

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: **A63-04641B**
Date Received: 3/ 8/1990
Receipt No: X777777
Received By: _____

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

1. Name: CURT CHRISTOFFERSON 208-722-7450
Address: 26415 SAND RD
PARMA ID 83660
AND
Name: JOLENE CHRISTOFFERSON 208-722-7450
Address: 26415 SAND RD
PARMA ID 83660
2. Date of Priority: NOV 1, 1880
3. Source: UNNAMED DRAIN Trib. to: SAND HOLLOW DRAIN
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	14		NW	SW		CANYON
5. Description of diverting works:
HEADGATE, PIPELINE, 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	0.110		
7. Total Quantity Appropriated is:
0.110 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	15	SW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

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:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765.
RDH 11/8/96.

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/08/96 09:42:36
Page 1

Water Right Number - A63-04641 **B**

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - **X777 777**

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HAMILTON

LESLIE W

1 - RURAL RT #1; 26415 SAND RD

2 -

3 -

City- PARMA

Phone - 208-000-0000

State- ID Zip- 83660

+ - - Priority Date - - +
11/01/1880

+ - - Region - - - +
14 WESTERN

+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - - +

+ - - Source - - - - - +
UNNAMED DRAIN

+ - - Tributary - - - - - +
SAND HOLLOW DRAIN

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

05N 05W 14 NW SW (27) CANYON

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		2.000	

+ - Total Div. Rate - + 2.000 + - Total Div. Volume - + + - Total Consumptive Use - + 0.0 + - KW Usage - +

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
05N	05W	15	SW SE		23.0 3	01	IRRIGATION	(27) CANYON
05N	05W	15	SE SE		34.0	01	IRRIGATION	(27) CANYON

Total Acres: ~~57.0~~ 3

+ - - Diversion Means - HEADGATE, PIPELINE, GRAVITY DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

$$\frac{57 \text{ Ac}}{2 \text{ cfs}} \times \frac{3}{x} = x = .105 = \boxed{.11 \text{ cfs}}$$

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM
NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765
RDH 11/8/96

No Conditions of Approval found.

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 63-4641B
Date Received: 3/8/1990
Receipt No:
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

*source
? why
← changed for
orig claim*

2. Date of Priority: 11/01/1880

3. Source: SAND HOLLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	22	NW NE	CANYON	

5. Description of diverting works:

HEADGATE, PIPELINE, 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	0.11	

7. Total Quantity Appropriated is:
0.11 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 SE	IRRIGATION	3
Section Acres					3

Total Acres 3

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 CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765. RDH 11/8/96.

The point of diversion claimed for this water right was established prior to November 19, 1987 and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.

CHANGE IN OWNERSHIP LG-9/22/2006 REVIEWED BY V. MUSIC

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: A63-04641
Date Received: 3/08/1990
Receipt No: W010765
Received By: JFW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LESLIE W. HAMILTON
Address: RURAL RT. #1; 26415 SAND RD.
PARMA, ID 83660
2. Date of Priority: NOV 01, 1880
3. Source: UNNAMED DRAIN Trib. to: SAND HOLLOW DRAIN
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	14	NW	SW			CANYON

5. Description of diverting works:
HEADGATE, PIPELINE, 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	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	15	SW	SE		IRR	23.0
			SE	SE		IRR	34.0
Section Acres							57.0

10. Place of Use: Continued

Total Acres 57.0

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:

14. Remarks:

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Leslie W. Hamilton Date: 3-8-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of March 19 90

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 12-8-94

University of Idaho
Agricultural Experiment Station

4

2

PART

BARBERS

COOPERATIVE

High Sch

Panna

BM 2222

MARKET

ROAD

UNION

15

BM 22

14

4641

CANAL

2228

21

BM 2245

PACIFIC

2307

BM 2247

505

506

55

507

2 950 000 FEET (OREG)

509000mE

SCALE 1:24 000

T5N,5W,S15 S1/2 SE 1/4

1 MILE

W53 1981

RECEIVED

SEP 14 2006

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

CIVIL CASE NUMBER: 39576

Ident. Number

A63-04641B

Date Received

Receipt Number

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWAttorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83701-0829
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Tree Top Ranches, LP Phone (208) 377-0998
Mailing Address 914 Houston Road, Boise, ID Zip 83706
2. Date of Priority (Only one (1) per claim) November 1, 1880
3. Source of water supply (a) Sand Hollow Creek Drain aka Cole Slough Drain
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 5N Range 5W Section 22,
NW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____ Canyon
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Approximately 75 horsepower pump, pipeline, gravity ditch

RECEIVED

SEP 18 2006

WATER RESOURCES
WESTERN REGION

APR 11 2008

SCANNED

SCANNED

SEP 15 2006

BOI_MT2:625901.1

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 0.11 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.11 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
05N	05W	15															3		3

Total number of acres irrigated 3.0

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
A63-04641A or None ()

14. Remarks:

The point of diversion for this water right was established prior to November 19, 1987 and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.

Last Name Tree Top Ranches, LP Ident No. A63-04641B

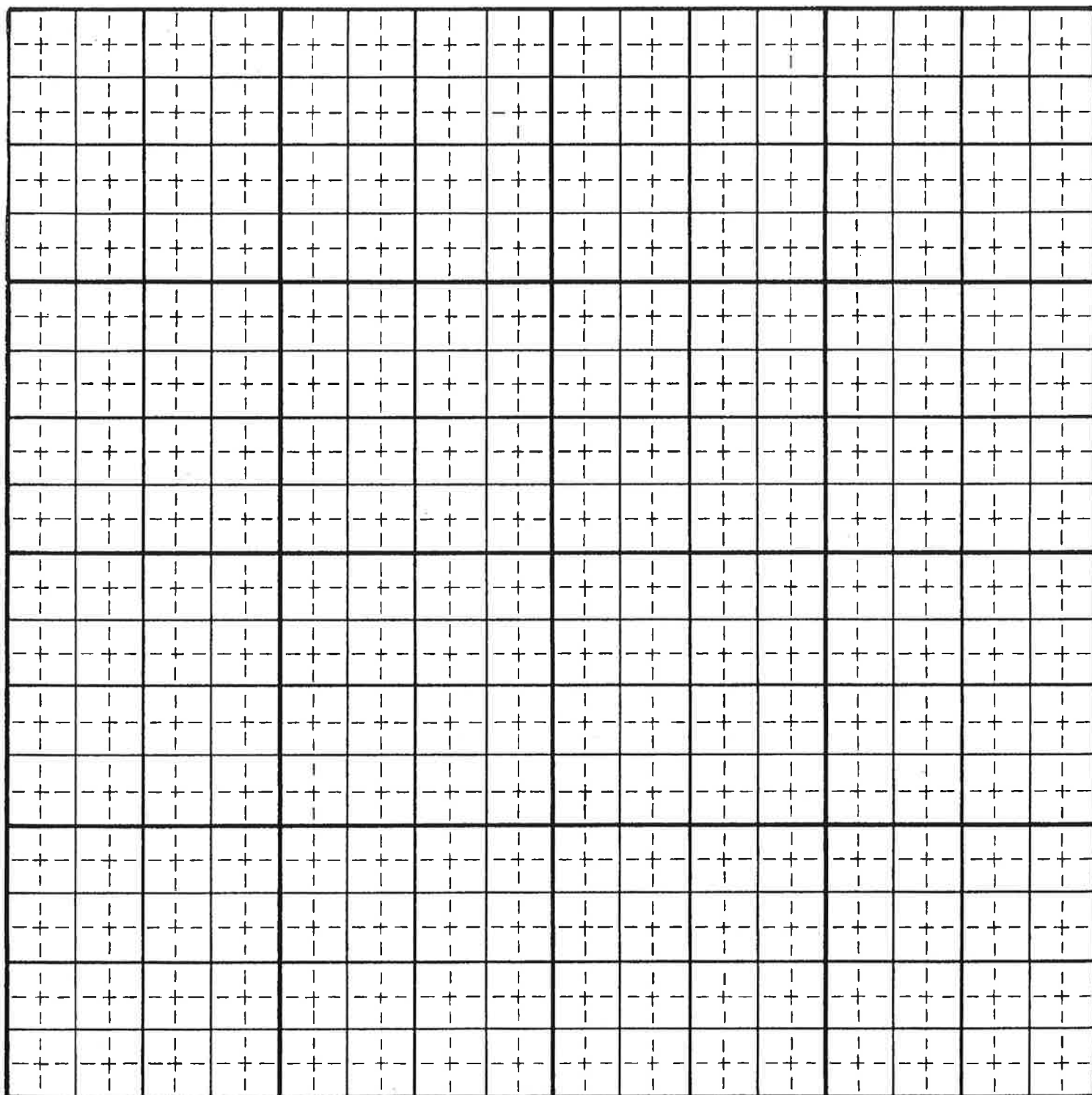
SCANNED

SEP 15 2006

BOI_MT2:625901.1

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

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



Last Name Tree Top Ranches, LP

Ident No. A63-04641B

SCANNED

BOI_MT2:625901.1

SEP 15 2006

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A63-04641B
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

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

of _____ Tree Top Ranches, LP _____, that I have signed the foregoing
Organization
document in the space below as _____ President _____ of _____ Tree Top Ranches, LP _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization Larry D. Williams, President, Tree Top Ranches, LP Date 9/6/06

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

Subscribed and sworn (or affirmed) before me this 6th day of September, 2006



Notary Public Tiffney Hudak

Residing at Boise

My Commission Expires 9/16/09

Please Print Name

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

Signature Scott Campbell

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

Date 9/13/06

Last Name Tree Top Ranches, LP Ident. Number A63-04641B

SCANNED

SEP 15 2006

BOI_MT2:625901.1

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 63-04641B

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
UNNAMED DRAIN TRIBUTARY: SAND HOLLOW CREEK

QUANTITY: 0.06 CFS

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION: T05N R05W S14 SWSW Within Canyon County
S15 SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	0.06 CFS

PLACE OF USE: Irrigation
T05N R05W S15 SWSE 2.3
2.3 Acres Total Within Canyon County

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

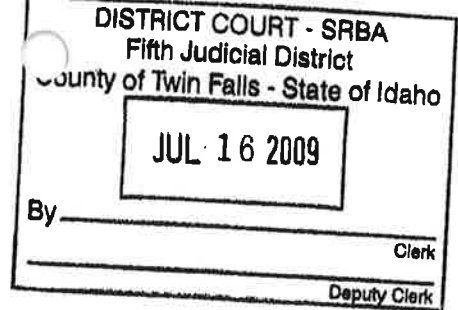
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 Basin Adjudication

RECOMMENDATION

JUL 16 2009

David R. Booth
SPECIAL MASTER



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

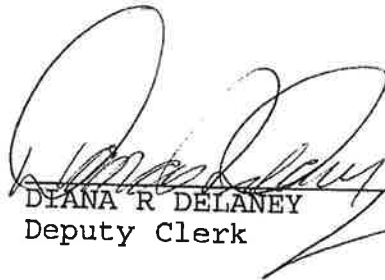
Water Right(s): 63-04534B
63-04641A 63-04641B

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

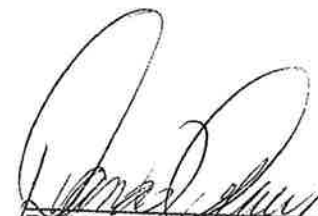
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 16, 2009, with sufficient first-class postage prepaid to the following:

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

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
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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

June 10, 2009

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

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

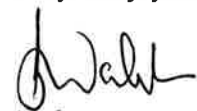
Dear Ms. Hofstetter:

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 Andip
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.*

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

RIGHT NUMBER: 63-4641B

NAME AND ADDRESS: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706SOURCE: SAND HOLLOW CREEK
UNNAMED DRAIN
TRIBUTARY: SNAKE RIVER
TRIBUTARY: SAND HOLLOW CREEKQUANTITY: 0.060 CFS ~~0.05 CFS~~

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION:

T05N R05W S14 SWSW Within CANYON County

T05N R05W S15 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	<u>0.060 CFS</u> 0.05 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S15 SWSE 2.30

2.3 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641A, 63-7921.

Right No. 63-4641A is also diverted through point of diversion in the SWSW S14 described above.

Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.

Copy

RECEIVED
JUN 21 2009
WATER RESOURCES
WESTERN REGION

**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 No. 63-4641B
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

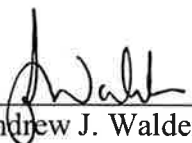
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Tree Top Ranches, LP

RESPONDENT:

Greg Obendorf

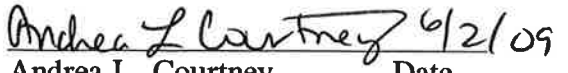


Andrew J. Waldera 6/10/09
Attorney for Claimant/Objector Date

Dana L. Hofstetter Date
Attorney for Respondent

IDWR Concurrence:


Jan Shurte
Water Rights Supervisor
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR
Date

SF5 Right No. 63-4641B

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

RIGHT NUMBER: 63-4641B

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

SOURCE: SAND HOLLOW CREEK
UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SAND HOLLOW CREEK

QUANTITY: 0.060 CFS ~~0.05-CFS~~

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION:

T05N R05W S14 SWSW Within CANYON County

T05N R05W S15 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.060 CFS ~~0.05-CFS~~

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S15 SWSE 2.30

2.3 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641A, 63-7921.

Right No. 63-4641A is also diverted through point of diversion in the SWSW S14 described above.

Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.

SF5 Right No. 63-4641B

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

GREG OBENDORF
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

TREE TOP RANCHES, LP
Represented by:
SCOTT L. CAMPBELL
ANDREW J. WALDERA
101 S. CAPITOL BLVD., 10th FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

RECEIVED

JUL 08 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 8 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

Subcase Nos.	63-00127A	63-00128A
63-00129A	63-00130A	63-00131A
63-00127B	63-00128B	63-00129B
63-00130B	63-00131B	63-00178B
63-00178C	63-21530	

TRIAL SCHEDULING ORDER

This matter came before the Special Master at a Scheduling Conference held on June 23, 2009. The parties have subsequently stipulated to, and the Court hereby adopts, the following pre-trial deadlines:

November 6, 2009	5:00 PM	Deadline to Join Parties or Amend Pleadings. Amendment of pleadings and joinder of parties shall be complete by this deadline.
November 13, 2009	5:00 PM	Disclosure of Witnesses. Disclosure of all 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).

December 18, 2009

5:00 PM

Discovery Served and Responses Completed.

Deadline for completion of all discovery, meaning that all discovery is served and responses are completed, including the taking of depositions of lay and expert witnesses, all interrogatories, requests for production / inspections and admissions.

January 11, 2010

5:00 PM

Deadline for Motions for Summary Judgment.

