section Acres	28.0
						Total Acres	103.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=102.6.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Robert M. White

Date:

3/21/90

Date:

State of Idaho

)

)

SS.

County of

Ada

)

Subscribed and sworn (or affirmed) before me this 21 day

of

March

19

90

[Signature]
Notary Public

Seal

Residing at

Boise, ID

My Commission Expires

June 10, 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAY 12 2006

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4534	A63-04534				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

SEE ATTACHMENT A

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

SEE ATTACHMENT B

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Robert M. White, Box 88, Notus, Idaho 83656

James & Debbie White, 26969 Sand Rd., Parma, Idaho 83660

4. New Owner/Claimant(s)

Tree Top Ranches, LP

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

914 Houston Road

City, State and ZIP Code

Boise, Idaho 83706

New Telephone Number

(208) 377-0998

5. Date you acquired the property

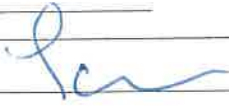
June 1, 1999

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

 5-8-06
Larry D. Williams, Partner, Tree Top Ranches, LP

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

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

RECEIVED

MAY 12 2006

WATER RESOURCES
WESTERN REGION

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

PC 26284

9830249

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT M. WHITE, a widower, and JAMES B. WHITE and DEBBIE A. WHITE, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LARRY D. WILLIAMS and MARIANNE WILLIAMS, husband and wife, of 914 Houston Road, Boise, Idaho 83706, the Grantees, the following described premises, to-wit:

and LDW, INC.

See EXHIBIT "A" attached hereto and made a part hereof by reference as if set forth in full;

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current taxes and assessments, easements, restrictions and reservations of record, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 29th day of July, 1998.

Robert M. White
Robert M. White

James B. White
James B. White

Debbie A. White
Debbie A. White

STATE OF IDAHO)

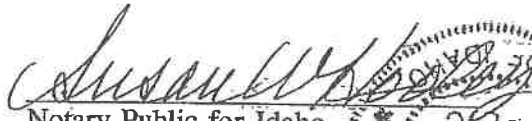
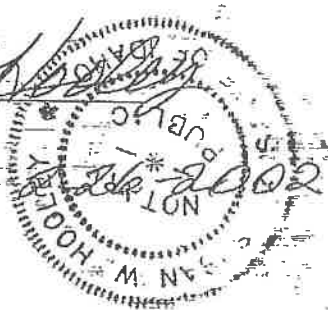
) ss.

County of Ada

On this 29th day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT M. WHITE, JAMES B.

WHITE and DEBBIE A. WHITE, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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, Idaho
My commission expires: 

PC 26284

PARCEL I

The Southeast Quarter of the Southeast Quarter of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

PARCEL II

The South Half of the Southwest Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

REQUESTED
TYPE Deed FILE 900
PIONEER — CALDWELL

BY John A. Allen
MED J KERR
CANYON CNTY RECORDER

98 AUG 12 PM 12:00

RECORDED

9830249

EXHIBIT "A" to Warranty Deed

INSTRUMENT NO. 9923806

QUITCLAIM DEED

For value received, Larry D. Williams and Marianne Williams, husband and wife ("Grantors") do hereby convey, release, remise and forever quitclaim unto Tree Top Ranches L.P., an Idaho limited partnership ("Grantee"), whose current address is 914 Houston Road, Boise, Idaho, 83706, the following described premises, located in Canyon County, Idaho, to-wit:

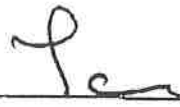
PARCEL I: The Southeast Quarter of the Southeast Quarter of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

PARCEL II: The South Half of the Southwest Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

together with all water, water rights, ditches and rights of way for ditches, canal company rights or shares therein, and irrigation company rights or shares therein, appurtenant thereto;

together with their appurtenances.

Dated: June 1, 1999


Larry D. Williams


Marianne Williams

STATE OF IDAHO)
) ss.
County of Ada)

On this 1st day of June, 1999, before me, Judy Morris, a notary public, personally appeared Larry D. Williams, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.




NOTARY PUBLIC
Commission expires: 3/12/03

DEED - 1

STATE OF IDAHO)
) ss.
 County of Ada)

On this 1st day of June, 1999, before me, Judy Morris, a
 notary public, personally appeared Marianne Williams, personally known or proved to me on
 the basis of satisfactory evidence to be the person whose name is subscribed to the within
 instrument, and acknowledged to me that she executed the same.



Judy Morris
 NOTARY PUBLIC
 Commission expires: 3/12/03

9923806

RECORDED

39 JUN 17 PM 1 46

C HOEL HALE

CANYAN CHIEF RECORDER

BY C. McLaughlin

REQUEST

TYPE Pool FEE 6.00

Marshall Beth Fisher

3

INSTRUMENT NO. 9923804

QUITCLAIM DEED

For value received, **LDW, Inc.**, an Idaho corporation (the "Grantor"), does hereby convey, release, remise and forever quitclaim unto **Tree Top Ranches L.P.**, an Idaho limited partnership (the "Grantee"), whose current address is 914 Houston Road, Boise, Idaho, 83706, the following described premises, located in Canyon County, Idaho, to-wit:

PARCEL I: The Southeast Quarter of the Southeast Quarter of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

✓
28 acres

PARCEL II: The South Half of the Southwest Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

together with all water, water rights, ditches and rights of way for ditches, canal company rights or shares therein, and irrigation company rights or shares therein, appurtenant thereto;

together with their appurtenances.

Dated: June 1, 1999

LDW, Inc.

By:



Larry D. Williams

Its:

President

By:



Marianne Williams

Its:

Secretary

DEED - 1

COPY

STATE OF IDAHO)
) ss.
 County of Ada)

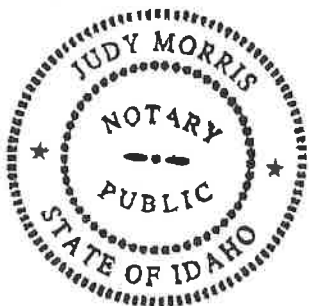
On this 1st day of June, 1999, before me, Judy Morris, a notary public, personally appeared **Larry D. Williams**, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he is the President of **LDW, Inc.** and that he executed the within instrument on behalf of **LDW, Inc.**



Judy Morris
 NOTARY PUBLIC
 Commission expires: 3/12/03

STATE OF IDAHO)
) ss.
 County of Ada)

On this 1st day of June, 1999, before me, Judy Morris, a notary public, personally appeared **Marianne Williams**, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she is the Secretary of **LDW, Inc.** and that she executed the within instrument on behalf of **LDW, Inc.**



Judy Morris
 NOTARY PUBLIC
 Commission expires: 3/12/03

DEED - 2

39 JUN 17 PM 1 46
 G NOEL HALES
 CANYON CNT RECORDER
 BY CMC Laughlin
 REQUEST Marshall Bittick
 TYPE Deed FILE 00

RECORDED

9923804

9

10

05N05W

16

15

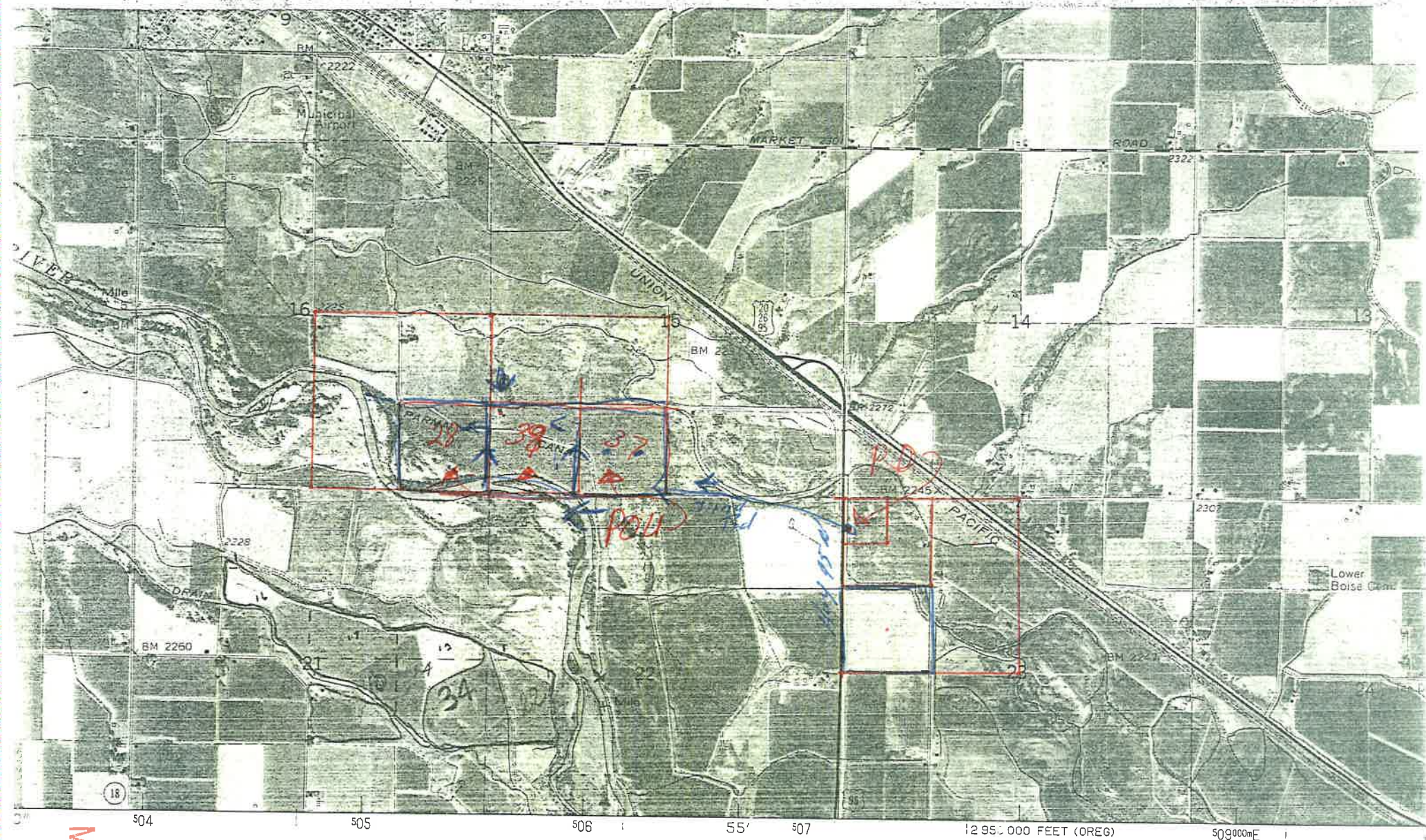
SESE

SWSW

SESW

22

21



SCALE 1:24 000

1 MILE

0 1000 2000 3000 4000 5000 6000 7000 FEET

1 5 0 1 KILOMETER

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print, Boise Idaho



AUG 20 1982

MICROFILMED

Receipt Details for ID C015824

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 4:29:42 PM	3/21/1990	State	\$153.00	Check
Payer	WHITE, ROBERT M.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1903			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$153.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4534		\$153.00	Claim