Any party moving for summary judgment shall file a motion therefor no later than this deadline. Memorandums and affidavits in support of motions for summary judgment shall be filed contemporaneously therewith. Hearings will be held at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate in hearings on summary judgment by telephone by dialing (225) 383-1099, and when prompted entering the code 675342.

March 9, 2010

1:30 PM

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 3rd Avenue North, Twin Falls, Idaho. Parties may participate in the final pre-trial conference by telephone by dialing (225) 383-1099, and when prompted entering the code 675342.

March 29 – April 2, 2010 10:00 AM

Trial. The trial will be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower level conference room.

DATED this 8th day of July, 2009.



THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 2009, I caused a true and correct copy of the foregoing TRIAL SCHEDULING ORDER to be served by the method indicated below, and addressed to the following:

Scott L. Campbell
Andrew J. Waldera
Matthew J. McGee
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Dana L. Hofstetter
608 W. Franklin
Boise, ID 83702
Fax: 424-8774

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Albert P. Barker
BARKER ROSHOLT & SIMPSON
1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

David W. Gehlert
DEPARTMENT OF JUSTICE
General Litigation Section
1961 Stout Street, 8th Floor
Denver, Co 80294

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Andrea L. Courtney
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Clerk of the Court

Attorneys for Tree Top Ranches, L.P.

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
Matthew J. McGee, ISB No. 7979
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22567.0000

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

Subcase Nos. 63-04534B 63-04641A
63-04641B 63-21530

AMENDED NOTICE OF DEPOSITION DUCES
TECUM OF GREG OBENDORF

PLEASE TAKE NOTICE that Claimant/Objector Tree Top Ranches, L.P. ("Tree Top") will take the testimony upon oral examination of Respondent GREG OBENDORF before a qualified Court Reporter, on Friday, June 26, 2009, commencing at the hour of 10:00 a.m., at the offices of MOFFATT THOMAS BARRETT ROCK & FIELDS, CHARTERED, located at 101 S. Capitol Boulevard, 10th Floor, Boise, Idaho, at which time and place deponent is notified to appear and take such part in the examination.

Deponent is requested to bring with him to the deposition any and all documents, records, or correspondence, in the care, custody, possession, or control of the deponent, as follows:

1. Any and all Documents concerning or relevant to the above-referenced subcases.
2. Any and all Documents responsive to any discovery requests propounded by Tree Top Ranches, L.P. to Mr. Obendorf, and which have not already been produced.
3. Any and all Documents considered or reviewed by deponent in preparation for the deponent's deposition.

For purposes of this Notice of Deposition Duces Tecum:

The term "Document" shall have the full meaning ascribed to it in the Idaho Rules of Civil Procedure and shall mean the original, all copies and drafts of papers and writings of every kind, description and form, and all mechanical, magnetic media and electronic recordings, records and data of every kind, description and form, and all photographs of every kind, and including, without limiting the generality of the foregoing, the following: correspondence, electronically stored information, notes, memoranda, reports, notebooks, binders, drawings, studies, analyses, drafts, diaries, intra-or inter-office communications, cancelled checks, minutes, bulletins, circulars, pamphlets, telegrams, typewritten and handwritten notes, letters, telegrams, instructions, work assignments, messages (including reports, notes and memoranda of telephone conversations and conferences), telephone statements, calendar and diary entries, desk calendars, appointment books, job or transaction files, books of account, ledgers, bank statements, promissory notes, invoices, charge slips, working papers, lab books, lab notes, lab journals or notebooks, evaluation or appraisal reports, pleadings, transcripts of testimony or other

"documents" filed or prepared in connection with any court agency or other proceeding, deeds, mortgages, deeds of trust, contracts, agreements, assignments, instruments, charges, opinions, official statements, prospectuses, appraisals, feasibility studies, trust, releases of claims, charters, certificates, licenses, leases, invoices, computer printouts or programs, summaries, précis, audio, video or sound recordings, cassette tapes, video recorded, electronic or laser recorded, or photographed information. Documents are to be taken as including all attachments, enclosures and other documents that are attached to, relate to or refer to such documents.

The deposition shall be taken pursuant to the Idaho Rules of Civil Procedure.

DATED this 7th day of June, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Matthew J. McGee – Of the Firm
Attorneys for Tree Top Ranches, L.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2009, I caused a true and correct copy of the foregoing AMENDED NOTICE OF DEPOSITION DUCES TECUM OF GREG OBENDORF to be served by the method indicated below, and addressed to the following:

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin St.
Boise, ID 83702-5509
Fax: (208) 424-8774

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile

Lori Pulsifer
QNA Court Reporting
776 East Riverside Drive, Suite 200
Eagle, ID 83616
Fax: (208) 286-7426

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile



Matthew J. McGee

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

(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

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 63-04641B

(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)
) ss:
County of Ada)

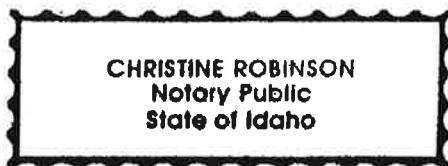
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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)

(Attorney signing in representative capacity)

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



Christine Robinson
Notary Public for the State of Idaho
Residing at: Borco Idaho
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

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, April 22, 2009 2:55 PM
To: 'Scott King'
Cc: Courtney, Andrea; Williams, Ray
Subject: RE: 63-4641A / 63-4641B

Scott,

The Department does not have the personnel needed to conduct Excessive Diversion Rate Analysis (Hubble) at this time. Also, we do not normally complete this type of analysis, to my knowledge, in response to a cfs objection. It is usually up to the objector to show that additional water, over and above the 1" per acre, is needed in order to beneficially water the crop. Ditch loss should also be taken into account when determining how much water is required.

Due to our previous cutbacks this year and more coming, we have no personnel available to conduct this type of analysis. Most regional personnel are either working on processing backlogged applications for permits and transfers with a few working on objection resolution. Sorry we cannot accommodate requests such as this like we did in the past.

Sincerely,
 Jan Shurte
 Water Rights Supervisor
 Western Region
 IDWR

From: Scott King [mailto:SKing@spfwater.com]
Sent: Tuesday, April 21, 2009 3:28 PM
To: Shurte, Jan
Subject: 63-4641A / 63-4641B

Hello Jan,

As we briefly discussed by telephone, on behalf of our client Tree Top Ranches, I am requesting that IDWR perform an Excessive Diversion Rate Analysis (Hubble) for the 63-4641A and 63-4641B water rights. I understand from our conversation that you would consider this request and let me know if IDWR is willing and able to perform this analysis and provide a report prior to May 15, 2009. Thank you for considering the request. I look forward to hearing back.

Best wishes,
 Scott

Scott N. King, P.E.
 Supervising Engineer
 SPF Water Engineering, LLC
 300 East Mallard Drive, Suite 350
 Boise, Idaho 83706
 phone: (208) 383-4140 ext. 209
 fax: (208) 383-4156
 email: sking@spfwater.com
www.spfwater.com

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

4/22/2009

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

SEP 18 2008

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
Nathan R. Starnes
Andrew J. Snook

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

September 16, 2008

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

Andrea Courtney
Office of the Attorney General, State of Idaho
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

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

Re: Subcase Nos. 63-04641A and 63-04641B
in the Name of Tree Top Ranches / Soils Analysis
MTBR&F File No. 22567.0000

Dear Andrea and Jan:

Pursuant to the discussions at our meeting held on August 8, 2008, my client, Tree Top Ranches, L.P., hired a consultant to undertake a soils analysis of the real property to which water rights 63-4641A and 63-4641B are appurtenant. I have enclosed a copy of the soils analysis, dated September 15, 2008 and prepared by Terry Scanlan, P.E., P.G. ("Scanlan Soils Analysis"). As you will note, Mr. Scanlan concluded that the surface "soils within the Haas Ditch Company service area and the place of use for Tree Top Ranches' water right 63-4641A and 63-4641B have similar characteristics for purposes of irrigation." Scanlan Soils Analysis, page 2.

Please feel free to contact me with any questions.

Very truly yours,



Scott L. Campbell

SLC/tmh
Enclosures

cc: Larry Williams (w/encls.)
Dana L. Hofstetter (w/encls.)



September 15, 2008

Scott Campbell
Moffatt Thomas
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

Subject: Soil Analysis for Water Rights 63-4641A and 63-4641B

Dear Scott:

As authorized by email dated August 29, 2008, SPF Water Engineering has reviewed soil information related to the places of use for water rights 63-4641A and 63-4641B claimed in the SRBA by Tree Top Ranches LP. This soil information has been compared to the soils data available for the Haas Ditch Company service area. The analysis found that soil types within the Haas Ditch Company service area and at the place of use for the 63-4641A and 63-4641B water rights are similar, and will have similar irrigation characteristics. Details of the analysis are provided below.

Method

The analysis has utilized soil mapping data available from the USDA Soil Conservation Service Soil Survey of the Canyon Area, Idaho (1972).

Soil survey mapping data were superimposed over the places of use for the Tree Top Ranches water right place of use and the Haas Ditch Company water right place of use. Water right places of use were available as GIS shape files from the Idaho Department of Water Resources. Figure 1 presents soil mapping for the 63-4641 water right places of use and Figure 2 presents soil mapping for the Haas Ditch Company water right place of use.

The total acres of each soil type within the places of use were determined using ESRI ArcMap version 9.2 Geographic Information System (GIS) software. The percentages of each soil types were then tabulated and are presented in Table 1 (63-4641 soils) and Table 2 (Haas Ditch Company soils), along with physical characteristics of each soil type listed in the Soil Survey.

The weighted averages for the upper 30 inches of soil in each area are also provided for selected characteristics in Tables 1 and 2. The upper 30 inches was selected for analysis due to the high seasonal water table (generally 1 to 3 feet) and the coarse-grained nature of soils below 30 inches.

Results

The mapping found that the surface soils at both locations are similar, consisting primarily of fine sandy loams and loams in the upper 30 inches, and sand and gravel below approximately 30 inches. Approximately 57 percent of the Haas soils are classified as saline, while approximately 15 percent of the 63-4641 soils are classified as saline-alkali. All of the soils units have surface slopes of 0 to 1 percent.

Permeability in both areas is generally moderate to moderately rapid in the upper 30 inches, and rapid below 30 inches. Calculated average upper soil permeability of the Haas soils is 8.1 inches per hour, compared to 5.7 inches per hour for the 63-4641 soils. Both values are skewed by the presence of high permeability Notus soils within each area. Neglecting the Notus soils, upper soil permeability averages approximately 2 inches per hour within the Haas service area and 4 inches per hour within the 63-4641A place of use. Permeability within the 63-4641B place of use is lower, averaging 1.3 inches per hour.

Upper soil water holding capacities are also similar within the 63-4641A and 63-4641B place of use and Haas Ditch Company service area, averaging 0.14, 0.11, and 0.12 inches per inch, respectively.

Based on soil texture, the intake families for flood and furrow irrigation average 1.9 and 0.54, respectively, for the 63-4641A place of use, 1.5 and 0.50, respectively, for the 63-4641B place of use, and 2.6 and 0.65, respectively, for the Haas Ditch Company place of use. These values are in the same general range, but reflect the slightly higher average permeability and slightly lower average water holding capacity of the Haas soils in comparison to the 63-4641 soils.

In summary, the soils within the Haas Ditch Company service area and the place of use for Tree Top Ranches' water right 63-4641A and 63-4641B have similar characteristics for purposes of irrigation. As a result, average irrigation diversion requirements for both areas will be similar, with difference influenced more by field configuration and irrigation method than by average soil characteristics.

Please contact me with any questions.

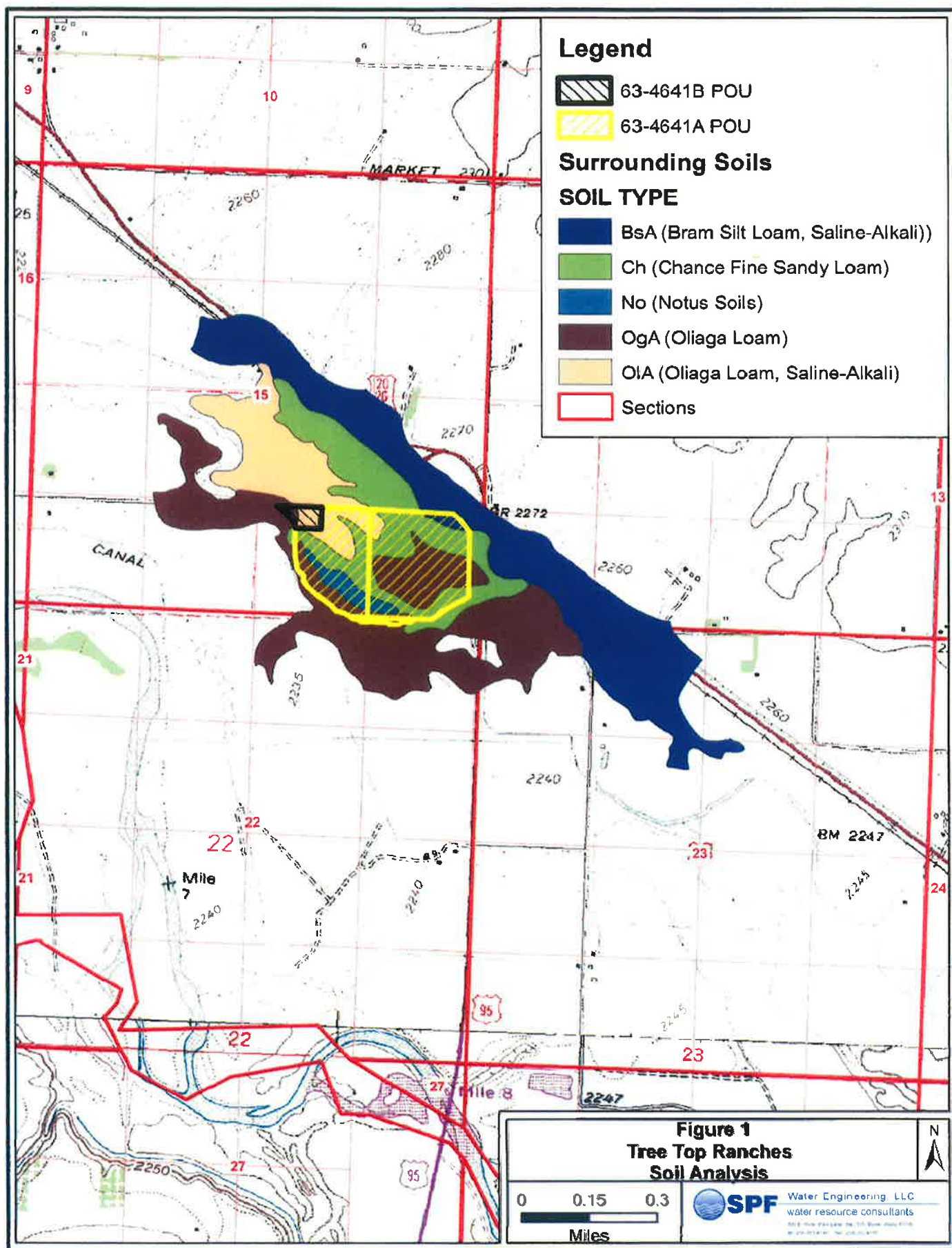
Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Bill Mulder – Tree Top Ranches