[Print Report](#)



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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-04534B,
) 63-04641A, and 63-04641B

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 19, 2007, Tree Top Ranches, LP, through its attorney Scott Campbell, filed objections to the *Director's Report*. Greg Obendorf, through his attorney Dana Hofstetter, filed responses to the objections. On June 11, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-04534B, 63-04641A, and 63-04641B be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

July 16, 2009

Theodore R. Booth

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04534B

JUL 16 2009

By

Clerk

Deputy Clerk

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

SOURCE: SAND HOLLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.60 CFS

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION: T05N R05W S23 NWNW Within Canyon County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.60 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T05N R05W S15	SWSW 22.0
	S16	SESE 23.0
	80.0 Acres Total	

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson

Presiding Judge of the
Snake River Judicial District

RECOMMENDATION

JUL 16 2009

John M. Melanson
SPECIAL MASTER

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 16 2009	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

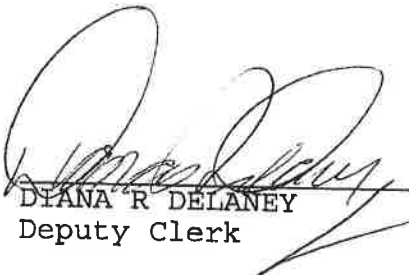
Water Right(s): 63-04534B
63-04641A 63-04641B

On July 16, 2009, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED July 16, 2009.


DIANA R. DELANEY
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
07/16/09

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 16 2009	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 63-04534B
63-04641A 63-04641B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 16, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GREG OBENDORF

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

TREE TOP RANCHES LP

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
07/16/09

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED
12/21/09
JUN 21 2009

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
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
Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Tara Martens
Mark C. Peterson
Julian E. Gabiola
Kimberly D. Evans Ross
Jason G. Murray

Jon A. Stenquist
Tyler J. Anderson
Paul D. McFarlane
Tyler J. Henderson
C. Edward Cather III
Michelle C. Michaud
Andrew J. Waldera
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Matthew J. McGee

Robert E. Bakes, of counsel

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

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 10, 2009

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin St.
Boise, ID 83702-5509

Re: Tree Top Ranches, LP
MTBR&F File No. 22567.0000

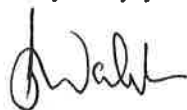
Dear Ms. Hofstetter:

I am enclosing a Standard Form 5 ("SF5") for each of SRBA Subcase Nos. 63-4641A and 63-4641B. You already have the SF5 for water right no. 63-4534B. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the originals to my office for filing with the Court.

Given that water right no. 63-21530 has now been moved over to the Andrews Ditch Co.-related subcases (due to the fact that water right no. 63-21530 is "stacked" with/overlaps with acres irrigated by some former Andrews Ditch Co. water rights), execution of these SF5s will obviate the need for the trial currently scheduled for July 9 and 10, 2009. As we have discussed, both Tree Top and your client would like to avoid the need for a trial in July, or for depositions in the meantime.

If you have any questions, please contact me at 385-5418.

Very truly yours,



Andrew J. Waldera

AJW/dll

Enclosures

cc: Bill Mulder
Andrea Courtney
Ray Williams, Paralegal
Jan Shurte

*Copy of Andie's
letter to Dana con-
cerning the SF5's
signed & sent plus
leaving the 63-21530
out of this one & into the
other group of tree top's
due to the overlapping acres.*

RECEIVED

FEB 12 2009

**DEPARTMENT OF
WATER RESOURCES**

DISTRICT COURT - SREA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 11 2009	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA	)	Subcase 63-04534B, 63-04641A, 63-04641B,
	)	and 63-21530
Case No. 39576	)	
_____	)	TRIAL SCHEDULING ORDER

A Scheduling Conference was held on November 7, 2008. The following dates shall govern the conduct of this subcase through trial:

May 22, 2009	5:00 PM	Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J).
June 5, 2009	5:00 PM	Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline.
June 30, 2009	9:30 AM	Final Pre-Trial Conference. Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

July 9-10, 2009

10:00 AM Trial. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated Feb 11, 2009

A handwritten signature in dark ink, appearing to read 'T. R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on February 11, 2009, with sufficient first-class postage to the following:

GREG OBENDORF

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

LARRY WILLIAMS

MARIANNE WILLIAMS
TREE TOP RANCHES LP

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Music, Vicky

From: Music, Vicky
Sent: Wednesday, May 13, 2009 11:13 AM
To: Williams, Ray; Courtney, Andrea; Shurte, Jan
Subject: Tree Top 63-4534B

Attachments: 63-4534B SF5-2.doc

Attached is a new amd dr with the wastewater remark edited. Bye.

Vicky L. Music



63-4534B
SF5-2.doc (29 KB)

Tracking:

Recipient

Williams, Ray
Courtney, Andrea
Shurte, Jan

Delivery

Delivered: 5/13/2009 11:13 AM
Delivered: 5/13/2009 11:13 AM
Delivered: 5/13/2009 11:13 AM

05/13/2009

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

RIGHT NUMBER: 63-4534B

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

SOURCE: SAND HOLLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 03/01/1935

POINT OF
DIVERSION: T05N R05W S23 NWNW Within ~~ELMORE~~ County
CANYON

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.600 CFS
PLACE OF USE: <u>IRRIGATION in CANYON County</u>		
T05N R03W S15 SWSW 22.00	T05N R03W S15 SESW 35.00	
<u>R05W</u>	<u>R05W</u>	
T05N R03W S16 SESE 23.00		
<u>R05W</u>		

80 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 this time, this water right is within State Water District No. 63, Boise River.

RECEIVED

AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

2008 AUG 12 AM 10:37
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-04534B	63-04641A
		63-04641B	63-21530

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

FRIDAY, NOVEMBER 07, 2008 at 03:00 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: AUGUST 12, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 8/12/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on AUGUST 12, 2008, with sufficient first-class postage to the following:

GREG OBENDORF

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

LARRY WILLIAMS

MARIANNE WILLIAMS
TREE TOP RANCHES LP
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

2008 JUN 03 AM 11:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-04534B	63-04641A
		63-04641B	63-21530

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, AUGUST 12, 2008 at 09:00 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: JUNE 03, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 6/03/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 03, 2008, with sufficient first-class postage to the following:

GREG OBENDORF

Represented by:

DANA L. HOFSTETTER

608 WEST FRANKLIN STREET

BOISE, ID 83702

Phone: 208-424-7800

LARRY WILLIAMS

MARIANNE WILLIAMS

TREE TOP RANCHES LP

Represented by:

SCOTT L CAMPBELL

101 S CAPITOL BLVD 10TH FLOOR

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

RECEIVED

APR 27 2008

DEPARTMENT OF
WATER RESOURCES

2008 APR 18 PM 05:39
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

) ORDER SETTING SUBCASE(S)
) FOR INITIAL HEARING

) SUBCASE NOS: 63-00178B 63-04534B
) 63-04641A 63-04641B 63-21530

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, MAY 29, 2008 at 03:00 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
MAY 27, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 4/18/08

(continued)

Dated: APRIL 18, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

(Order Setting Initial Hearing)

Page 2
4/18/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on APRIL 18, 2008 _____,
with sufficient first-class postage to the following:

GREG OBENDORF

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

TREE TOP RANCHES, LP

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

LARRY WILLIAMS

MARIANNE WILLIAMS
TREE TOP RANCHES LP
914 HOUSTON RD
BOISE, ID 83706
Phone: 208-377-0998

RECEIVED

APR 22 2008

DEPARTMENT OF
WATER RESOURCES

2008 APR 18 PM 05:39
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) ORDER SETTING SUBCASE(S)
) FOR INITIAL HEARING

) SUBCASE NOS: 63-00178B 63-04534B
) 63-04641A 63-04641B 63-21530

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CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

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IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 4/18/08

(continued)

Dated: APRIL 18, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

(Order Setting Initial Hearing)

Page 2
4/18/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on APRIL 18, 2008
with sufficient first-class postage to the following:

GREG OBENDORF

Represented by:

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

TREE TOP RANCHES, LP

Represented by:

SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

LARRY WILLIAMS

MARIANNE WILLIAMS
TREE TOP RANCHES LP
914 HOUSTON RD
BOISE, ID 83706
Phone: 208-377-0998

Music, Vicky

From: Courtney, Andrea
Sent: Thursday, December 18, 2008 12:32 PM
To: Music, Vicky; Williams, Ray
Subject: RE: 63-4534B (Tree Top)

Thanks. We'll get this version in circulation. Odd things seem to be the order of the day.
Drive safely tonight.

From: Music, Vicky
Sent: Thursday, December 18, 2008 11:52 AM
To: Williams, Ray
Cc: Courtney, Andrea
Subject: RE: 63-4534B (Tree Top)

Well, this I weird - the errors originated in the data entry when the ownership was changed to Tree Top in 2006, so the errors were in the original DR filed with the court. Because the orig claim was correct, I did not see that these errors occurred during the c/o process...so here is the corrected SF5. Vicky

<< File: 63-4534B SF5-2.doc >>

From: Williams, Ray
Sent: Thursday, December 18, 2008 10:21 AM
To: Courtney, Andrea; Music, Vicky
Subject: 63-4534B (Tree Top)

I received a call from Tiffany at Scott Campbell's office. They sent me the signed SF5 earlier this week, and I sent it on to Dana. Tiffany said that they discovered a couple of errors on the SF5. She said the point of diversion should be in Canyon County rather than Elmore County and the place of use should be Range 5 West rather than 3 West. It looks like the signed claim is consistent with her issues. If that's the case, and there are errors, we can prepare a revised SF5. She is sending a letter describing the issues, but wanted to give us a heads up.

Let me know what you think. Thanks!

Ray

this one should be settled.

Music, Vicky

From: Williams, Ray
Sent: Thursday, December 18, 2008 11:54 AM
To: Music, Vicky
Subject: RE: 63-4534B (Tree Top)

Thanks, Vicky!

From: Music, Vicky
Sent: Thursday, December 18, 2008 11:52 AM
To: Williams, Ray
Cc: Courtney, Andrea
Subject: RE: 63-4534B (Tree Top)

Well, this I weird - the errors originated in the data entry when the ownership was changed to Tree Top in 2006, so the errors were in the original DR filed with the court. Because the orig claim was correct, I did not see that these errors occurred during the c/o process...so here is the corrected SF5. Vicky

<< File: 63-4534B SF5-2.doc >>

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Sent: Thursday, December 18, 2008 10:21 AM
To: Courtney, Andrea; Music, Vicky
Subject: 63-4534B (Tree Top)

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Let me know what you think. Thanks!

Ray

12/18/2008

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

RIGHT NUMBER: 63-4534B

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

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 03/01/1935

POINT OF
DIVERSION:

T05N R05W S23 NWNW Within ~~ELMORE~~ County
CANYON

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	1.600 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>		
	T05N R03W S15 SWSW 22.00	T05N R03W S15 SESW 35.00	
	<u>R05W</u>	<u>R05W</u>	
	T05N R03W S16 SESE 23.00		
	<u>R05W</u>		

80 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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. 63, Boise River.

RECEIVED

AUG 21 2007

Department of Water Resources
Adjudication Bureau

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

In Re SRBA

Case No. 39576

A. Subcase 63-4534B

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Greg Obendorf.
Address: 26496 Deb Lane
Parma, Idaho 83660
Daytime Phone: (208) 722-6451

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

D. I am responding to the objections to the following elements. (Please check the appropriate box(es))

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss:

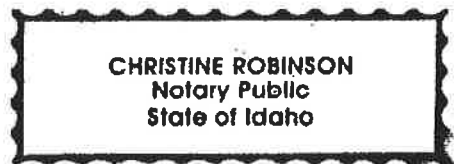
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 20, 2007



Christina Robinson
Notary Public for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 6/11/2013

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on August 20, 2007, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

3. One copy to the party who filed the objection. at the following address:

Name: Scott Campbell
Address: Moffatt Thomas
P.O. Box 829
Boise, Idaho 83701

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

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

In Re SRBA)

Case No. 39576)
_____)

A. Subcase 63-04534B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Tree Top Ranches, LP

Address: 914 Houston Road

Boise, Idaho 83706

Daytime Phone: 208-377-0998

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas

PO Box 829, Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Tree Top Ranches, LP

Address: 914 Houston Road

Boise, Idaho 83706

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Tributary should be Boise River
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):**

Source: The tributary to Sand Hollow Creek is incorrectly listed as the Snake River. The correct tributary is the Boise River.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 19, 2007



Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

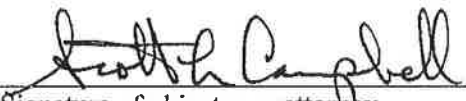
Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

09/28/2006

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

RIGHT NUMBER: 63-4534B

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

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION:

T05N R05W S23 NWNW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.600 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S15	SWSW	22.00	T05N R03W S15	SESW	35.00
T05N R03W S16	SESE	23.00			

80 ACRES TOTAL

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

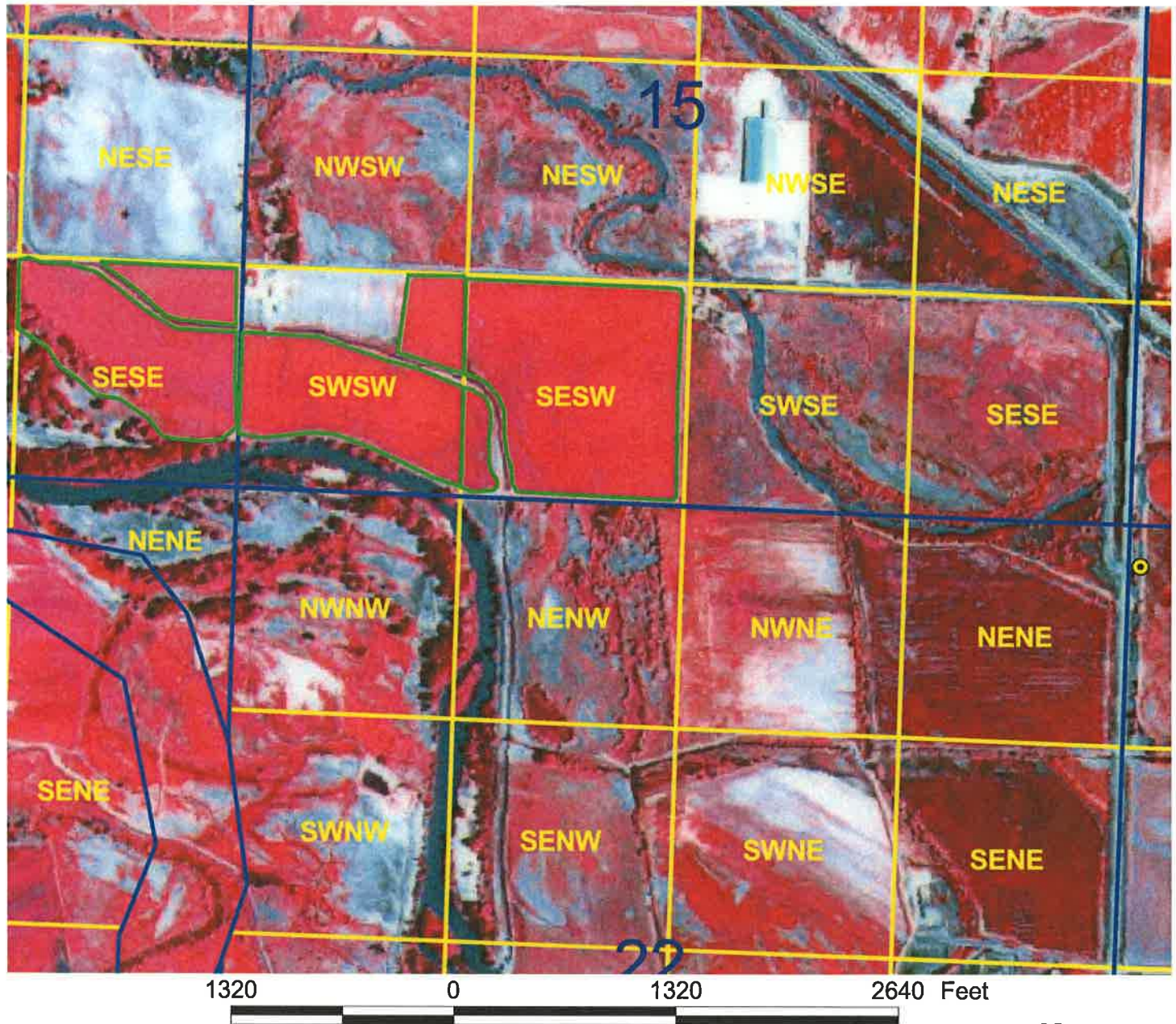
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 15, 16 and 23
Water Right: 63-4534B



TOTAL IRRIGATED ACRES = 80



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-4534B V1

WATER RIGHT NUMBER: 63-4534B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998

Priority Date: 03/01/1935
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
SAND HOLLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

<u>Location of Point(s) of Diversion</u>		
SAND HOLLOW CREEK	NW1/4NW1/4	Sec. 23, Twp 05N, Rge 05W, B.M.
ELMORE County		

Place of Use
IRRIGATION Within CANYON County

T05N R03W S15	SWSW	22.0	T05N R03W S15	SESW	35.0
T05N R03W S16	SESE	23.0			

Total Acres: 80

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4534B V1

Comments:

1. vmusic 9/14/2006 EVIDENCE OF PRIORITY

Comment: NEW OWNER SUBMITTED EVIDENCE BACK TO 1935. CLAIMED 1919. ADVANCED PRIORITY DATE TO 1935.

2. vmusic 9/14/2006 SURFACE RTS

Comment: NOT IN A SERVICE AREA

3. vmusic 9/14/2006 POU

Comment: CLAIMED 103 ACRES BUT STATUTORY CLAIM FOR ALMOST 103 ACRES INCLUDED 23 ACRES IN THE SWNE SEC 16. THOSE ACRES WERE CLAIMED AS A PORTION BY JOHNSON RESEARCH. I REDUCED THESE ACRES TO 80 HISTORICALLY IRRIGATED IN SEC 15 AND 16. ACRES DIFFER SOME FROM STATUTORY CLAIM FILED IN 1970 BECAUSE I ASSUMED ACC TRANSFER IN POU AND MY RECOMMENDATION CLARIFIES AND CORRECTS STATUTORY CLAIM.