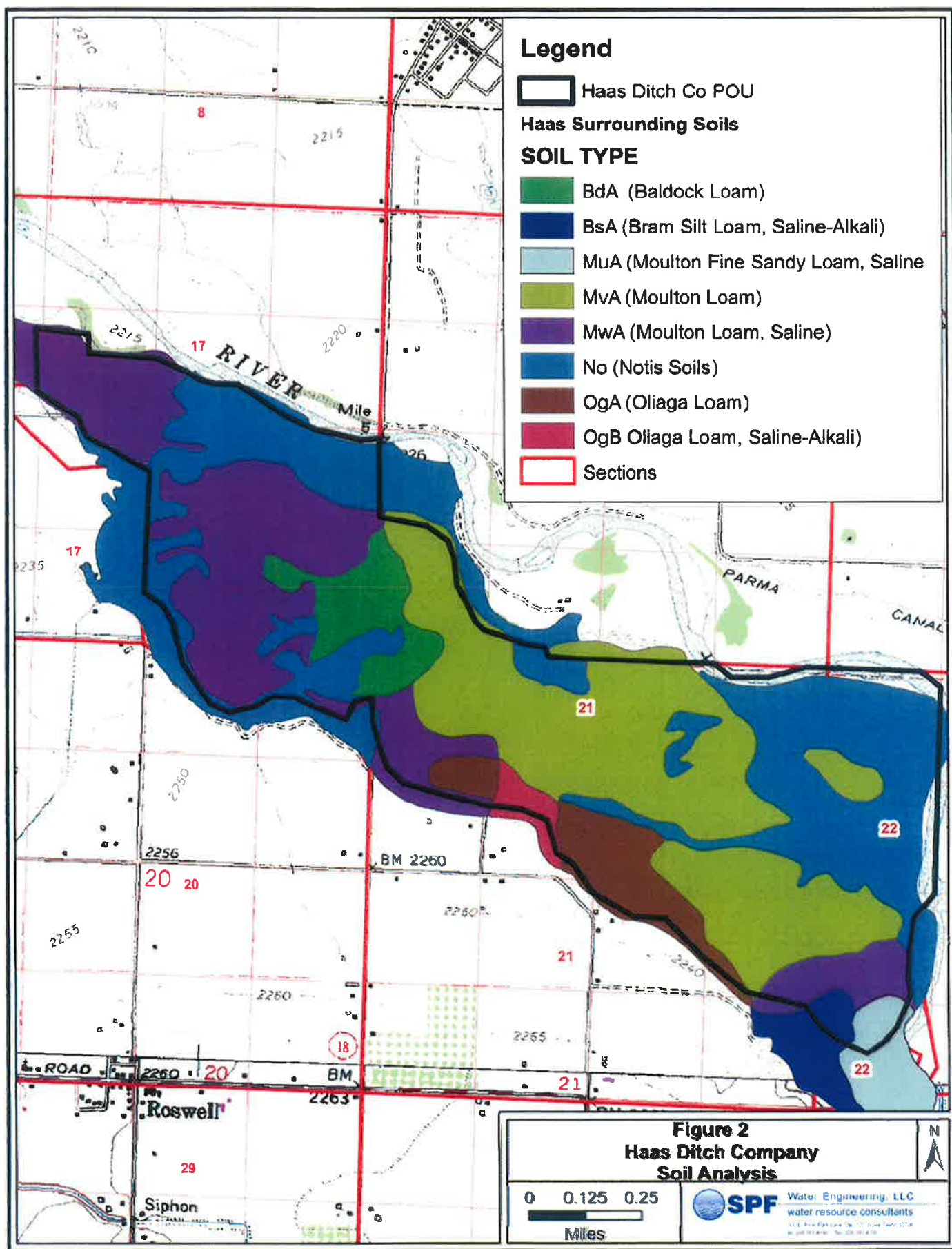


Table 1 - Soil Summary for Water Rights 63-4641A and 63-4641B

Map Symbol	Soil Type	Drainage	Amount (Acres) Within 63- 6641A POU	% 63- 4641A POU	Amount (Acres) Within 63- 4641B POU	%63- 4641B POU	Slope (%)	Seasonal High Water Table (feet)	Depth from Surface (inches)	texture	Permeability (inches per hour)	Available Water Capacity (inches per inch of soil)	Soil pH	Soil Texture Intake Family (flood)	Soil Texture Intake Family (furrow)
BsA	Bram Silt Loam, Saline-Alkali	Somewhat poorly drained	1.3	2.0%			0 to 1	3 to 6	0 to 52	silt loam, loam	0.06 - 0.20	0.10 - 0.18	7.9-9.6	1.5	0.5
Ch	Chance Fine Sandy Loam	Very poorly drained	22	41.0%			0 to 1	0 to 1	0 to 23	fine sandy loam and sandy loam	2.00 - 6.30	0.13 - 0.15	6.1-7.3	2	0.55
									23 to 60	gravel and sand	>20.0	0.03 - 0.05	6.1-7.3	4	0.85
No	Notus Soils	Somewhat poorly drained	4.7	9.0%			0 to 1	1 to 3	0 - 14	fine sandy loam to gravelly loamy sand	2.00 - 20.00	0.08 - 0.14	6.6-7.8	2.5	0.63
									14 - 60	sand and gravel	>20.00	0.03 - 0.05	6.6-7.3	4	0.85
OgA	Oliaga Loam	Somewhat poorly drained	19	35.0%	0.6	26%	0 to 1	2 to 3	0 - 35	loam and fine sandy loam	0.63 - 2.00	0.16 - 0.18	7.4-8.4	1.5	0.5
									35 - 60	sand and gravel	>20.00	0.03 - 0.05		4	0.85
OIA	Oliaga Loam, Saline Alkali	Somewhat poorly drained	7	13.0%	1.7	74%	0 to 1	1 to 3	0 - 35	loam and fine sandy loam	0.63 - 2.00	0.10 - 0.12	7.9-9.4	1.5	0.5
									35 - 60	sand and gravel	>20.00	0.03 - 0.05		4	0.85
Total			54	100%	2.3	100%									
Weighted Average for upper 30 inches - 63-4641A											5.7	0.14		1.9	0.54
Weighted Average for upper 30 inches - 63-4641B											1.3	0.11		1.5	0.50

Table 2 - Soil Summary for Haas Ditch Company Service Area

Map Symbol	Soil Type	Drainage	Amount (Acres) Within Haas POU	% Haas POU	Slope (%)	Seasonal High Water Table (feet)	Depth from Surface (inches)	texture	Penmeability (inches per hour)	Available Water Capacity (inches per inch of soil)	Soil pH	Intake Family (flood)	Intake Family (furrow)
BdA	Baldock Loam	Somewhat poorly drained	38.5	5.0%	0 to 1	3 to 4	0 to 56	loam	0.63 - 2.00	0.16 - 0.18	7.4-9.0	1.5	0.5
							56 to 65	fine sandy loam	2.00 - 6.30	0.13 - 0.15	7.9-8.4	2	0.55
BsA	Bram Silt Loam, Saline-Alkali	Somewhat poorly drained	5.5	1.0%	0 to 1	3 to 6	0 to 52	silt loam, loam	0.06 - 0.20	0.10 - 0.18	7.9-9.6	1.5	0.5
MuA	Moulton Fine Sandy Loam, Saline	Poorly drained	6.7	1.0%	0 to 1	2 to 3	0 to 30	fine sandy loam, loam and loamy sand	0.63 - 6.30	0.13 - 0.15	6.6-7.8	2.5	0.63
							30	gravel and coarse sand	>20.0	0.03 - 0.05		4	0.85
MyA	Moulton Loam, Saline	Poorly drained	221.5	31.0%	0 to 1	2 to 3	0 to 30	fine sandy loam, loam and loamy sand	0.63 - 6.30	0.13 - 0.15	6.6-7.8	2.5	0.63
							30	gravel and coarse sand	>20.0	0.03 - 0.05		4	0.85
MwA	Moulton Loam, Saline	Poorly drained	180.2	25.0%	0 to 1	2 to 3	0 to 30	fine sandy loam, loam and loamy sand	0.63 - 6.30	0.13 - 0.15	6.6-7.8	2.5	0.63
							30	gravel and coarse sand	>20.0	0.03 - 0.05		4	0.85
No	Notus Soils	Somewhat poorly drained	213.1	30.0%	0 to 1	1 to 3	0 to 14	fine sandy loam to gravelly loamy sand	2.00 - 20.00	0.08 - 0.14	6.6-7.8	2.5	0.63
							14 - 60	sand and gravel	>20.00	0.03 - 0.05	6.6-7.3	4	0.85
OgA	Otiaga Loam	Somewhat poorly drained	41.1	6.0%	0 to 1	2 to 3	0 - 35	loam and fine sandy loam	0.63 - 2.00	0.16 - 0.18	7.4-8.4	1.5	0.5
							35 - 60	sand and gravel	>20.00	0.03 - 0.05		4	0.85
OtA	Otiaga Loam, Saline Alkali	Somewhat poorly drained	7	1.0%	0 to 1	1 to 3	0 - 35	loam and fine sandy loam	0.63 - 2.00	0.10 - 0.12	7.9-9.4	1.5	0.5
							35 - 60	sand and gravel	>20.00	0.03 - 0.05		4	0.85

713.6* 100%

*Limited to 561 acres irrigation within the Haas Ditch Co. service area

Weighted Average for upper 20 inches

8.1 0.12 2.6 0.65

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 63-04641B
(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: 0.11 cfs
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: Quantity should be 0.11 cfs
8. ☒ **Period of Year**
Should be: Quantity should be 0.11 cfs
9. ☒ **Place of Use**
Should be: Please see attachment 1 hereto
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):**

Please see attachment 2 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

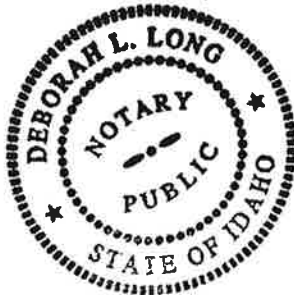
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 19, 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:

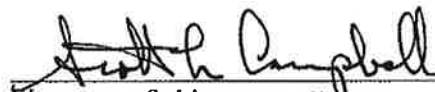
Name: Tree Top Ranches, LP
Address: 914 Houston Road
Boise, Idaho 83706

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

**ATTACHMENT 1 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-04641B**

The Director's Report incorrectly identifies the place of use for irrigation of lands under this water right. The correct, historic place of use is as follows:

<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>1/4 of</u>	<u>1/4</u>	<u>Lot</u>	<u>Acres Claimed</u>
5N	5W	15	SW	SE		3
Total						3

**ATTACHMENT 2 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-04641B**

Reasons Supporting Objection(s)

Source:

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

Quantity:

The claimed quantity of 0.11 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Tree Top Ranches, LP, and its predecessors.

Purpose of Use and Period of Year:

The claimed quantity of 0.11 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Tree Top Ranches, LP, and its predecessors.

Place of Use:

The place of use described in the Director's Report does not accurately describe the lands historically irrigated under this water right.

Other Provisions Necessary for Definition or Administration of this Water Right:

There is no legal basis for the inclusion of the following remark:

This right remains subject to the right of the original appropriator, in good faith and in compliance with the state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

09/29/2006

**NOTICE OF ERROR
REPLY**

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: 63-4641B

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; 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 0.11 cfs.

Purpose and Period of Use: Increase the quantity to the claimed amount of 0.11 cfs.

Place of Use: Increase the number of irrigable acres to 3 in the SWSE Section 15, Township 5 North, Range 5 West, Canyon County, Idaho.

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.

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: Scott L. Campbell

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

*Recommended acres on East side of Creek
where system is located. See tax lot
maps attached*

12/10/2006

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

RIGHT NUMBER: 63-4641B

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

SOURCE: SAND HOLLOW CREEK
UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SAND HOLLOW CREEK

QUANTITY: 0.050 CFS

PRIORITY DATE: 03/01/1935

POINT OF
DIVERSION: T05N R05W S14 SWSW Within CANYON County
T05N R05W S15 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.050 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S15 SWSE 2.30

2.3 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641A, 63-7921.

Right No. 63-4641A is also diverted through point of diversion in the SWSW S14 described above.

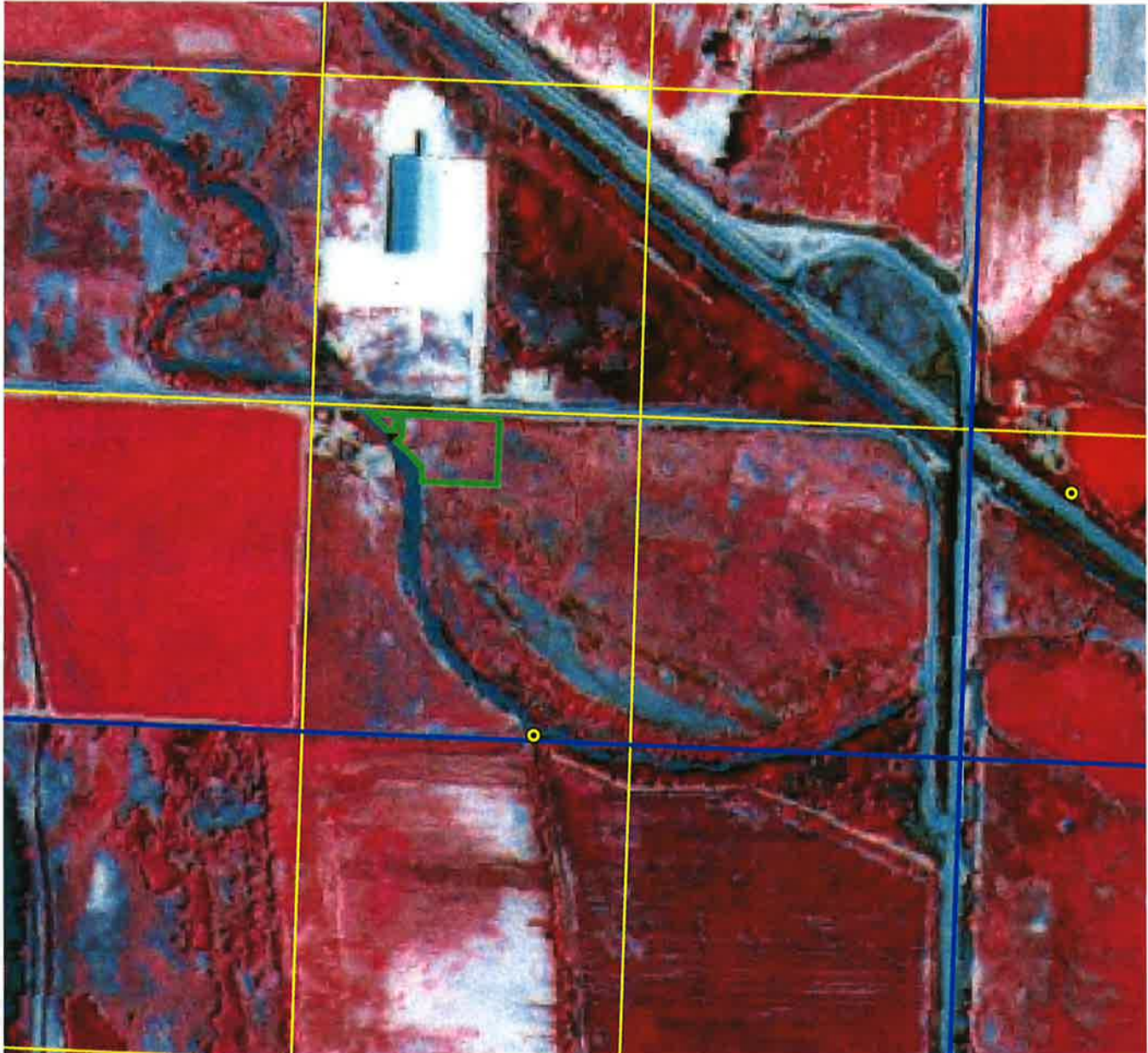
Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.