4. vmusic 9/14/2006 POD

Comment: DELETED POD IN SEC 16 . NOT USED HERE. USED FOR A PORTION.

5. vmusic 9/14/2006 SOURCE

Comment: CHANGED TO SAND HOLLOW CREEK TO MAKE IT CONSISTANT WITH OTHER RIGHTS TO SAME SOURCE. ALSO KNOWN AS SAND HOLLOW DRAIN, COLE SLOUGH DRAIN, COLE SLOUGH, SAND RUN GULCH,

6. vmusic 9/28/2006 SOURCE

Comment: MAIN CHANNEL OF SAND HOLLOW CREEK - DETERMINED TO BE TRIB TO SNAKE RIVER

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>
Contacts	9/14/2006 1:05:27 PM	vmusic			Active
Priority Date	9/14/2006 1:06:02 PM	vmusic			Active
POD	9/14/2006 1:06:53 PM	vmusic			Active
Source	9/14/2006 1:11:27 PM	vmusic			Active
POU	9/14/2006 1:11:49 PM	vmusic			Active
Use	9/14/2006 1:16:21 PM	vmusic			Active
Season	9/14/2006 1:16:47 PM	vmusic			Active
Quantity	9/14/2006 1:18:03 PM	vmusic			Active
Summary			09/14/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/14/2006 1:09:53 PM	vmusic	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4534B V1

Source	9/14/2006 1:11:27 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - 2006 FIELD EXAM
POU	9/14/2006 1:11:49 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - 2006 FIELD EXAM
POU	9/14/2006 1:13:54 PM	vmusic	Updated shape for Active POU
Summary	9/14/2006 1:33:23 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?
Use	9/14/2006 1:16:21 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - 2006 FIELD EXAM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4534B V1

Season	9/14/2006 1:16:48 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/14/2006 1:18:04 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE 2006 FIELD EXAM
POU	9/14/2006 1:26:56 PM	vmusic	Updated shape for Active POU
Contacts	9/14/2006 1:05:28 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	9/14/2006 1:06:02 PM	vmusic	(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? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 13. Has additional evidence of priority date been submitted? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4534B V1

POD	9/14/2006 1:06:54 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	9/14/2006 1:10:46 PM	vmusic	Updated shape

Water Supply Bank:

**NOTICE OF ERROR
REPLY**

09/29/2006
RECEIVED
NOV 01 2006
WATER RESOURCES
WESTERN REGION

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: October 31, 2006

Water right number: 63-4534B

TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

Telephone Number: (208) 377-0998

1. **Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):**

Quantity; Point of Diversion; Purpose and Period of Use; Place of Use

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

Quantity: Increase the total quantity of water to the claimed amount of 3.00 cfs.

Point of Diversion: The points of diversion should be identified as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	County
5N	5W	23	NW	NW		Canyon
		16	SW	NE		Canyon

Purpose and Period of Use: Increase the quantity to the claimed amount of 3.00 cfs.

Place of Use: Correct the place of use to include the claimed 103 acres, as follows:

TWP	RNG	SEC	1/4 of	1/4	Lot	Acres
5N	5W	15	SW	SW		38
			SE	SW		37
		16	SE	SE		28
Total						103

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

Quantity: There is no basis for the reduction in the total quantity of water.

Point of Diversion: There are two (2) points of diversion as claimed; therefore the point of diversion located in Section 16 should be included in the recommendation. Additionally, the water is diverted within Canyon County, rather than Elmore County, Idaho.

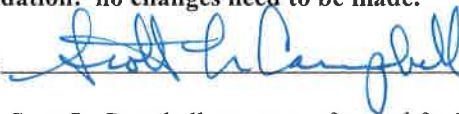
Purpose and Period of Use: There is no basis for the reduction in the total quantity of water.

Place of Use: The recommended place of use does not accurately describe the actual place of use under this water right.

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

Date: 10/31/06

SIGNATURE: _____



Please print your name: Scott L. Campbell, attorney of record for Tree Top Ranches, LP

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

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
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James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
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
Rebecca A. Rainey

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

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

October 30, 2006

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

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

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

Re: Water Right Nos. 63-4641A, 63-4641B, 63-4534B, 63-21530 and 63-21580
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: 63-4641A, 63-4641B, 63-4534B, 63-21530 and 63-21580. 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. ✓ 208

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

cc: Larry Williams (w/encls.)

CC attorney per exam
New Owners:

Tree Top Ranches LP
914 Houston Rd
Boise Id 83706

Tried exam - requested
to deal w/ attorney -
not sure Mr White's
role w/ Tree Top, but
he + Tree Top share
same attorney - ^{Scott} Campbell
63-4534 - 4 tracts, 103 ac
A63-4534 - 3 tracts, 103 ac
A63-4534A - 4th tract 23.3 ac

Remembers A63-4534
other kts?



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 9, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Tree Top Ranches
914 Houston Rd
Boise, ID 83706

Notice of Claim to a Water Right No. 63-4534

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Liberty Gagnon', is written over a light blue horizontal line.

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

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
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Glenna M. Christensen
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Scott L. Campbell
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David P. Gardner
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Julian E. Gabiola
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Joel A. Flake, Jr.
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

RECEIVED

MAY 12 2006

WATER RESOURCES
WESTERN REGION

May 12, 2006

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

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

Re: Water Right 63-4534
MTBR&F File No. 22567.0

Dear Lori:

In response to your various letters dated April 28, 2006, concerning the above-referenced water right, I am enclosing the following documents:

1. Change of water right ownership form and supporting documentation; and
2. A copy of the Affidavit of Sam Smyser, dated April 3, 2006, concerning irrigation of the subject property. As you will note from the Affidavit, Mr. Smyser has observed irrigation of the subject property since at least 1935. I believe this is sufficient evidence to establish the priority date as claimed.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me. In the event that I am unavailable, please contact my paralegal, Tiffiny Hudak, at 385-5435.

Very truly yours,



Scott L. Campbell

SLC/tmh
Enclosure
cc: Larry Williams (w/encl.)

AFFIDAVIT OF SAM SMYSER

STATE OF IDAHO)
) ss.
County of Canyon)

SAM SMYSER, being first duly sworn upon oath, deposes and says:

1. I make this affidavit based upon personal information.

2. I was born on Oct 9 1922, in Caldwell Id.. I have resided in the vicinity of Parma, Canyon County, Idaho, continuously since 1928.

3. I have been involved with irrigated agriculture my entire life and am familiar with the various irrigation methods and practices.

4. I have been familiar, since 1935, with the irrigation conducted on the real property currently owned by Tree Top Ranches, LP (Larry and Marianne Williams), which property is located in the South Half of the Southwest Quarter and the South Half of the Southeast Quarter of Section 15, the Southeast Quarter of the Southeast Quarter of Section 16, and the Northeast Quarter of Section 22, all within Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho (the "Property").

5. Portions of the Property were owned by Jerry Kramer and Robert White, prior to purchase of the Property by Tree Top Ranches, LP.

6. Lester Yeakel and Nola Yeakel were the owners of the Property before Robert White and Jerry Kramer purchased their respective portions of the Property from the Yeakels.

7. I personally observed annual irrigation of the Property using water from the Cole Slough Drain, also known as the Sand Hollow Creek, since at least

1935.

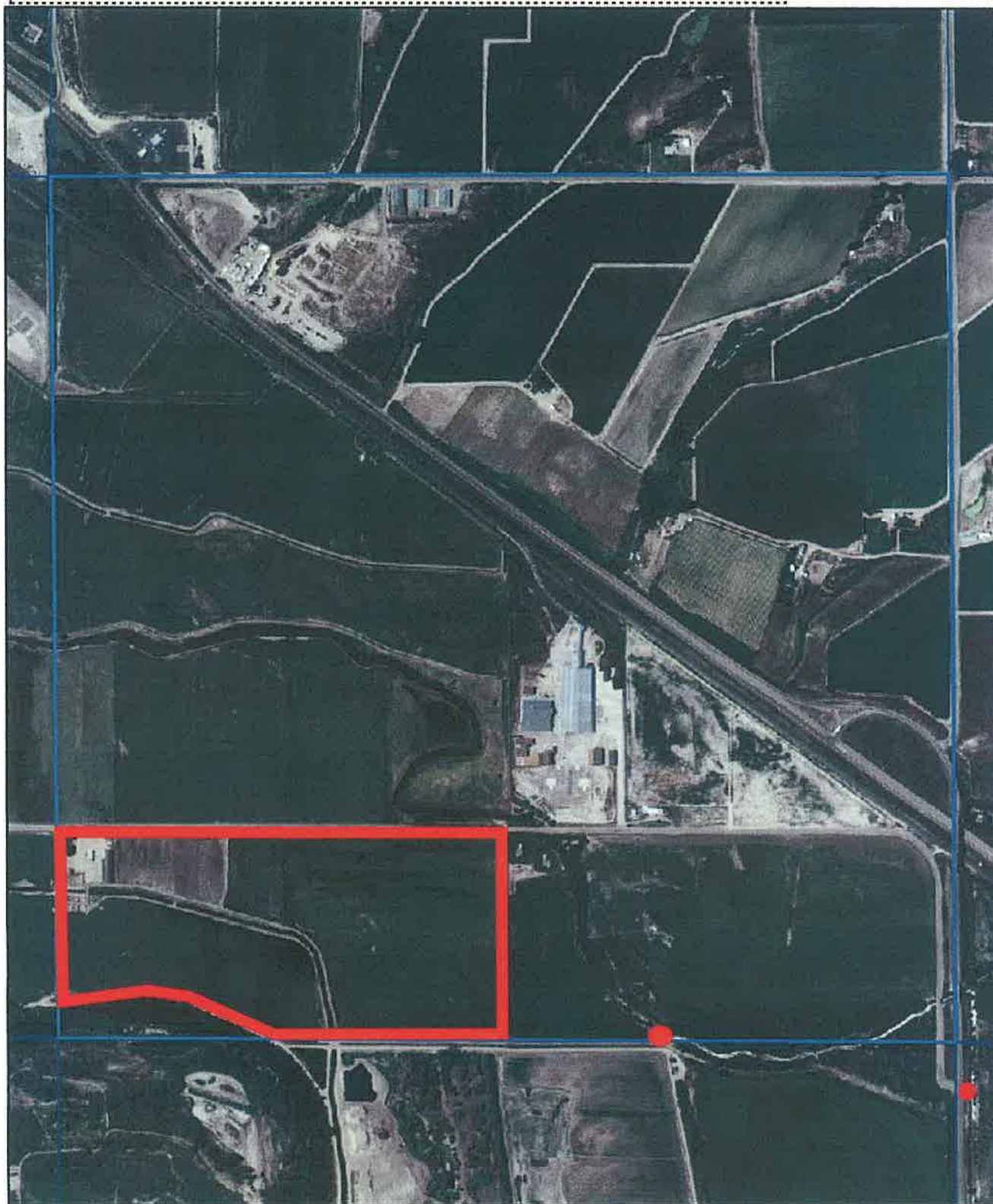
DATED this 3 day of April, 2006.

Sam Smyser
Sam Smyser

April SUBSCRIBED AND SWORN to before me this 3 day of
2006.



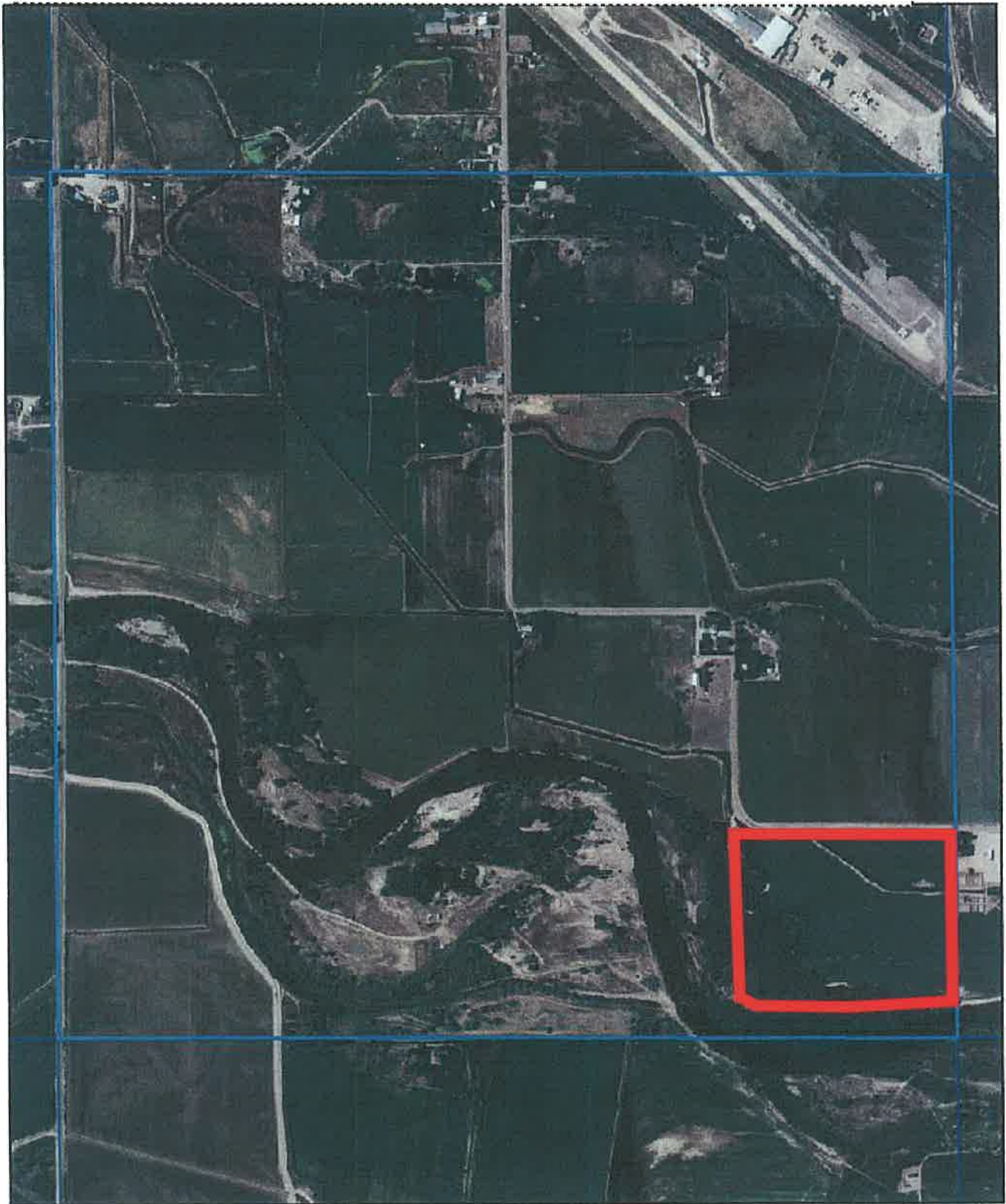
Deana Post
NOTARY PUBLIC FOR IDAHO
Residing at New Plymouth
My Commission Expires 12-10-2008



Ada County , ID

Date: May 09, 2006





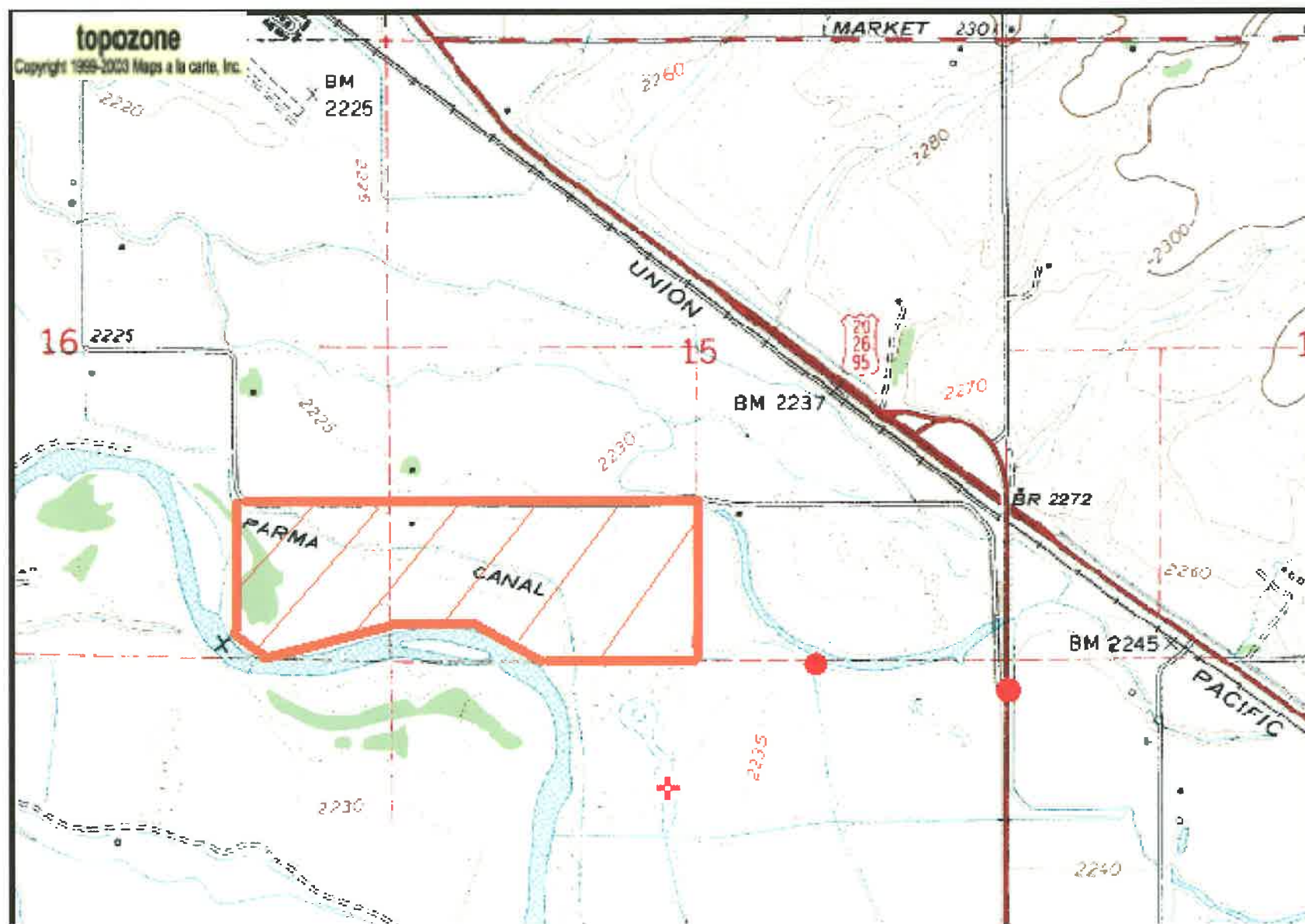
Ada County , ID

Date: May 10, 2006



634534 Place of Use within Township 5 North, Range 5 West, Canyon County, Idaho

● Points of Diversion



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
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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

RECEIVED

MAY 05 2006

WATER RESOURCES
WESTERN REGION

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

May 3, 2006

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

Re: Water Right 63-4534
MTBR&F File No. 22567.0

Dear Lori:

I am in receipt of your letter to Larry Williams dated April 28, 2006, concerning the above-referenced water right. Please note that we are in the process of researching this matter and will provide you with the appropriate change of water right ownership documentation in the near future.