Idaho Department of Water Resources

63-4641B

05N 05W S15



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 2.3

400 0 400 Feet



IDWR
Prepared by: Lori Graves
Date: 09-29-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4641B V1

WATER RIGHT NUMBER: 63-4641B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LESLIE W HAMILTON 26415 SAND RD PARMA, ID 83660
Original Owner	CURT CHRISTOFFERSON 26415 SAND RD PARMA, ID 83660 (208)722-7450
Original Owner	JOLENE CHRISTOFFERSON 26415 SAND RD PARMA, ID 83660 (208)722-7450
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 03/01/1935

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

SAND HOLLOW CREEK CANYON County	SW1/4SE1/4	Sec. 15, Twp 05N, Rge 05W, B.M.
UNNAMED DRAIN CANYON County	SW1/4SW1/4	Sec. 14, Twp 05N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	15															2.3		2.3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4641B V1

Total Acres: 2.3

Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion in the SWSE S15 described above: 63-4641A, 63-7921.
2. F05 Right No. 63-4641A is also diverted through point of diversion in the SWSW S14 described above.
3. B01 Source diverted in the SWSE S15 is also known as Sand Hollow Creek Drain and Cole Slough Drain.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. Igraves 9/26/2006 Parcel No.

Comment: Irrigation is within Parcel No. 3891501000.

2. Igraves 9/26/2006 Overlaps

Comment: Right 63-7921 is for separate acres on the west side of the creek and shares the SWSE p/d. Right 63-4641A is for separate acres and shares the same irrigation system as A63-4641B.

3. Igraves 9/26/2006 P/Ds

Comment: The original claim lists one p/d on an unnamed drain in the NWSW S14. The SRBA field exam confirmed that the diversion exists and is actually located in the SWSW S14. An amended claim was filed 7/14/2006 changing the p/d to Sand Hollow Creek Drain in the NWNE S22. The SRBA field exam confirmed that the amended diversion exists and is actually in the SWSE S15 as licensed on right 63-7921. This p/d has been recognized as an accomplished transfer because the application map for license 63-7921 submitted in 1979 indicated both p/ds. The original p/d was also recommended based on the SRBA field exam findings.

4. Igraves 9/26/2006 Source

Comment: For the SWSW S14 p/d, the original claim listed unnamed drain tributary to Sand Hollow Drain. Based on the topo map, the tributary has been clarified to Sand Hollow Creek. For the SWSE S15 p/d, the amended claim lists Sand Hollow Creek Drain tributary to the Boise River. Based on the topo map, source has been clarified to Sand Hollow Creek tributary to the Snake River.

5. Igraves 9/29/2006 Flow Rate

Comment: The SWSE S15 p/d was measured at 1.53 cfs in 1979 for license 63-7921. The SWSW S14 p/d was measured at 7.23 cfs during the SRBA field exam. Recommended acres are limited to .02 cfs/acre.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4641B V1

Dates and Other Information:

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

Combined Use Limits:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 22, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Tree Top Ranches LP
914 Houston Road
Boise, ID 83706

Notice of Claim to a Water Right No. 63-4641A, 63-4641B
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,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

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

RECEIVED

SEP 01 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
63-4641A	A63-04641A	☐			☐
63-4641B	A63-04641B	☐			☐
		☐			☐
		☐			☐
		☐			☐

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) Jerry Kramer, PO Box 370, Parma, Idaho 83660
Curt Christofferson, 26415 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 April 22, 1997/April 28, 1997

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)

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 _____ AJ	Date _____	WR _____ Date _____

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

General Partner

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

Limited Partners

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

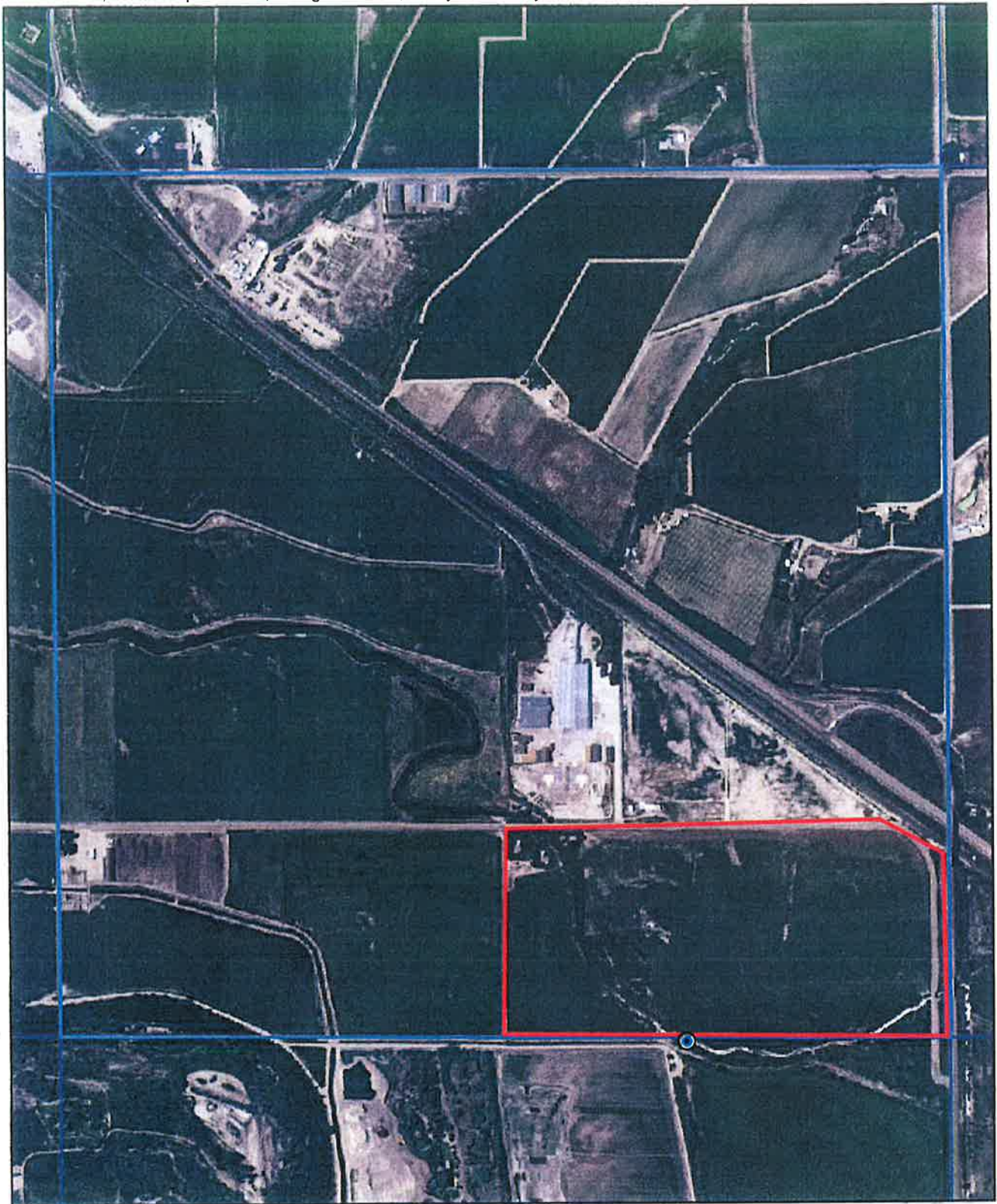
Marianne Williams
1299 N. Orchard, Suite 203
Boise, Idaho 83706

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

SCANNED

SEP 15 2006

BOI_MT2:603021.1



- Place of Use
- Point of Diversion



SCANNED
SEP 5 2006

9913379

LT 2740-90W

MWW

WARRANTY DEED

For value received, GERALD L. KRAMER, aka JERRY KRAMER, a single man, dealing with his sole and separate property, of P.O. Box 370, Parma, Idaho 83660, Grantor, does hereby convey, grant, bargain, and sell unto LARRY D. WILLIAMS and MARIANNE WILLIAMS, husband wife, of 914 Houston, Boise, Idaho 83706, Grantees, the following described premises in Canyon County, Idaho, to wit:

See EXHIBIT A, attached hereto and made a part hereof by reference.

TOGETHER With all water, water rights, ditches and rights of way for ditches appurtenant thereto, and together with all tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

To have and to hold said premises, with their appurtenances unto the said Grantees, Grantees' heirs and assigns forever. Grantor does hereby covenant to and with Grantees that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever, subject only to the following encumbrances:

1. Restrictions imposed by law, ordinance or regulation by any governmental entity, department or agency;
2. Restrictions contained in any covenants of record affecting the premises;
3. All rights of way or easements, affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not;
4. Taxes and assessments of all taxes units not yet due and payable, pro rated as of the date of closing;
5. Reservations in patents or state grants or in acts authorizing the issuance thereof;
6. All repayment contracts between irrigation districts within which said premises are situated and any government or agency; and
7. The bonded debt of all taxing units within which said premises are located.

DATE: 4-22-97

Gerald L. Kramer
GRANTOR

STATE OF IDAHO)
) : ss.
County of Canyon)

On the 22nd day of April, 1997, before me,
Kimberly A. Compton, a notary public for said state, person--
ally appeared before me, GERALD L. KRAMER, aka JERRY KRAMER,
known or identified to me to be the person whose name is sub-
scribed to the within instrument, who acknowledged to me that he
executed the same.



[Signature]
Notary Public for Idaho
Residing at: Calder
My commission expires: 1-27-99

Exhibit "A"

PARCEL I

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

EXCEPTING THEREFROM

A parcel of land being on the Westerly side of the centerline of U.S. Highway 95, Project No. F-3311(5) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Southeast corner of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

South $89^{\circ} 45' 19''$ West along the South line of the Southeast Quarter of the Southeast Quarter of said Section 15 a distance of 132 feet, more or less, to a point in a line parallel with and 25 feet distant Westerly from the centerline of a proposed County Road Connection Survey as shown on the plans of said U.S. Highway 95 Project No. F-3311(5) Highway Survey and which point bears

South $89^{\circ} 45' 19''$ West a distance of 140 feet from Station 349+1248 of said Highway Survey; thence along said parallel line as follows:

North $0^{\circ} 14' 41''$ West a distance of 1,013.11 feet to a point opposite Station 13+14.83 of said proposed County Road Connection Survey, which point bears

South $89^{\circ} 45' 19''$ West a distance of 140 feet from Station 359+25.59 of said Highway Survey, Northerly, Northwesterly and Westerly along a 293.31-foot-radius curve left 457.96 feet to a point in the Southerly right of way line of an existing County East and West Road, which point bears South $0^{\circ} 17' 49''$ West a distance of 25 feet from Station 18+11.82 of said proposed County Road Connection Survey; thence

North $0^{\circ} 17' 49''$ East a distance of 25 feet, more or less, to a point in the North line of said Southeast Quarter of the Southeast Quarter; thence

Easterly along said North line a distance of 153 feet, more or less, to point in the Southwesterly right of way line of the Oregon Short Line Railroad; thence

South $54^{\circ} 28'$ East along said railroad right of way line a distance of 330 feet, more or less, to a point in the East line of said Southeast Quarter of the Southeast Quarter; thence

Southerly along said East line a distance of 1,133 feet, more or less, to the PLACE OF BEGINNING.

U.S. Highway 95 Station reference: 349+1248 to 360+43.09.

ALSO EXCEPTING THEREFROM the right of way of the Oregon Shortline Railroad.

(continued)

ALSO EXCEPTING THEREFROM

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 140 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 610 feet; thence

South 00° 10' 43" West perpendicular to said North boundary a distance of 253 feet; thence

North 89° 49' 17" West parallel with said North boundary a distance of 423.84 feet; thence

North 36° 10' 00" West a distance of 314.11 feet to the TRUE POINT OF BEGINNING.