I am also in receipt of your letter to James & Debbie White and Robert White dated April 28, 2006, also concerning the above water right. Please note that along with our submission of the change of water right ownership documentation, we will submit evidence to establish the priority date as requested in your letter.

Thank you for your assistance this matter. If you have any questions, please do not hesitate to contact me. In the event that I am unavailable, please contact my paralegal, Tiffiny Hudak, at 385-5435.

Very truly yours,



Scott L. Campbell

SLC/tmh

cc: Larry Williams



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2006

JAMES & DEBBIE WHITE
26969 SAND RD
PARMA ID 83660

ROBERT WHITE
BOX 88
NOTUS ID 83656

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-4534

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

Page 2

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion system and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by May 19, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,



Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-4534
Aerial Photo

Cc: TREE TOP RANCHES LP
ATTN: LARRY WILLIAMS
914 HOUSTON RD
BOISE ID 83706

SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2006

TREE TOP RANCHES LP
ATTN: LARRY WILLIAMS
914 HOUSTON RD
BOISE ID 83706

RE: NOTICE OF CLAIM NO: A63-4534

Dear Mr. Williams:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been a change in the ownership for the above claim. Idaho Department of Water Resources (IDWR) records currently show the following names and addresses as the owners of the claim listed above:

JAMES & DEBBIE WHITE
26969 SAND RD
PARMA ID 83660

ROBERT WHITE
BOX 88
NOTUS ID 83656

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Page 2

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Graves".

Lori Graves
Sr. Water Resource Agent

Enclosures

CC: SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701

Desktop Review/
vnm

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4534 BOwner: tree top Ranches Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME C/O progressed
- ☒ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1919 advance priority date to 3-1-1935

(If priority date, based on your exam, seems questionable, explain below.)

provided evidence to 1935.Source: Sandhollow Creek Tributary to Boise R.

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION deleted POD in sec 16 - not used on "B",

- ☒ No change used on "A" portion
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see field exam of 8/31/2006

OVERLAP REVIEW

Other water rights with the same point of diversion:

63-7576, 63-9432

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

used on other acres.

WATER USES☒ No change☐ Different UsesUse 17Y From 3/1 To 11/15 Amount 1.6 CFS — AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount NA CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Aerial

reduced acres to those historically irrigated
and assumed acc tax pon per 1997

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	15 16											22	35				23	57 23
																			80

Overlap with other water rights: 63-23049

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no - above is d/s from well.

Delivery System Narrative:

see field exam notes 8/31/2006

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

BOI source also known as Cold Slough Drain.

(no conditions)

POB on "main channel" of
Grand Hollow Creek which is trib to Snake R.

- (1) Statutory claim filed 1970. The 23 ac in the same S16 was claimed & recommended to Johnson as "A". This "B" was reduced to 80 acres.
- (2) clarified square.
- (3) Deleted Sec 16 POD per field exam
- (4) Advanced priority date to 1935 per Sam Shupler a Chisler
- (5) Records: 1939, 87, 2000, 1994 verify not 103 acres in S16A have been historically omitted.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

9-14-06

FIELD EXAMINER:

Wick Vasec

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4534

WATER RIGHT NUMBER: 63-4534

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Original Owner	LESTER S YEAKEL 30511 HWY 95 PARMA, ID 83660 (208)722-5910
Original Owner	NOLA F YEAKEL 30511 HWY 95 PARMA, ID 83660 (208)722-5910
Original Owner	JAMES B WHITE 26969 SAND RD PARMA, ID 83660 (208)722-6517
Original Owner	DEBBIE A WHITE 26969 SAND RD PARMA, ID 83660 (208)722-6517
Original Owner	ROBERT WHITE BOX 88 NOTUS, ID 83656 (208)459-1287
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998

Priority Date: 06/01/1919

Basis: Statutory Claim

Status: Active

Source

COLE SLOUGH DRAIN

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

FromTo

4/01 to 10/31

Diversion Rate

3.000 CFS

Annual VolumeTotal Diversion:

3.000 CFS

Location of Point(s) of Diversion

COLE SLOUGH DRAIN

CANYON County

NW1/4NW1/4NW1/4

Sec. 23, Twp 05N, Rge 05W, B.M.

COLE SLOUGH DRAIN

CANYON County

SW1/4NE1/4

Sec. 16, Twp 05N, Rge 05W, B.M.

POD for 63-4534A -
doesn't show B

(no conditions)

27 AC on stat cl.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4534

36.6 stat cl

Place of Use

22

IRRIGATION Within CANYON County

T05N R05W S15 SWSW 38.0

T05N R05W S15 SESW 37.0

35

T05N R05W S16 SESE 28.0

Total Acres: 103

23

80

15.4 ac on stat claim - see 1439 record - will

Conditions of Approval:

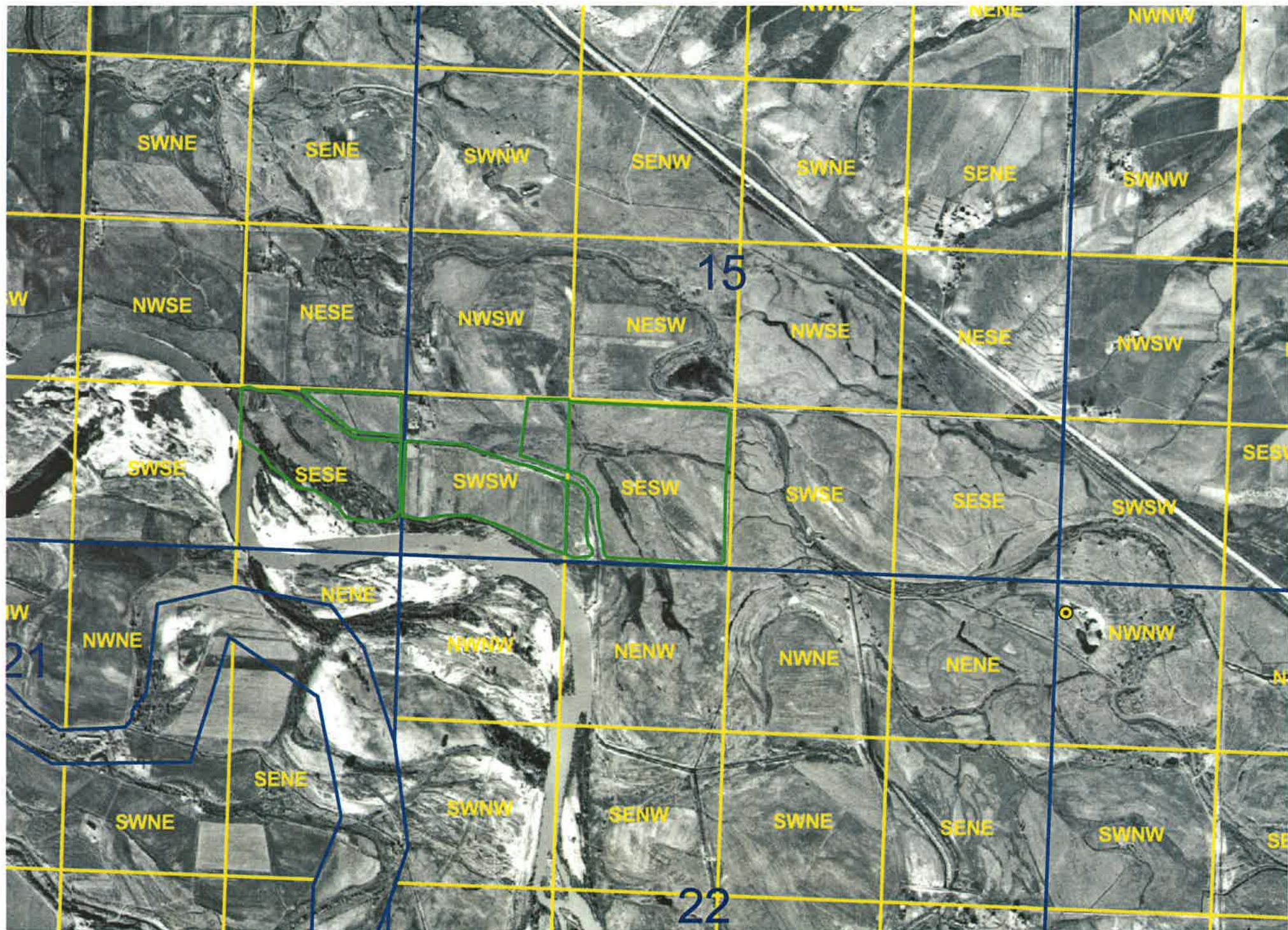
1. CHANGE IN OWNERSHIP LG 6-8-06
2. AC. IRR.=102.6.

assume all dx in POU

Remarks:

Comments:

Water Supply Bank:



63-4534  1939 AERIAL. -IT IS CLEAR WHY THE STATUTORY CLAIM WAS FOR 15 ACRES IN THE SESE S 15 BECAUSE ONLY ABOUT 15 ACRES HAVE BEEN HISTORICALLY IRRIGATED. POD IS S 23.



63-4534 -- 1994 AERIAL - IT IS CLEAR WHY THE STATUTORY CLAIM WAS FOR 15 ACRES IN THE SESE S 15 BECAUSE ONLY ABOUT 15 ACRES HAVE BEEN HISTORICALLY IRRIGATED. POD IS S 23.



63-4534 B- 2000 AERIAL - RECOMMENDATION A GOOD FIT WITH WHAT HAS BEEN HISTORICALLY IRRIGATED.



SWNE
S16

NWNW
S23

On Feb 2006 I contacted Tree Top Ranches, owners Robert and Debbie White to schedule a field exam for 63-04534. Mr. White instructed me to made arrangements to meet with his employee Kelly Your (ph # 208-573-4960)

We meet on Feb 21 2006.

I drove around with Mr. Your to view the property but he was instructed by Mr. White that he could not give any information if any information was to be given the I had to talk to Mr. Whites lawyers. (Scott, Camble, Moffett, Thomas @ 208-385-5432)

Mr. Your was able to show me where the POD was at and the ditches but no other information could be given to me.

J Merlaine Bishop

FIELD EXAM MEMO

DATE: 6/9/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-4534

Dan, the statutory claim listed four tracts and a total of 102.6 acres (see statutory claim map). Claim A63-4534 covers only three of the four tracts but lists all 103 acres. Claim A63-4534A covers the fourth tract in the SWNE S16 for the 23.3 acres listed on the statutory claim. That claim has yet to be located. The bar code says it is checked out from Western to Merlaine.

Since the statutory claimed tracts have been split, A63-4534 will be renumbered for the recommendation.

Items needed for A63-4534 include:

1. P/d verification (1 p/d rather than 2 because the SWNE S16 p/d appears to be used for A63-4534A)
2. Source identification (Cole Slough Drain or Unnamed Drain or...)
3. System capacity
4. System diagram
5. Acres irrigated as of 1987. The statutory claim was filed in 1977. Has there been an enlargement in acres between then and 1987? The acres in question do not appear to have changed much when comparing the statutory claim map with the maps submitted by the new owner attached to his proof of priority.

Contact person for the exam is Scott Campbell with Moffatt Thomas for Tree Top Ranches. His phone number is 345-2000. If he can't be reached, his paralegal Tiffany Hudak's phone number is 385-5435.

Thanks Dan.

MEMORANDUM

TO: ADJUDICATION FILES 63-4534

FROM: DANIEL A. NELSON

DATE: 9/11/06

SUBJECT: FIELD EXAMINATION

On 8/31/2006, I visited the site of the above adjudication claim. The farm manager, Kelly Yore, and the owner's attorney, Scott Campbell, accompanied me on the field visit. This is a fairly simple headgate diversion from Sandhollow Creek, also known by several names including Cole Slough Drain, which is the name it was claimed under. The water is piped west under Highway 95 and discharged into an open ditch that travels west to the field being irrigated. All of the fields are irrigated by ditch and furrow irrigation, except for the southwestern corner. This is at the end of the ditch, so it gets very little water, but it is flood irrigated periodically. There was evidence of irrigation in this area.

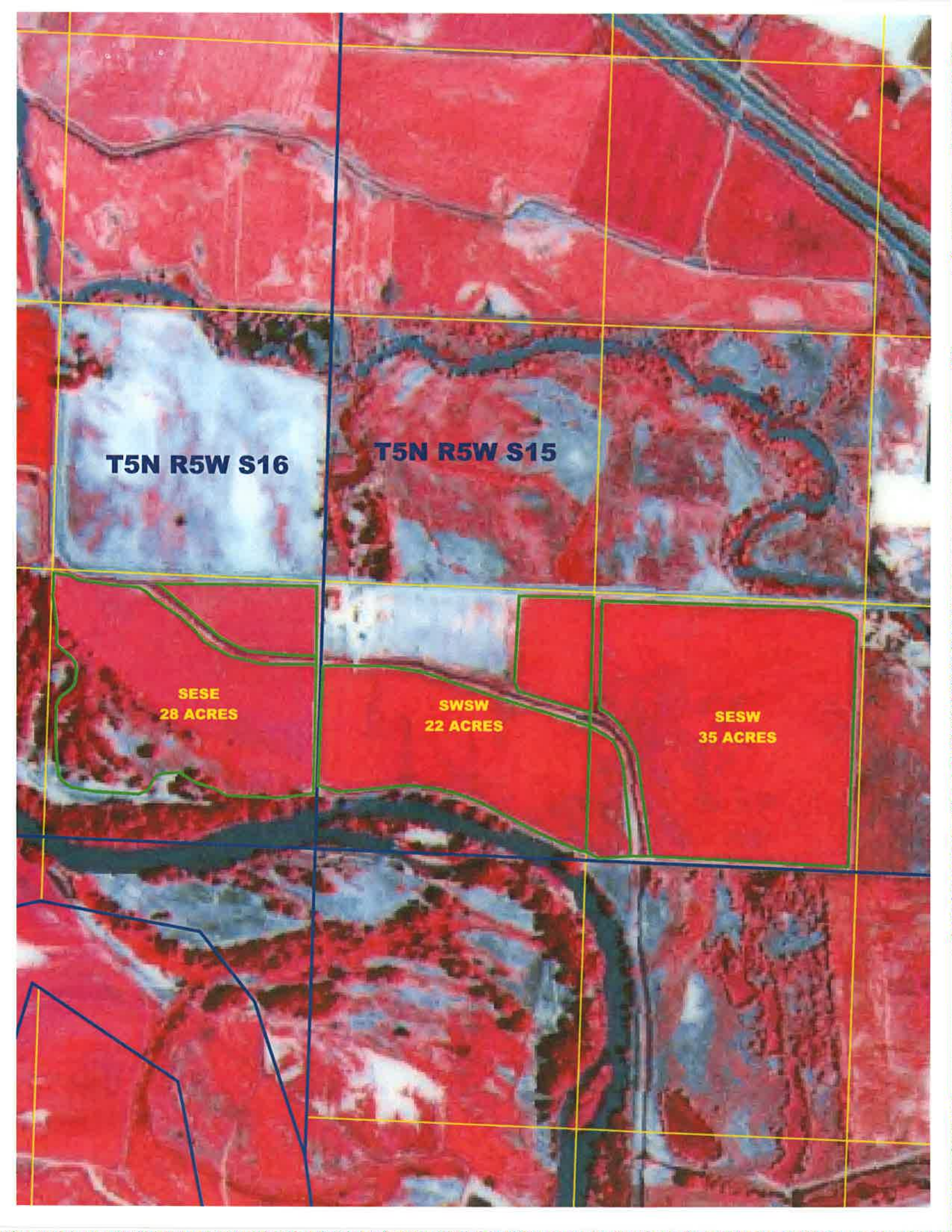
I measured the ditch after it crossed under Highway 95 and came up with a diversion rate of 8.69 cfs. There are other rights diverted through this ditch system, but this measurement shows that there is more than enough water for this right. This right should be limited to the standard inch or 0.02 cfs and 4.5 afa. Therefore, I would suggest that this right be recommended as follows:

Source – Sandhollow Creek (also known as Sandhollow Drain, Cole Slough, and Sand Run Gulch) diverted in the NWNW S23 T5N R5W

1.70 cfs and 382.5 afa for irrigation from 3/1 to 11/15 for the following acres

S15 T5N R5W – 35 acres SESW 22 acres SWSW
S16 T5N R5W – 28 acres SESE

For a total of 85 acres.



T5N R5W S16

T5N R5W S15

**SESE
28 ACRES**

**SWSW
22 ACRES**

**SESW
35 ACRES**



T5N R5W S16

T5N R5W S15

SESE
28 ACRES

SWSW
22 ACRES

SESW
35 ACRES

DITCH

SANDHOLLOW CREEK
(COLEMAN SLOUGH)

T5N R5W
S23 NWNW

AqauCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUG7b (c)1993,'94,'95,'96,'97, 1999

GAGE ID#, 0
 DATE, 8/31/06
 TRANSECT, 1
 USER ID#, 0
 STAFF HEIGHT, 0.00
 GAGE HEIGHT, 0.00
 METER ID#, 0
 AQUACALC ID#, 0
 METER TYPE, Pygmy ST1
 METER CONST. C1, 0.9770
 METER CONST. C2, 0.0280
 METER CONST. C3, 0.9770
 METER CONST. C4, 0.0280
 METER CONST. C5, 1.0000
 MEAS. SYSTEM, S.A.E. (English)
 TOTAL STATIONS, 10
 TOTAL WIDTH, 4.50
 TOTAL AREA, 6.42
 TOTAL DISCHARGE, 8.6902
 MEAN VELOCITY, 1.35

ST. Q)	,DIST	,DEPTH	,REVS	,TIME	,COS:VF	,LOC	,CLOCK	,VEL	,AREA	,FLOW(
1, 00,	4.2,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00
2, 30,	4.5,	1.80,	52,	40.5,	1.00,	.6,	11:44,	1.282,	0.720,	0.92
3, 80,	5.0,	1.70,	77,	40.1,	1.00,	.6,	11:46,	1.904,	0.850,	1.61
4, 30,	5.5,	1.80,	75,	40.5,	1.00,	.6,	11:48,	1.837,	0.900,	1.65
5, 80,	6.0,	1.70,	73,	40.3,	1.00,	.6,	11:50,	1.798,	0.850,	1.52
6, 70,	6.5,	1.70,	65,	40.5,	1.00,	.6,	11:54,	1.596,	0.850,	1.35
7, 68,	7.0,	1.40,	54,	40.7,	1.00,	.6,	11:55,	1.324,	0.700,	0.92
8, 32,	7.5,	1.30,	16,	41.5,	1.00,	.6,	11:57,	0.405,	0.650,	0.26
9, 12,	8.0,	1.50,	18,	40.0,	1.00,	.6,	12:01,	0.468,	0.900,	0.42
10, 00,	8.7,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/31/2006

FILE NUMBER 63-4534



The photos above and to the right show the check in Sandhollow Creek and the headgate diverting the water into the ditch.

The water is piped under highway 95 shown below and diverted into a ditch that travels to the fields being irrigated.

There are other rights being diverted out of this ditch. This is the only right that I was told to review at the time of the field exam. The ditch does have the capacity to carry more water, but it was fairly full at the time of the exam. The ditch did carry enough water to supply this right.