PARCEL II

The East Half of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter; the Northeast Quarter; the North Half of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter and Lots 1 and 2, all in Section 22, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho;

AND

The Southwest Quarter of the Northwest Quarter; the West Half of the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A tract of land being on both sides of the centerline of U.S. Highway No. 95, Project No. F-3311(5) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and lying over and across the East Half of the East Half, Section 22, the West Half of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

COMMENCING at the Southeast corner of Section 22, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

South 89° 59' 43" West along the South line of said Section 22 a distance of 42.22 feet to a point in a line parallel with and 50.0 feet Easterly from the centerline of said U.S. Highway 95, Project No. F-3311(5) Highway Survey and being the REAL POINT OF BEGINNING; thence

Northerly along said parallel line being an 8,235.11-foot radius curve left 345 feet, more or less, to a point in the East line of said Section 22; thence

(continued)

Northerly along said East line a distance of 964 feet, more or less, to the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

Easterly along the South line of said Northwest Quarter of the Southwest Quarter a distance of 66 feet, more or less, to a point in a line parallel with and 50 feet Easterly from the centerline of said Highway Survey; thence along said parallel line as follows:

Northerly along an 8,235.11-foot radius curve left 55 feet, more or less, to a point opposite Station 307+64.68, back equals 310+05.16 ahead and

North 0° 16' 16" West, back equals North 0° 14' 41" West ahead of said Highway Survey; thence continuing along said last parallel line

North 0° 14' 41" West a distance of 1,273 feet, more or less, to a point in the North line of said Northwest Quarter of the Southwest Quarter; thence leaving said last parallel line

Easterly along said North line a distance of 10 feet, more or less, to a point in a line parallel with and 60 feet Easterly from the centerline of said Highway Survey; thence

North 0° 14' 41" West along said last parallel line a distance of 1,316 feet, more or less, to a point in the North line of the Southwest Quarter of the Northwest Quarter of said Section 23; thence

Westerly along said last North line a distance of 71 feet, more or less, to the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 22; thence

Northerly along the East line of said Section 22 a distance of 1,320 feet, more or less, to the Northeast corner thereof; thence

South 89° 45' 19" West along the North line of said Section 22 a distance of 132 feet, more or less, to a point in a line parallel with and 140 feet Westerly from the centerline of said Highway Survey; thence

South 0° 14' 41" East along said last parallel line a distance of 187.48 feet to a point opposite Station 347+25 of said Highway Survey; thence

South 32° 51' 50" East a distance of 148.41 feet to a point in a line parallel with and 60 feet Westerly from the centerline and opposite Station 346+00 of said Highway Survey; thence

South 0° 14' 41" East along said last parallel line a distance of 2,322 feet, more or less, to a point in the South line of the Southeast Quarter of the Northeast Quarter of said Section 22; thence

Easterly along said last South line a distance of 10 feet, more or less, to a point in a line parallel with and 50 feet Westerly from the centerline of said Highway Survey; thence along said last parallel line as follows:

South 0° 14' 41" East a distance of 1,273 feet, more or less, to a point opposite said Station 307+64.68, back equals 310+05.16 ahead, Southerly along an 8,135.11-foot radius curve right 1,371.13 feet to a point in the South line of said Section 22; thence leaving said last parallel line

North 89° 59' 43" East along said last South line a distance of 101.42 feet, more or less, to the REAL POINT OF BEGINNING.

Highway Station Reference: 293+93.3 to 349+12.48.

RECORDED
PIONEER - CALDWELL
TYPE 15" FILE

BY J. H. HALE
JANON CNTY RECORDER

39 APR 7 AM 11 41

RECORDED

9913379

PC20521

WARRANTY DEED

FOR VALUE RECEIVED Curt D. Christofferson and Jolene I. Christofferson, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto ~~Kacey D. Williams and Marianne Williams, husband and wife~~, a married person

the Grantees, whose address is ~~26415 Sand Rd., Parma, ID, 83660~~

914 Houston Rd., Boise, ID 83706

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

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 for general taxes and assessments for the year 1997 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever. Together with all water rights.

DATED, April 28, 1997

Curt D. Christofferson
Curt D. Christofferson

Jolene I. Christofferson
Jolene I. Christofferson

STATE OF IDAHO

COUNTY OF CANYON

On this 28th day of April in the year 1997, before me, a Notary Public, personally appeared Curt D. Christofferson and Jolene I. Christofferson 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.

[Signature]
Notary Public

Residing at Caldwell

My commission expires 1-27-99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 20521

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 140 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 610 feet; thence

South 00° 10' 43" West perpendicular to said North boundary a distance of 253 feet; thence

North 89° 49' 17" West parallel with said North boundary a distance of 423.84 feet; thence

North 36° 10' 00" West a distance of 314.11 feet to the TRUE POINT OF BEGINNING.

9713456

RECORDED

97 APR 29 PM 3 56

NED J KERR

CANYON CNTY RECORDER

BY *[Signature]* *[Signature]*

PIONEER — CALDWELL

REQUEST

TYPE *[Signature]*

FEE 600

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
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Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
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Julian B. Gabiola
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Kimberly D. Evans Ross
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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

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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. ✓ *SC*

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.)

Music, Vicky

From: Hemenway, Sandy
Sent: Thursday, September 14, 2006 9:13 AM
To: Music, Vicky
Subject: FW: Tree Top Ranches claims nos. 63-4641A & B, 63-21530 and 63-21580



Map.gif

Here's the copy you requested.....s

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

From: Tiffany Hudak [mailto:TMH@moffatt.com]
Sent: Wednesday, September 13, 2006 4:14 PM
To: Music, Vicky
Cc: Hemenway, Sandy; Scott Campbell; lwilliams@treetopranches.com
Subject: Re: Tree Top Ranches claims nos. 63-4641A & B, 63-21530 and 63-21580

Vicky:

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 nos. 63-4641A & B, 63-21530 and 63-21580. The site visit is set for Monday, September 18, 2006, at 10:00 am. Please note that you and/or Sandy will be meeting with Kelly Yore, the Ranch Manager. Scott Campbell will not attend this site visit. 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

>>> "Music, Vicky" <Vicky.Music@idwr.idaho.gov> 9/13/2006 3:39 PM >>>
Tiffany -

I received your voice mail re the field exams for the above claims. Monday, September 18, 2006 at 10:00 AM is fine. Sandy Hemenway will be conducting the field exams. I may be there too if my schedule allows. Please let me know if it is Kelly Yore who will be accompanying her and an address where Sandy is to meet him. Thanks.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

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NOTICE: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

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
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Benjamin C. Ritchie
Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

SEP 14 2006

DEPARTMENT OF
WATER RESOURCES

September 13, 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
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SEP 18 2006

WATER RESOURCES
WESTERN REGION

Misty Mount
Idaho Department of Water Resources
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: Amended SRBA Claim for Water Right Nos. 63-04641A and 63-04641B
MTBR&F File No. 22567.0

Dear Misty:

Enclosed for filing please find an original and one copy of an Amended Snake River Basin Adjudication Notice of Claim for each of water right nos. 63-04641A and 63-04641B. Please file the originals, receive-stamp the copies, and return the copies to me in the enclosed self-addressed, stamped envelope.

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

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Larry Williams (w/encl.)

SCANNED

SEP 15 2006

BOI_MT2:626216.1



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

VIA FACSIMILE - 1 page

September 13, 2006

Tiffany M. Hudak
Paralegal
Moffatt Thomas.
101 S. Capitol Blvd., 10th Floor
Boise, Idaho 83701-0829
Facsimile No. (208) 385-5384

385-5435

RE: FIELD EXAMS
Snake River Basin Claim Nos.: A63-4641A and B, 63-21530 and 63-21580

Dear Tiffany:

This letter is in response to your correspondence, dated September 6, 2006. The claims referenced above are the remaining Tree Top Ranches claims for which a field exam is needed, unless they have acquired additional properties with appurtenant rights or claims of which we are not aware.

Your letter suggested that Dan Nelson conduct these exams because he conducted the 63-4534 field exam. However, Dan will not be available to conduct these exams, nor is it necessary. The claims in need of field exams are for totally different places of use and points of diversion, as well as different sources and additional uses. If we find that any of the points of diversion of the surface water claims have been changed to that of 63-4534, we can dispense with measuring the ditch and use Dan's calculations, but will still need to examine the delivery system specific to the claims.

Sandy Hemenway and/or I will conduct the field exams. Please provide me with some available dates for the exams and the on-site contact person for the exams. Contact me directly at (208) 334-2190 if you have questions regarding this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/ Western Region

MEMORANDUM TO SUBCONTRACTOR

TO: SANDY HEMENWAY
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: 63-4641 A & B
DATE: 9/12/2006
CC: CLAIM FILE

These are beneficial use claims. It appears that the claim was split and 3 acres sold and claimed as the B portion. The A portion is for 54 acres. Both claims are now owned by Treetop Ranches. A change of ownership has been filed. The site address is: 26471 Sand Rd, Parma ID. It is southwest of the intersection of Hwy 95 S., and Hwy 20-26. Your contact is claimant's attorney, Scott Campbell or his paralegal, Tiffany Hudak at 345-2000.

Please:

1 – verify the acres irrigated in 1987 on the 1987 aerial.

2 –GPS the location of the pod. Take flow measurements and calculate flow if the pod is as claimed in section 14. If it is the pod in section 15 adjacent to Hwy 95 – we already have those measurements. Describe diversion and delivery system to claimed pou.

3 – the pod located on a map included with the change of ownership shows the pod actually in the NENE S 22. If this is the current location of the POD, when did it change?

4 – label pod, delivery system, etc on the attached 2004 aerial.

Thanks.

VLM

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin FallsEugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
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Benjamin C. RitchieRobert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel**Willis C. Moffatt, 1907-1980*
*Kirk R. Helvie, 1956-2003*September 6, 2006
*via Facsimile*US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.comVicky Music
Sr. Water Resource Agent
Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705**Re: Water Rights 63-4641A and 63-4641B**
MTBR&F File No. 22567.0

Dear Vicky:

In response to your letter to Tree Top Ranches dated August 24, 2006, and your letter to me dated August 31, 2006, regarding the above-referenced water rights, we are enclosing a copy of the Affidavit of Sam Smyser, dated September 5, 2006, concerning irrigation of the subject property. In your letter, you request evidence to establish the claimed priority date for these water rights. As you will note from the Affidavit, Mr. Smyser has observed irrigation of the subject property since at least 1935.

Your August 24th correspondence also identifies that a change in water right ownership is necessary for these water rights. Please note that we submitted a change in water right ownership, together with the supporting documents, to the Department on or about August 31, 2006.

Finally, in response to your August 31st correspondence, you identify the need for a field examination of water rights 63-4641A and 63-4641B. I presume the Department will also require a field examination of water rights 63-21530 and 63-21580, which are also beneficial use water rights. Perhaps we can schedule one field examination for all of these water rights? Dan Nelson with the Department's Western Region office recently conducted a field examination concerning water right 63-4534. Because Mr. Nelson is familiar with the property and has met the Tree Top Ranches' manager, Kelly Yore, perhaps he can conduct the field examinations of these remaining water rights.

Vicky Music
September 6, 2006
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany M. Hudak", written over the word "Sincerely,".

Tiffany M. Hudak
Paralegal
tmh@moffatt.com

/tmh

cc: Larry Williams (*via Facsimile*)

AFFIDAVIT OF SAM SMYSER

STATE OF IDAHO)
) ss.
County of Canyon

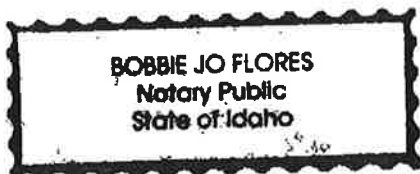
SAM SMYSER, being first duly sworn upon oath, deposes and says:

1. I make this affidavit based upon personal information.
2. I was born on October 9, 1922, in Caldwell, Idaho. 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 Southeast Quarter of Section 15, all within Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho (the "Property").
5. Portions of the Property was previously owned by Jerry Kramer and Curt Christofferson, prior to purchase of the Property by Tree Top Ranches, LP.
6. I personally observed annual irrigation of the Property using water from the Sand Hollow Creek, or an unnamed tributary thereto, since at least 1935.

DATED this 5th day of September, 2006.

Sam Smyser
Sam Smyser

SUBSCRIBED AND SWORN to before me this 5th day of September, 2006.



Bobbie Jo Flores
NOTARY PUBLIC FOR IDAHO
Residing at Parma, ID
My Commission Expires 8-9-07

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
208 385 5384 Fax
208 385 5435 Direct**FACSIMILE****From:** Tiffany M. Hudak
Paralegal**Date:** September 6, 2006**Re:** Water Rights 63-4641A and 63-4641B**File No.:** 22567.0**Number of pages being transmitted including the cover page: 4**
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voicemail No.
To:	Vicky Music	Idaho Department of Water Resources	334-2348	334-2190
CC:	Larry Williams	Treetop Ranches	377-1049	890-1962

Message:

Please see attached letter.

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

SEP 01 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

August 31, 2006

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist

Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie

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

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

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

Re: Water Rights 63-04641A and 63-04641B
MTBR&F File No. 22567.0

Dear Lori:

Enclosed please find an original and one copy of the change of water right ownership form and supporting documentation for the above-referenced water rights. Please file the original, receive-stamp the copy, and return the copy in the enclosed self-addressed, stamped envelope. ✓DB

Please note that we are in the process of obtaining evidence to support the claimed priority date for water rights 63-04641A and 63-04641B, and should be able to provide you with such evidence in the near future. Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffiny M. Hudak
Paralegal

/tmh
Enclosure
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

VIA FACSIMILE - 1 page

August 31, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Tiffany M. Hudak
Paralegal
Moffatt Thomas.
101 S. Capitol Blvd., 10th Floor
Boise, Idaho 83701-0829
Facsimile No. (208) 385-5384

RE: EVIDENCE OF PRIORITY AND FIELD EXAM
Snake River Basin Claim No.(s): A63-4641A and B

Dear Tiffany:

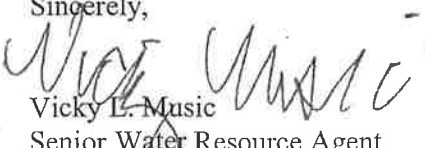
This letter is in response to your correspondence, dated August 28, 2006. The claims were entered in our database with a "temporary" rather than an "active" status, and as such, were not available for viewing by the public. The status has recently been changed and you should be able to view the claims on the IDWR website.

In addition to the evidence of priority, IDWR must conduct a field exam to verify the elements of these statutory claims. We customarily do not schedule these until after we receive the evidence of priority. Hence, the letter to your client did not mention the field exam. Please provide the name and phone number of a contact person with whom the Department can schedule the exam as soon as possible.

Your letter stated that you will not be able to submit evidence of priority by September 1, 2006, for the claims referenced above. The IDWR internal deadline for recommendations is September 22, 2006. If I do not receive all of the information I have requested prior to September 22, 2006, I will recommend the claims as disallowed in the Preliminary Director's Report. Your client will still have the Notice of Error time period in which they can submit the evidence of priority and schedule a field exam. If I still do not receive the information by October 31, 2006, the expiration of the Notice of Error time period, I will recommend them as disallowed in the Basin 63 Part 3 Director's Report. Your client will then have to file objections to change the recommendation.

Please contact me directly at (208) 334-2190 if you have questions regarding this matter.

Sincerely,


Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/ Western Region

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin FallsEugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
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Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel**Willis C. Moffatt, 1907-1980*
*Kirk R. Helvie, 1956-2003*August 28, 2006
*via Facsimile*US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.comVicky Music
Sr. Water Resource Agent
Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705**Re: Water Rights 63-4641A and 63-4641B**
MTBR&F File No. 22567.0

Dear Vicky:

This firm represents the Tree Top Ranches, LP, with respect to its water rights matters. We are in receipt of your letter to Tree Top Ranches dated August 24, 2006, which was postmarked August 25, 2006, and received by Tree Top Ranches on August 28, 2006. Your August 24th correspondence concerns the above-referenced water right and requests evidence to establish the claimed priority date for these water rights be submitted by September 1, 2006. At the outset, please note that five (5) days is not a sufficient amount of time to properly investigate this matter and provide the Department with the requested information. Although we will endeavor to provide the Department with the requested information as soon as possible, we will most likely not meet the September 1st deadline.

In addition, we note that your correspondence concerns a split of water right 63-4641. In reviewing the Department's online database, we could not locate any water rights with the "A" and "B" split suffix. Any additional information you could provide concerning the "A" and "B" split of water right 63-4641 would be appreciated.

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

Sincerely,


Tiffany M. Hudak
Paralegal

/tmh

cc: Larry Williams (*via Facsimile*)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

TREETOP RANCHES
P O BOX 8126
BOISE, ID 83707

RE: EVIDENCE OF PRIORITY AND CHANGE OF OWNERSHIP -
Snake River Basin Adjudication Claim No(s): A63-4641A AND A63-4641B

Dear TREETOP RANCHES,

In the past, LESLIE HAMILTON submitted the above referenced claims during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer-generated printout of the claims for your reference. LESLIE HAMILTON indicated, when this claim was filed, that the water rights were based on a "Statutory Claim" to the 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-outs. These claims 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.**"

If no evidence of this priority date is submitted, or we do not hear from you by September 1, 2006, this claim may not be recommended to the SRBA court for decree. This could jeopardize your water use under these rights if water availability problems arise in the future.

Additionally, Idaho law requires that an owner file a change of ownership for a water right or claim to a right within 120 days of a property transaction. Enclosed is a change of ownership form. Please complete and return it to me with the proof of priority.

Please call me as soon as possible to let me know if you may not be able to submit proof of priority or if you have any questions not covered by this letter and the enclosed pamphlet.

Respectfully Submitted,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet, Notices of Claim Report A63-4641A & B, and Change of Ownership form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 8, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Original Notice of Claim to a Water Right No. A63-04641.

Renumbered to Notice of Claim to a Water Right No. A63-04641B.

CURT CHRISTOFFERSON &
JOLENE CHRISTOFFERSON
26415 SAND RD
PARMA ID 83660

Dear Curt and Jolene,

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

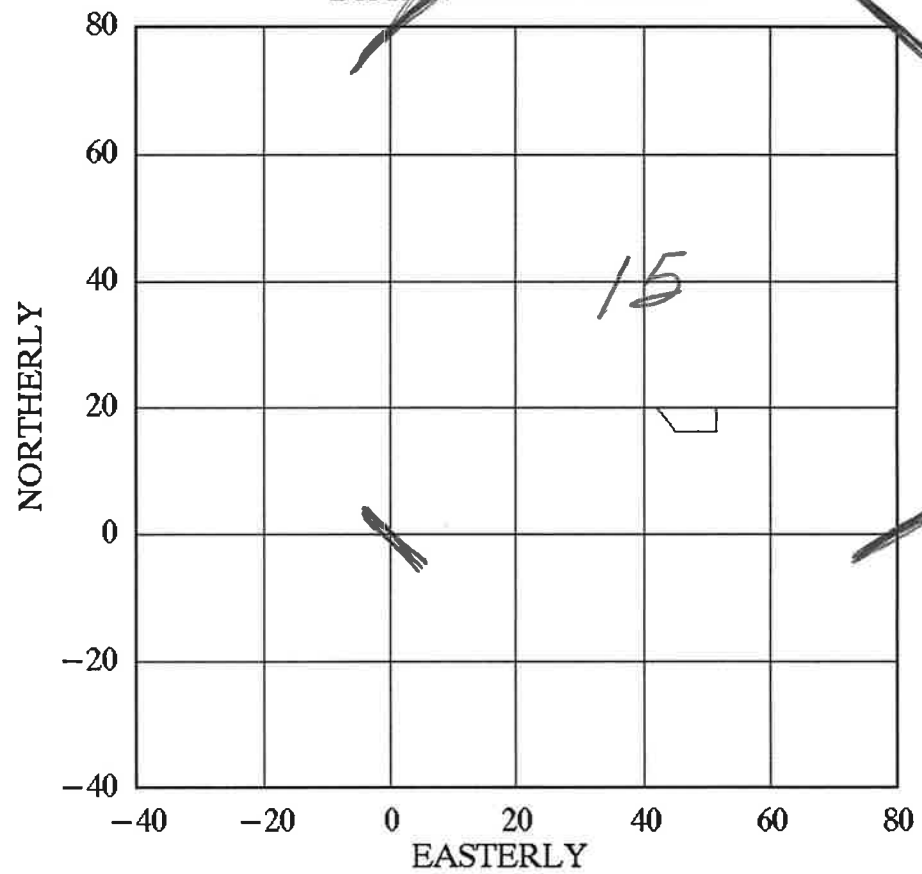
Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
40.00	20.00					
42.12	19.99	89.00	49.00	17.00	SE	140.00
51.36	19.96	89.00	49.00	17.00	SE	610.00
51.35	16.13	0.00	10.00	43.00	SW	253.00
44.93	16.15	89.00	49.00	17.00	NW	423.84
42.12	19.99	36.00	10.00	0.00	NW	314.11

3 acres
KW
7/2/94

PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS





NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 24 1996

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 5 N Range 5 N
Section 15, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Donald Asher
- ☐ New Owner/Claimant (Purchaser): Curt & John Christopher
- ☐ New Mailing Address: 26415 Sand Rd
Perma ID 83660
- ☐ New Telephone Number: () 722 - 7450
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): John Christopher Date 6/18/96
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

FOR VALUE RECEIVED Donald R. Asher, an unmarried man

the Grantor, does hereby grant, bargain, sell and convey unto Curt D. Christofferson and Jolene I. Christofferson, husband and wife

the Grantees, whose address is 6415 Sand Road, Parma, ID, 83660

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1993 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

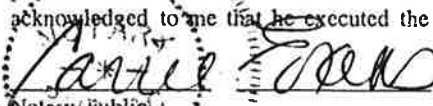
DATED: May 14 , 1993


Donald R. Asher

STATE OF IDAHO

COUNTY OF CANYON

On this 18th day of May in the year 1993, before me, a Notary Public, personally appeared Donald R. Asher known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Parma
My commission expires 8/17/96

RECEIVED

JUN 24 1996

WATER RESOURCES
WESTERN REGION

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 140 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89° 49' 17" East (formerly South 89° 49' 15" East) along the North boundary of said Southwest Quarter of the Southeast Quarter a distance of 610 feet; thence

South 00° 10' 43" West perpendicular to said North boundary a distance of 253 feet; thence

North 89° 49' 17" West parallel with said North boundary a distance of 423.84 feet; thence

North 36° 10' 00" West a distance of 314.11 feet to the TRUE POINT OF BEGINNING.

RECEIVED

JUN 24 1996

WATER RESOURCES
WESTERN REGION

RECORDED

JUN 21 PM 4 21

RECORDED
CANYON CNT. RECORDER
BY C. SmithREQUEST
PIONEER - CALDWELL
TYPE *Shed* FEB 6

9311039

RECEIVED

SEP 04 1996

WATER RESOURCES
WESTERN REGION

CANYON COUNTY ASSESSOR
1115 ALBANY ST. RM. 323
CALDWELL, ID 83605

THIS IS NOT A BILL
IMPORTANT NOTICE-PLEASE READ

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
CALDWELL, ID 83605-3542
PERMIT NO. 4

Phone 454-7431

PARCEL NO. 6R38915-010- -0
UNIFORM 05N05W158560
TAX CODE 138-00 05-18-96

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
RUR RESIDENT TRACT	1.00	13,000
RES TRACT OVER 1 ACR	2.00	10,625
RES IMP-RUR RES TR		33,500
IMP ON RUR TRACT		2,825

1996

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE

**TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT**

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

TOTAL FULL CASH VALUE
TX 13 IN SWSE

59,950 JUNE 17, 1996
Homowner Exemption-Yes

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

REGULAR ROLL

SEC 15-5N-5W SE

Mail To:

CHRISTOFFERSON, CURT D
& CHRISTOFFERSON, JOLENE I-H/W

PROPERTY ADDRESS

26415 SAND RD, PA

26415 SAND RD
PARMA

ID 83660

MEMO TO FILE

CLAIM/WR NO: A63-04641/A63-07921

AGENT: RON HOWERTON

DATE: November 8, 1996

REF: OWNERSHIP CHANGE

1. Received the chain of title from Pioneer Title of Canyon County. It shows that the Hamilton property was sold to Donald R. Asher of Parma. Then, with a portion sold to Jolene Christofferson as shown on copy attached to ownership change.
2. The parcel sold to Jolene Christofferson was plotted from their warranty deed on meets and bounds and an exception was plotted from Donald R. Asher's warranty deed. By comparing the 63-04641 & 63-07921 water right file maps versus our ortho quads the land is only appurtenant to the A63-04641 claim.
3. I attempted to call Donald R. Asher at last known phone # listed as 722-7135 and the tenant said that Mr. Asher didn't live there and may just have his old phone number. I also called the directory assistance and they didn't have any Donald R. Asher listed in Idaho anymore. Thus, with this information we don't have a phone number or address.
4. The ownership change for a portion of A63-04641 can be completed and since we have no ownership change to Asher from Hamilton nor an address for Asher the "A" portion will have to be left in Hamilton's name. The file shows returned mail and undeliverable to Hamilton, so no need to try and mail the split portion to that name or address.
5. The license isn't appurtenant to the Christofferson's deed thus shall stay in Hamilton's name until further information is available.

COMMUNICATION DOCUMENTATION

Claim No. A63-04641 & A63-07921

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton

DATE

November 7, 1996

CUSTOMER

JOLENE CHRISTOFFERSON

WK # 454-7391

SUBJECT: A63-04641 & A63-07921

1. Called and requested that she send me a copy of the deed that showed the property being transferred from Hamilton to Asher.
2. I suggested that she call the title company and they could fax the warranty deed to me. She said she would try.
3. She also said that they were going to sell the property next year. She said the amount of land was 3 acres they bought.
4. This matches the Warranty deed legal for 3 acres in the SWSE, T5N, R5W, S15. This would split both claims.
5. The original claimant, Hamilton was sent notice about the directors report and we received returned mail for both claims, so it probably means that either Asher or someone else owns the other part of the split.

**PIONEER TITLE COMPANY
OF CANYON COUNTY**

423 SOUTH KIMBALL AVENUE - CALDWELL, IDAHO 83605

PHONE 208-459-1651

TITLE FAX 208-459-6635

ESCROW FAX 208-455-1138

FACSIMILE TRANSFER

TO: Ron Houston
FROM: Brenda
RE: Christofferson (Hamilton-Asher)
DATE: 11/2/96

Following this cover letter we are transmitting 3 pagesIf there has been a problem with this transmission, please contact me at
208-459-1651 (Caldwell) or 208-345-7482 (Boise).

THANK YOU HAVE A NICE DAY!!!

INSTRUMENT NO. 920 8247

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made and entered into this 20th day of April, 1992, by and between Clara L. Hockenberry, the duly appointed and acting personal representative of the estate of Leslie W. Hamilton, deceased, hereinafter referred to as 'Party of the First Part', and Donald R. Asher a married man as his sole and separate property, of Palmer, Idaho, hereinafter referred to as 'Party of the Second Part'; WITNESSETH:

WHEREAS, On Clara L. Hockenberry, the Party of the First Part was appointed by the Courts of Canyon County, Idaho, as the personal representative of the estate of Leslie W. Hamilton, deceased;

NOW, THEREFORE, For and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations, the said Clara L. Hockenberry as personal representative of the estate of Leslie W. Hamilton, deceased, and pursuant to the authority granted to said personal representative under the laws of the State of Idaho, does hereby grant, demise and convey unto the said Party of the Second Part, Donald R. Asher, his heirs and representatives, all of the right, title and interest of Leslie W. Hamilton, deceased, in and to that certain lot, piece or parcel of land, situate, lying and being in the said County of Canyon, Idaho, more particularly described as follows, to-wit:

See Exhibit A attached hereto and by this reference incorporated herein as though set forth in full.

TO HAVE AND TO HOLD ALL and singular the above mentioned and described premises, together with the appurtenances thereunto appertaining, unto the said Party of the Second Part, its heirs and assigns forever.

IN WITNESS WHEREOF, The said Party of the First Part as personal representative of the estate of Leslie W. Hamilton, deceased, has hereunto set its hand and seal the day and year first above written.

Clara L. Hockenberry
Personal Representative

STATE OF IDAHO)

County of Canyon) ss.

On this 20 day of April, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Clara

L. Hockenberry, proved to me upon the oath of Clara L. Hockenberry and by presentation of a certified "Letters Testamentary", to be the person whose name is subscribed as the Personal Representative of the estate of Leslie W. Hamilton and acknowledged to me that she executed the same as such Personal Representative of the estate of Leslie W. Hamilton.

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

(SEAL)

Sharon L. Roberts
Notary Public for Idaho
Residing at *Calhoun*
My Commission Expires: *6-1-94*

PC 04791

EXHIBIT "A"

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

EXCEPTING THEREFROM

A parcel of land being on the Westerly side of the centerline of U.S. Highway 95, Project No. F-3311(5) Highway-Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Southeast Quarter of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Southeast corner of Section 15, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

South $89^{\circ} 45' 19''$ West along the South line of the Southeast Quarter of the Southeast Quarter of said Section 15 a distance of 132.0 feet, more or less, to a point in a line parallel with and 25.0 feet distant Westerly from the centerline of a proposed County Road Connection Survey as shown on the plans of said U.S. Highway 95 Project No. F-3311(5) Highway Survey and which point bears

South $89^{\circ} 45' 19''$ West 140.0 feet from Station 349+1248 of said Highway Survey; thence along said parallel line as follows:

North $0^{\circ} 14' 41''$ West 1,013.11 feet to a point opposite Station 349+14.83 of said proposed County Road Connection Survey, which point bears

South $89^{\circ} 45' 19''$ West 140.0 feet from Station 359+25.59 of said Highway Survey, Northerly, Northwesterly and Westerly along a 293.31-foot-radius curve left 457.96 feet to a point in the Southerly right of way line of an existing County East and West Road, which point bears

South $0^{\circ} 17' 49''$ West 25.0 feet from Station 18+11.82 of said proposed County Road Connection Survey; thence

North $0^{\circ} 17' 49''$ East 25.0 feet, more or less, to a point in the North line of said Southeast Quarter of the Southeast Quarter; thence

Easterly along said North line 153.0 feet, more or less, to point in the Southwesterly right of way line of the Oregon Short Line railroad; thence

South $54^{\circ} 28'$ East along said railroad right of way line 330.0 feet, more or less, to a point in the East line of said Southeast Quarter of the Southeast Quarter; thence

Southerly along said East line 1,133.0 feet, more or less, to the PLACE OF BEGINNING.