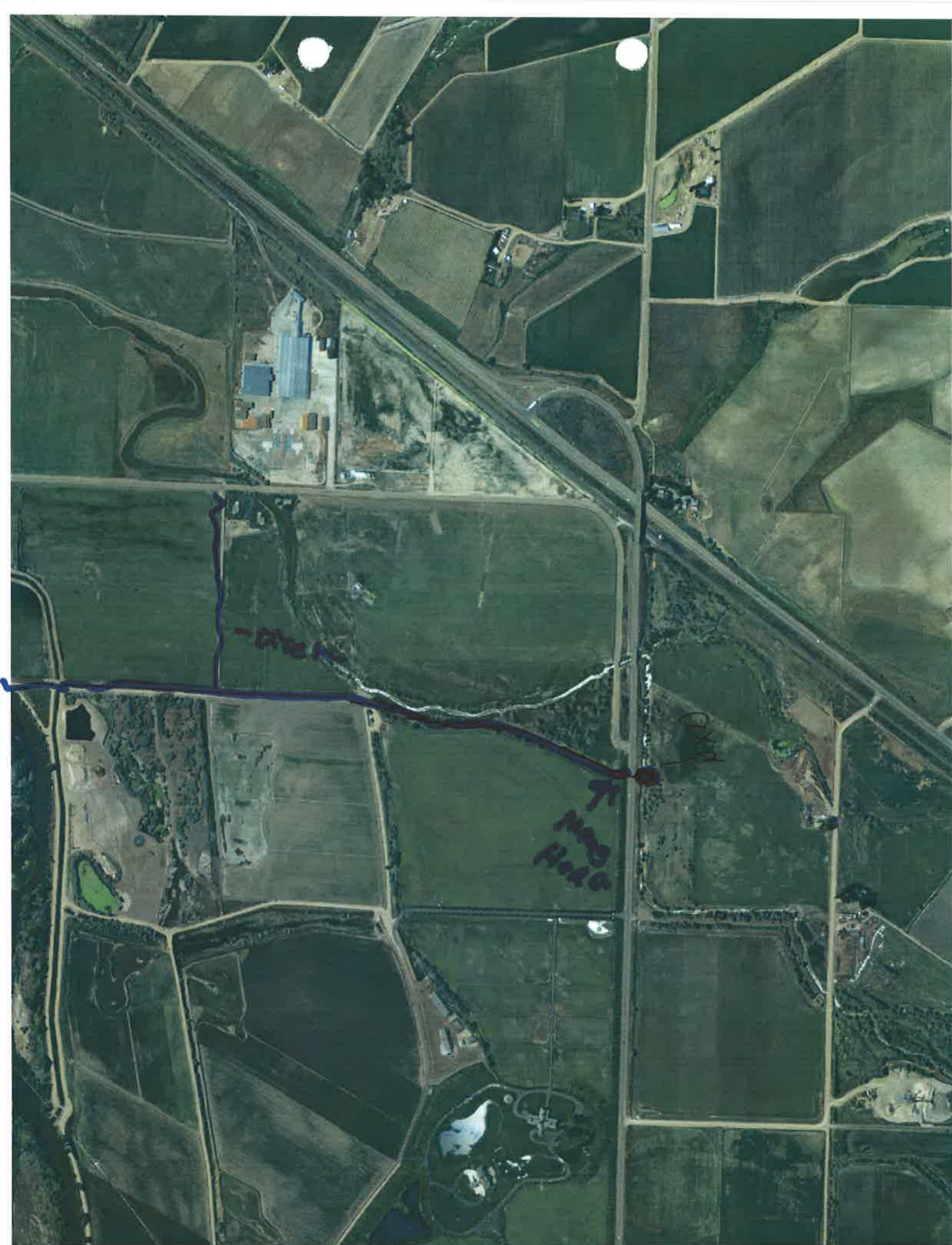
PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/31/2006

FILE NUMBER 63-4534



The photos above show the ditches used to deliver the water to ground also seen in the photos. Most of this ground is pasture. The ditch in the middle of the bottom photo is not connected to this system, it is actually the Parma canal and not used on this ground.

FIELD NOTES





Nelson, Dan

From: Tiffany Hudak [TMH@moffatt.com]
Sent: Tuesday, August 15, 2006 4:21 PM
To: Nelson, Dan
Cc: Scott Campbell; lwilliams@treetopranches.com
Subject: Field Exam - Water Right 63-4534



Map.gif

Dan:

The purpose of this email is to confirm the date, time, and location of the site visit to Tree Top Ranches for purposes of conducting a field examination for water right 63-4534. The site visit is set for Thursday, August 31, 2006, at 10:00 am. Please note that you will be meeting with Kelly Yore, the Ranch Manager, and Scott Campbell of this firm. I've attached a map showing the location of Tree Top Ranches. Please note that the entrance to the Ranch is located right off of Hwy 95, just south of the 20/26 and 95 junction. You can enter the Ranch at the first gate, then follow the signs to the shop.

If you need further information, please let me know.

Sincerely, Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, ID 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)
tmh@moffatt.com

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Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, August 15, 2006 4:29 PM
To: 'Tiffany Hudak'
Subject: RE: Field Exam - Water Right 63-4534

Thank you Tiffany,

I agree with the dates and location.

Thank you

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

-----Original Message-----

From: Tiffany Hudak [mailto:TMH@moffatt.com]
Sent: Tuesday, August 15, 2006 4:21 PM
To: Nelson, Dan
Cc: Scott Campbell; lwilliams@treetopranches.com
Subject: Field Exam - Water Right 63-4534

Dan:

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If you need further information, please let me know.

Sincerely, Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
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any penalties that may be imposed by the Internal Revenue Service.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4534B

09/14/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4534	Claim	05N	05W	16	SW	NE		COLE SLOUGH DRAIN BOISE RIVER	TREE TOP RANCHES LP
63-4534B	Claim	05N	05W	16	SW	NE		COLE SLOUGH DRAIN BOISE RIVER	TREE TOP RANCHES LP
63-4700	Claim	05N	05W	16	SW	NE		SAND HOLLOW DRAIN BOISE RIVER	JOHN R LE FAVE
63-20549	Claim	05N	05W	16	SW	NE		GROUND WATER	SSI LAND & CATTLE CO INC
63-4534A	Claim	05N	05W	16	SW	NE		COLE SLOUGH DRAIN BOISE RIVER	JOHNSON RESEARCH LLC
63-28606	Claim	05N	05W	16	NW	NW		GROUND WATER	NORM E RUDOLPH
63-7576	Claim	05N	05W	23	NW	NW		SAND HOLLOW CREEK BOISE RIVER	SSI FOODS INC
63-9432	Claim	05N	05W	23	NW	NW		SAND HOLLOW CREEK BOISE RIVER	SSI FOODS INC
63-7776	Claim	05N	05W	23	NW	NW		UNNAMED STREAM SAND HOLLOW CREEK	JULIE MC DANIEL
63-4534	Claim	05N	05W	23	NW	NW		COLE SLOUGH DRAIN BOISE RIVER	TREE TOP RANCHES LP
63-4534B	Claim	05N	05W	23	NW	NW		COLE SLOUGH DRAIN BOISE RIVER	TREE TOP RANCHES LP
63-4534	Water Right	05N	05W	16	SW	NE		COLE SLOUGH DRAIN BOISE RIVER	LESTER S YEAKEL
63-4700	Water Right	05N	05W	16	SW	NE		SAND HOLLOW DRAIN BOISE RIVER	JOHN H HURLEY
63-20549	Water Right	05N	05W	16	SW	NE		GROUND WATER	JOHNSON RESEARCH LLC
63-28606	Water Right	05N	05W	16	NW	NW		GROUND WATER	NORM E RUDOLPH
63-28034	Water Right	05N	05W	23	NW	NE		SPRINGS BOISE RIVER	GEORGE ANN ETCHESON
63-4534	Water Right	05N	05W	23	NW	NW		COLE SLOUGH DRAIN BOISE RIVER	LESTER S YEAKEL
63-5197	Water Right	05N	05W	23	NW	NW		SAND HOLLOW CREEK BOISE RIVER	JOHN A TANSLEY
63-7576	Water Right	05N	05W	23	NW	NW		SAND HOLLOW CREEK BOISE RIVER	LAURA L TRANSUE
63-9432	Water Right	05N	05W	23	NW	NW		SAND HOLLOW CREEK BOISE RIVER	LAURA L TRANSUE
63-7776	Water Right	05N	05W	23	NW	NW		UNNAMED STREAM SAND HOLLOW CREEK	JULIE MC DANIEL

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4534B

09/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1534B	Claim	05N	03W	15	SW	SW		IRRIGATION	38/103	TREE TOP RANCHES LP
2900	Claim	05N	03W	15	SW	SW		IRRIGATION		BLACK CANYON IRRIGATION DIST
1534B	Claim	05N	03W	15	SE	SW		IRRIGATION	37/103	TREE TOP RANCHES LP
2900	Claim	05N	03W	15	SE	SW		IRRIGATION		BLACK CANYON IRRIGATION DIST
1534B	Claim	05N	03W	16	SE	SE		IRRIGATION	28/103	TREE TOP RANCHES LP
2900	Claim	05N	03W	16	SE	SE		IRRIGATION		BLACK CANYON IRRIGATION DIST

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that LESTER S. &/or NOLA YEAKEL
(name of claimant)

of Route 2, Parma, Idaho 83660, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Cole Slough Drain
, tributary to, Boise River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>3.0</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Apr 1</u>	To	<u>Oct 31</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 3.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1919

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 23 Twp. 5N Rge. 5W B. M. County of Canyon
 Additional points of diversion: SW-NE¼, Sec 16, T5N-R5W

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Large concrete check box into gravity ditch and also a 5 h.p. pump located at SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 16.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 102.6

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

Remarks _____

Scale: 2 inches equal 1 mile.

State of Idaho)
) ss.
County of Ada)

Sworn to before me this 19th day of

Notary Public

Residing at

My commission expires March 8, 1980

Received by <u>665</u>	Date <u>2/19/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>WTH</u>	Date <u>7-26-77</u>		claimant by:	
\$10.00 fee received by _____	Date _____			
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