U.S. Highway 95 Station reference: 349+1248 to 360+43.09.

ALSO EXCEPTING THEREFROM the right of way of the Oregon Shortline Railroad.

REQUEST PIONEER - CALDWELL
TYPE *Steel* Fee *2.00*

RECORDED
CANYON COUNTY RECORDS
Mr. Caldwell

92 APR 20 PM 4 34

RECORDED

920854

HAMILTON ASHER EXCEPTION

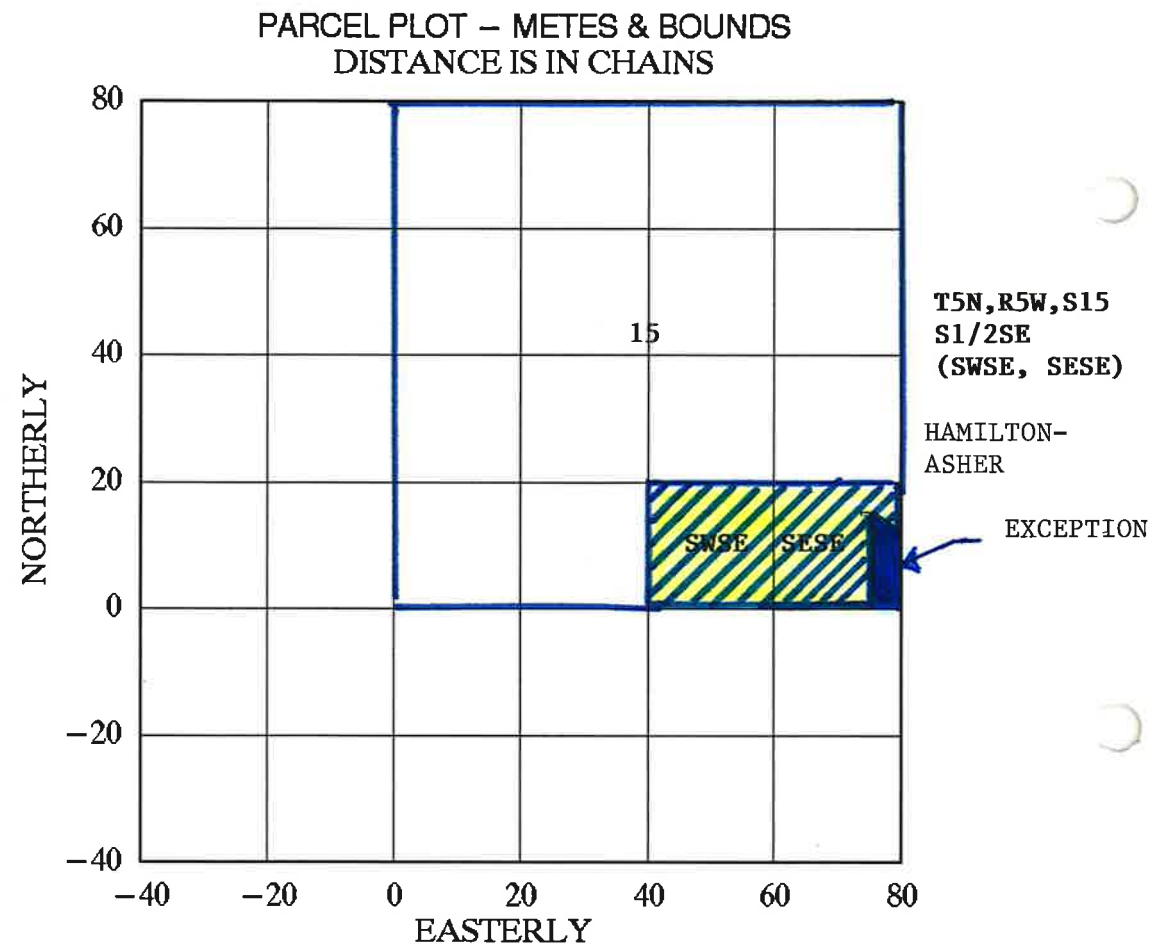
METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING DIST (FT)
			DEGREES	MINUTES	SECONDS	
BEGIN POINT COR.	80.00	0.00				
(SEE SHEET)	78.00	-0.01	89.00	45.00	19.00 SW	132.00
	75.88	-0.02	89.00	45.00	19.00 SW	140.00
	75.81	15.33	0.00	14.00	41.00 NW	1013.11
	73.69	15.32	89.00	45.00	19.00 SW	140.00
-QUAD COEF-	73.69	14.94	0.00	17.00	49.00 SW	25.00
IF NE, X=1,Y=1	73.69	15.32	0.00	17.00	49.00 NE	25.00
IF SE, X=1,Y=-1	76.01	15.32	90.00	0.00	0.00 NE	153.00
IF SW, X=-1,Y=-1	80.08	12.42	54.00	28.00	0.00 SE	330.00
IF NW, X=-1,Y=1	80.08	-4.75	0.00	0.00	0.00 SE	1133.00
	80.08	-4.75				

Rdh
11-7-96

SPLIT PLOT FOR A63-04641 & A63-07921



Reh
11-7-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 1996

CURT CHRISTOFFERSON
JOLENE CHRISTOFFERSON
26415 SAND RD
PARMA ID 83660

Re: Notices of Claim to Water Right Nos. A63-04641, A63-07921

Dear Mr. & Mrs. Christofferson:

This office has reviewed the Notice of Change of Water Right Ownership you recently submitted (copy enclosed). When we spoke in July, I informed you that we could not continue to process this ownership change due to the fact there is no record of the property being transferred from the original owner, Leslie Hamilton, to Donald Asher and that you may want to contact your title company and have them obtain a copy of the deed between these parties or if you could send us a copy of your property tax notice, which includes a description of this property by 1/41/4, Section, Township and Range, then we could go ahead and complete the ownership change.

If we do not hear from you within 30 days, the claim will remain in the original owner's name. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Lori Harris

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosure

7-1-96
** Lori - Jolene*
Christofferson called
to find out what
is needed - I finally
found it & called
her back but ~~she~~ wasn't
available. Call her at
work = 454-7391.
Kay



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1996

NEW PROPERTY OWNER
RT 1 26415 SAND RD
PARMA ID 83660

RECEIVED

MAY 08 1996

WATER RESOURCES
WESTERN REGION

RE: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim Nos. #A63-04641

Dear New Property Owner:

A legal notice mailed recently by IDWR was returned to us by the Post Office. The notice was mailed to an apparent former owner at your address who has or had this property or others in the area.

Before we can modify our records to reflect your new ownership of the property and water rights referenced above, we need Form 42-1409(7) completed and returned. We have enclosed this form for your use.

Please contact this office at 208/327-7862 or call us toll-free at 800/451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region

Enclosure:

Form 42-1409(7)

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

In Re Snake River Basin Adjudication Case
No. 39576

)
) Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT, A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

55105

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1



UNDELIVERABLE AS ADDRESSED
FORWARDING ORDER EXPIRED
DECEASED

*AB3-04641
O.R.
Call P.O.*

LESLIE W HAMILTON
RT 1: 26415 SAND RD
PARMA ID 83660

RECEIVED

APR 20 1995

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4641B

WATER RIGHT NUMBER: 63-4641B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LESLIE W HAMILTON 26415 SAND RD PARMA, ID 83660
Original Owner	CURT CHRISTOFFERSON 26415 SAND RD PARMA, ID 83660 (208)722-7450
Original Owner	JOLENE CHRISTOFFERSON 26415 SAND RD PARMA, ID 83660 (208)722-7450
Current Owner	TREE TOP RANCHES LP 914 HOUSTON RD BOISE, ID 83706 (208)377-0998

*add Scott Campbell
as attorney of record*

Priority Date: ~~11/01/1880~~

3/1/1935

per affidavit

Basis: Beneficial Use

Status: Active

Source

SAND HOLLOW CREEK

*unnamed Dr*Tributary~~BOISE RIVER~~*Sand Hollow Cr*Beneficial Use

IRRIGATION

From To

4/01 to 10/31
3/1 11/15Diversion Rate

0.110 CFS .05

Annual Volume

Total Diversion: 0.110 CFS .05

Location of Point(s) of Diversion

SAND HOLLOW CREEK

CANYON County

*unnamed Dr*SW SE
~~NW/NE 1/4~~
SW SW

Sec. 22, Twp 05N, Rge 05W, B.M.

15
14

*per
SRTA
exam*

Place of Use

IRRIGATION

Twp Rge Sec

NE				NW				SW				SE				Totals
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	15														2.3

Total Acres: 3

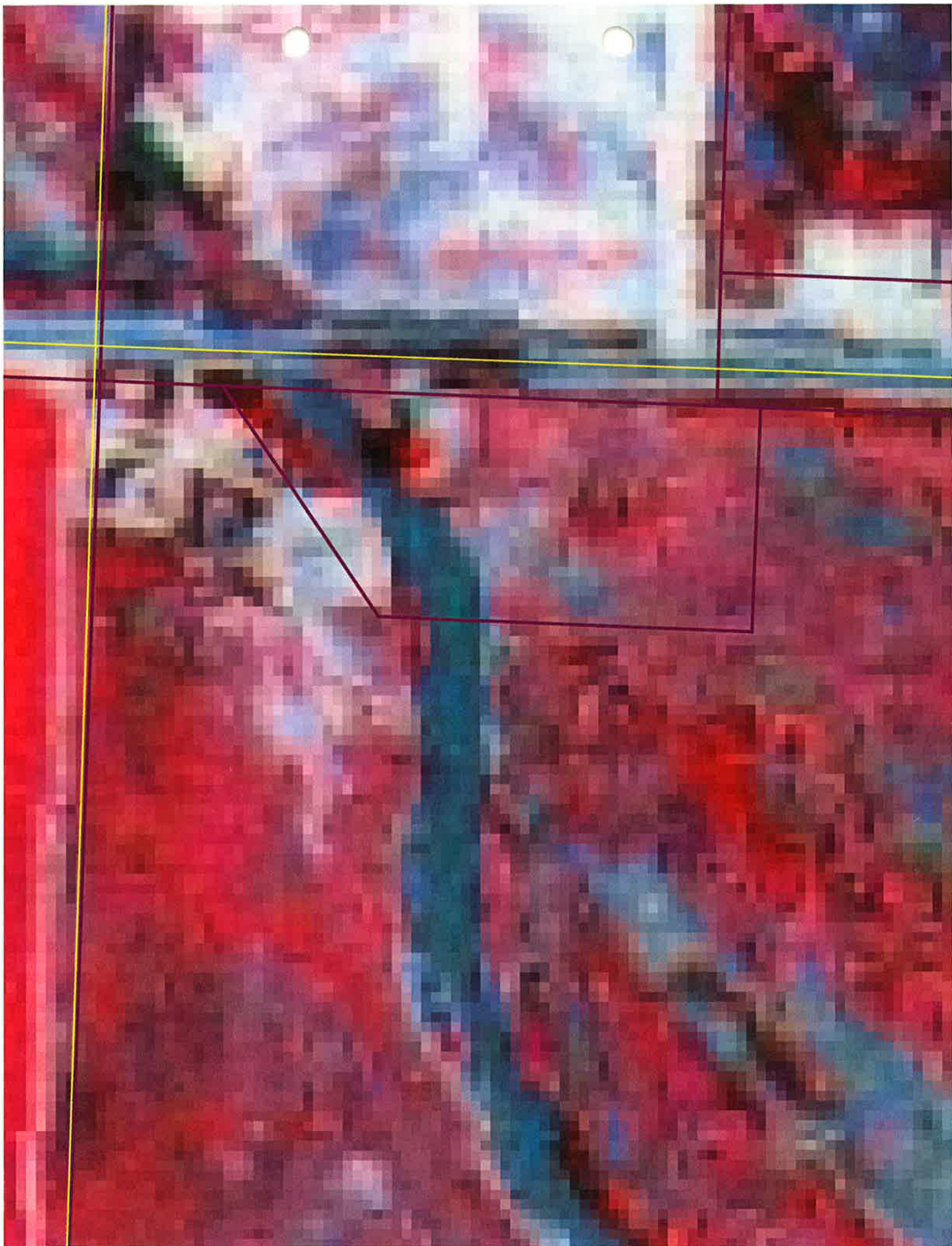
Conditions of Approval:

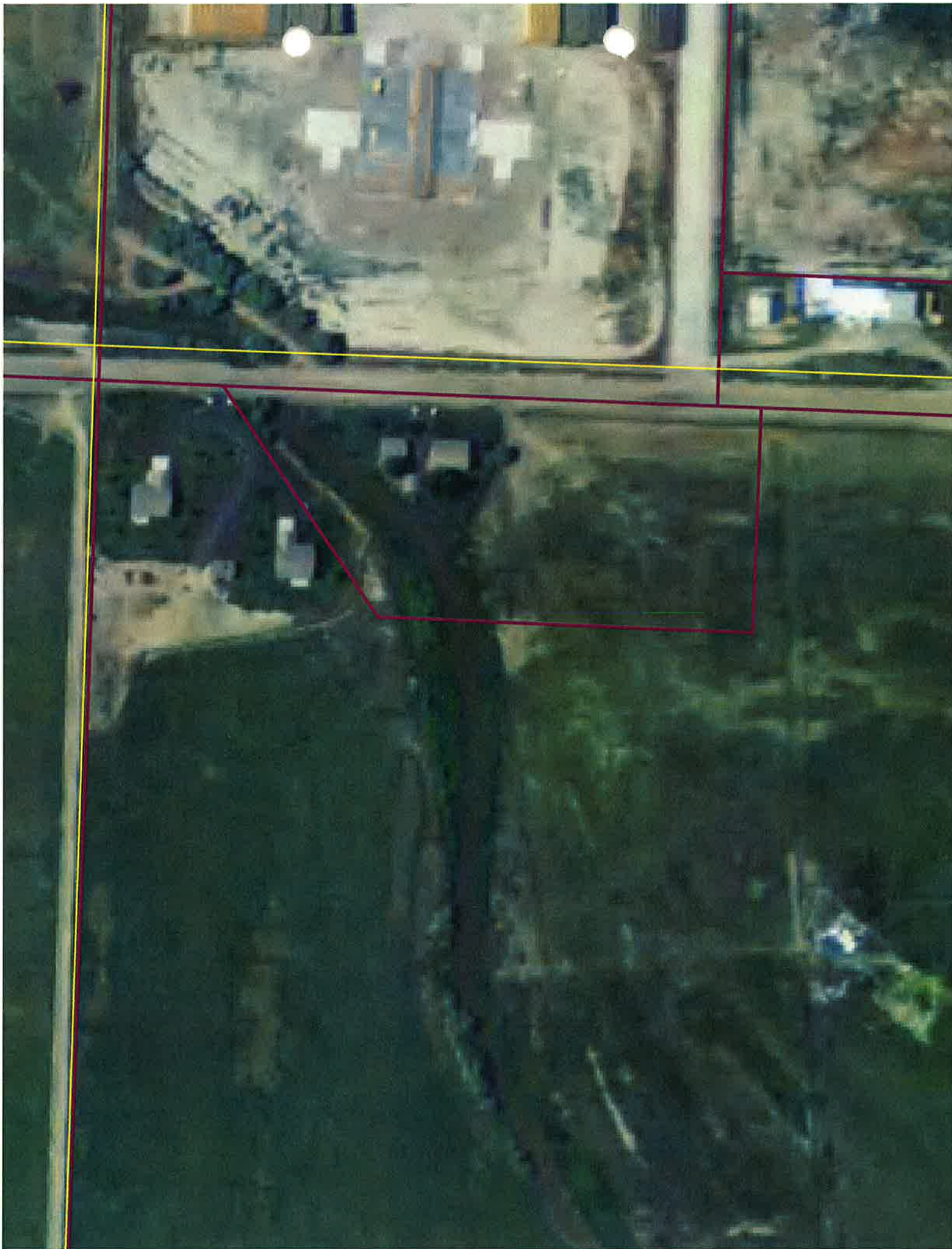
- The point of diversion claimed for this water right was established prior to November 19, 1987 and accordingly qualifies as an accomplished transfer pursuant to Idaho Code Section 42-1425.
- CHANGE IN OWNERSHIP LG-9/22/2006 REVIEWED BY V. MUSIC
- THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-04641 FEE PAID UNDER RECEIPT NO. W010765. RDH 11/8/96.

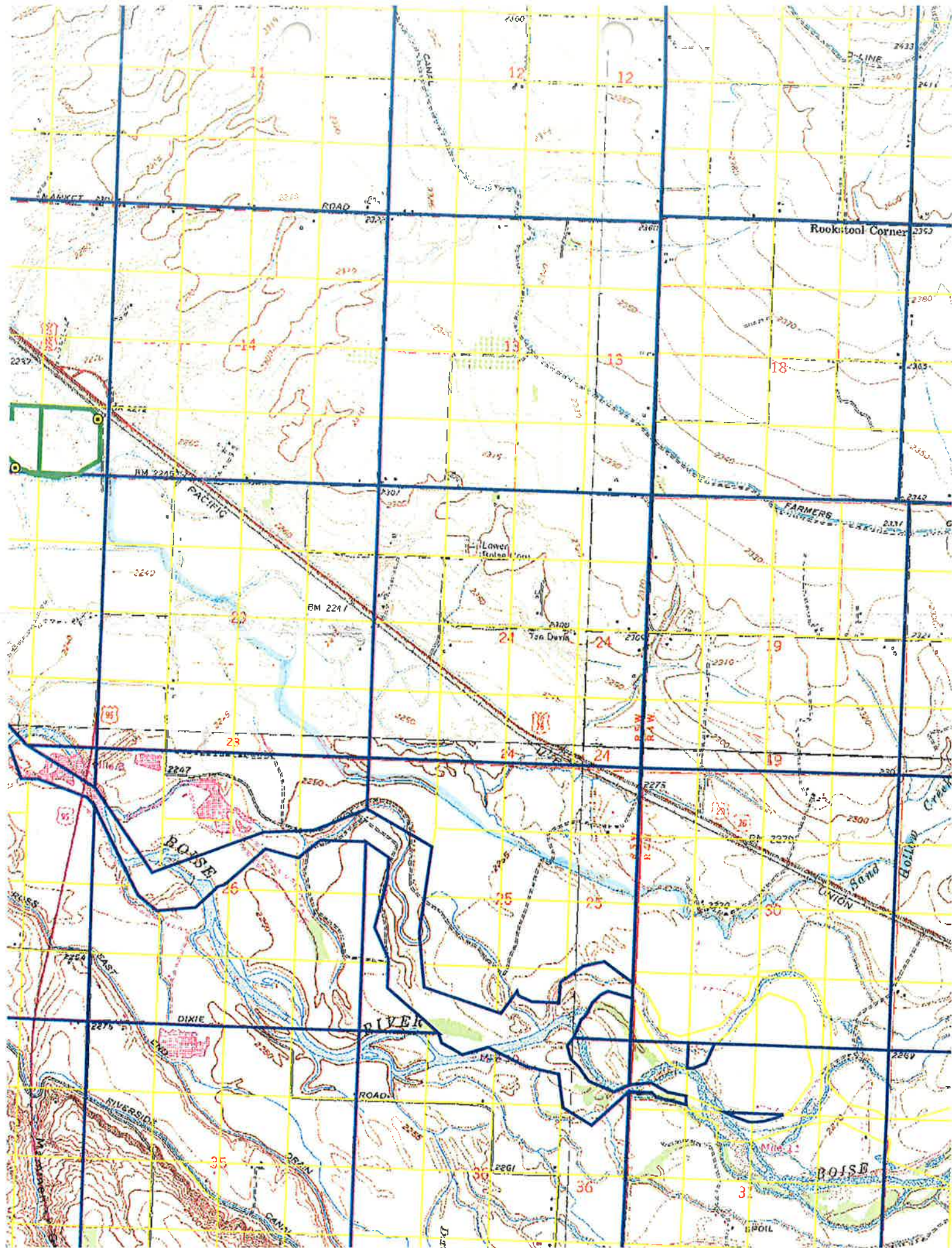
Dates and Other Information:

Claim Received Date: 3/8/1990

*add F05 shared P/D in SWSW
F06 shared P/D in SWSE
B01 SWSE source AICA*







State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7921 Priority January 28, 1974 Amount 0.32 cfs

THIS IS TO CERTIFY, that LESLIE W. HAMILTON
of Parma, Idaho, has complied with the terms and conditions of Permit
No. 63-7921 issued pursuant to Application for Permit dated January 28, 1974,
and has submitted proof to the Department of Water Resources on March 15, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.53 cfs of water from Sand Hollow Creek,
tributary to Boise River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.32</u> cfs and	<u>72</u> acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 0.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
72 acre feet per year, said waters to be diverted within the SW 1/4 Sec. 15
Twp. 5N. Rge. 5W. B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
5N	5W	15																	16

Total number of acres irrigated 16

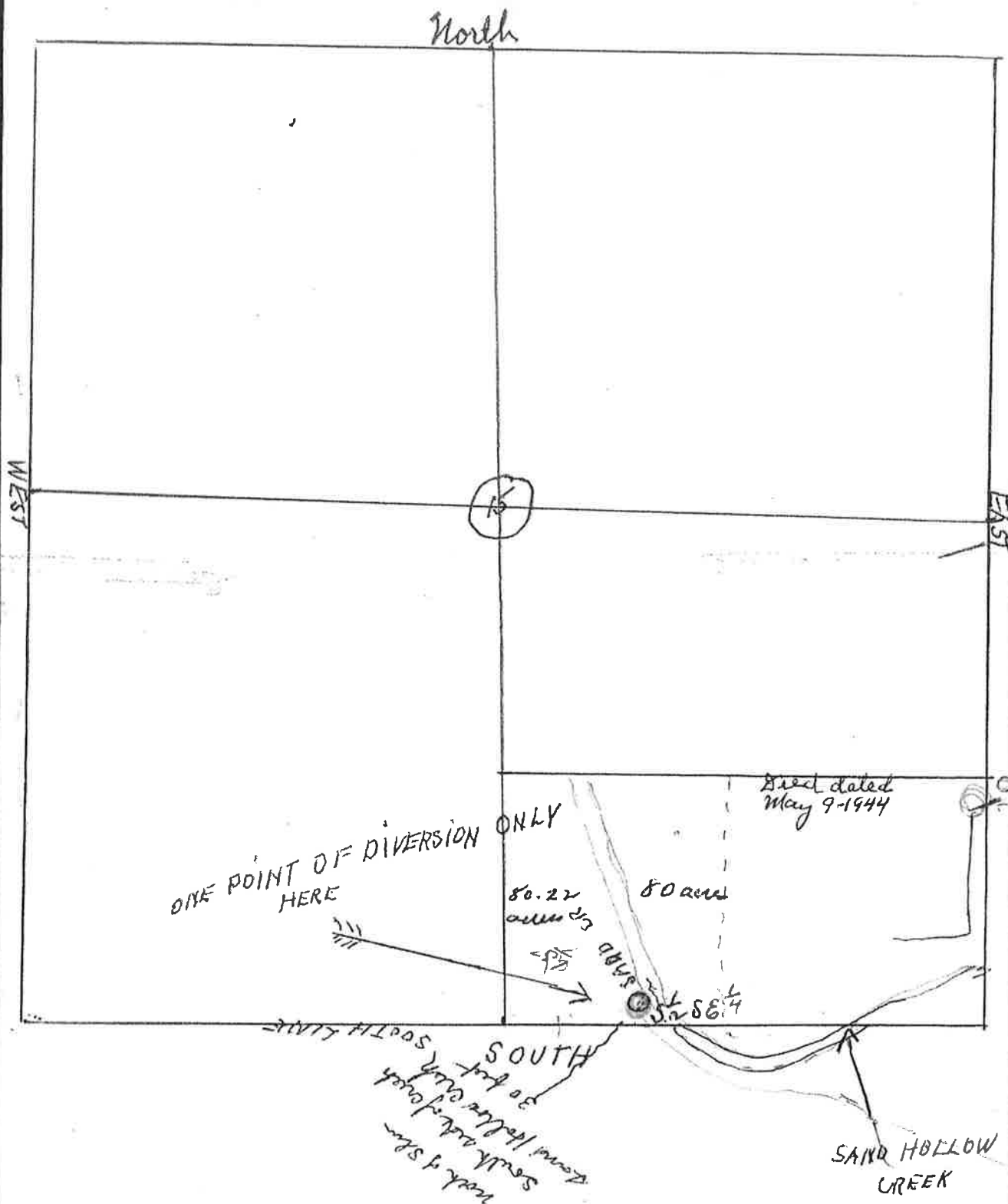
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
December, 19 79.

Director

Section 15, Township 5 North, Range 5 West of B.M.



Note: Red circle shows location of pump

63 7921

DATE OF EXAM 6/7/79

ACREAGE

Found 16
Recommended 16

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = .32 c.f.s. V = 720 AF/Ann. from 7/1 to 11/1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: SAND HOLLOW CREEK
twp. 5N N/S, Rge 5W E/W, B.M., Sec. 15, Sub. SW $\frac{1}{4}$ SE $\frac{1}{4}$ CANYON County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Total Q measured 1.53 cfs Method of measurement Concrete Weir

Total Q recommended .32 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 720 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

DIRECTLY MEASURED 4.5 INCHES ON CIPOLLETTI WEIR WITH CREST LENGTH = 1.5'
FLOW TAKEN FROM TABLE A, p. 25, WATER MEASUREMENT BULLETIN NO. 552,
U. of I. = 1.53 cfs

SYSTEM DESCRIPTION:

10" MOTOR WITH PUMP, 8" PIPE DISCHARGES INTO WEIR BOX. DITCHES
TO CONVEY WATER TO FLOOD IRRIGATE.

REMARKS:

63-4641 CLAIM COVERS THE REST OF L.W. HAMILTON'S PROPERTY.
THIS POINT OF DIVERSION HE MADE APP. 63-7921 DAILY IRRIGATES THE
16 ACRES IN SWSE, SEC. 15, T 5N, R 5W.

Examiner's Signature Charles W. Bya Jr. Date 6/8/79

Checked by W. J. [Signature] Date 11 June 79

Approved by _____ Date _____

Identification No. _____
Application No. 63-7921

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Leslie W. Hamilton
post office address Rural Route No. 1, Parma, Idaho.
2. Source of water supply Sand Hollow Creek which is a tributary of Boise River
3. a. Location of point of diversion is South 1/4 of SW 1/4 of Section 15 Township 5 North
Range 5 West B.M. Canyon County; additional points of diversion if any: _____
30 feet North of the South Line of Section 15, Township 5 North,
Range 5 West of the Boise Meridian, and about 600 feet East from the
Southwest Corner of the SW 1/4 of the S 1/4 of the said Section 15, aforesaid
b. If water is not consumed, it will be discharged into Sand Hollow Creek at a point in said 1/4
of 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes: each year
two second feet
Amount 7 for irrigation purpose from April 1st to November 1, (both dates inclusive)
(cfs or acre-feet per annum)
Amount all for irrigation purpose from See above dates (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. Two Second feet cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. One four inch ^{pump} 10 H. P. Motor
operating the same with gasoline, but expect later on to install
an electric motor, with the necessary pump.
No storage dam no reservoir
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ Present Total for all purposes about \$1200.00
Pump \$485.00; Engine (Motor) \$325.00; Pipe, etc
\$400.00
8. Description of proposed uses:
a. If water is not for irrigation: _____ It is for irrigation
(1) Give the place of use of water: About 18 acres West of Sand Hollow Creek in the SW 1/4 of the Township _____
SW 1/4 of Section 15, Township 5 North, Range 5 West of the Boise Meridian.
(2) Amount of power to be generated: None hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
Not for watering livestock
(4) Name of municipality to be served No municipal purpose, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

See attached map

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N.	5 W.	15															40	40	80

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above.

none on that side of Sand Hollow Creek

9. a. Who owns the property at the point of diversion

Lester W. Hamilton

b. Who owns the land to be irrigated or place of use

Lester W. Hamilton

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing *none*

10. Remarks

Proposed Priority 1-28-1974

Received by CF Date 1-28-74 Time 5:00 PMPreliminary check by RMH Fee \$ 35.00Receipted by CF Date 1-28-74 Receipt # 13621Publication prepared by CF Date 1-31-74Published in Idaho ReviewPublication dates 2-7 & 2-14-74Publication approved CF Date 2-19-74

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by A JDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7921, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 79.
- c. Other: (1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
(2) The maximum volume per year shall not exceed 360 acre feet or 4.5 acre feet per acre per year.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20 day of May, 19 74.

R. Keith Higin
Director

7/78

Form No. 243
7/78

Claim No. 63-4641

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Leslie W. Hamilton

(Name of Claimant)

Rural Rt. #1, Parma, Idaho

(Mailing Address)

Telephone No. 722-5810

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) November 1, 1880

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Drain tributary to Sand Hollow Drain

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.0</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>10/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14 Twp. 5N Rge. 5W B.M., County of Canyon

Additional points of diversion:

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. Describe any changes in the system and give the date of the change. headgate with pipeline into gravity ditch

- (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.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	5W	15															23	34	57

No. of acres 57

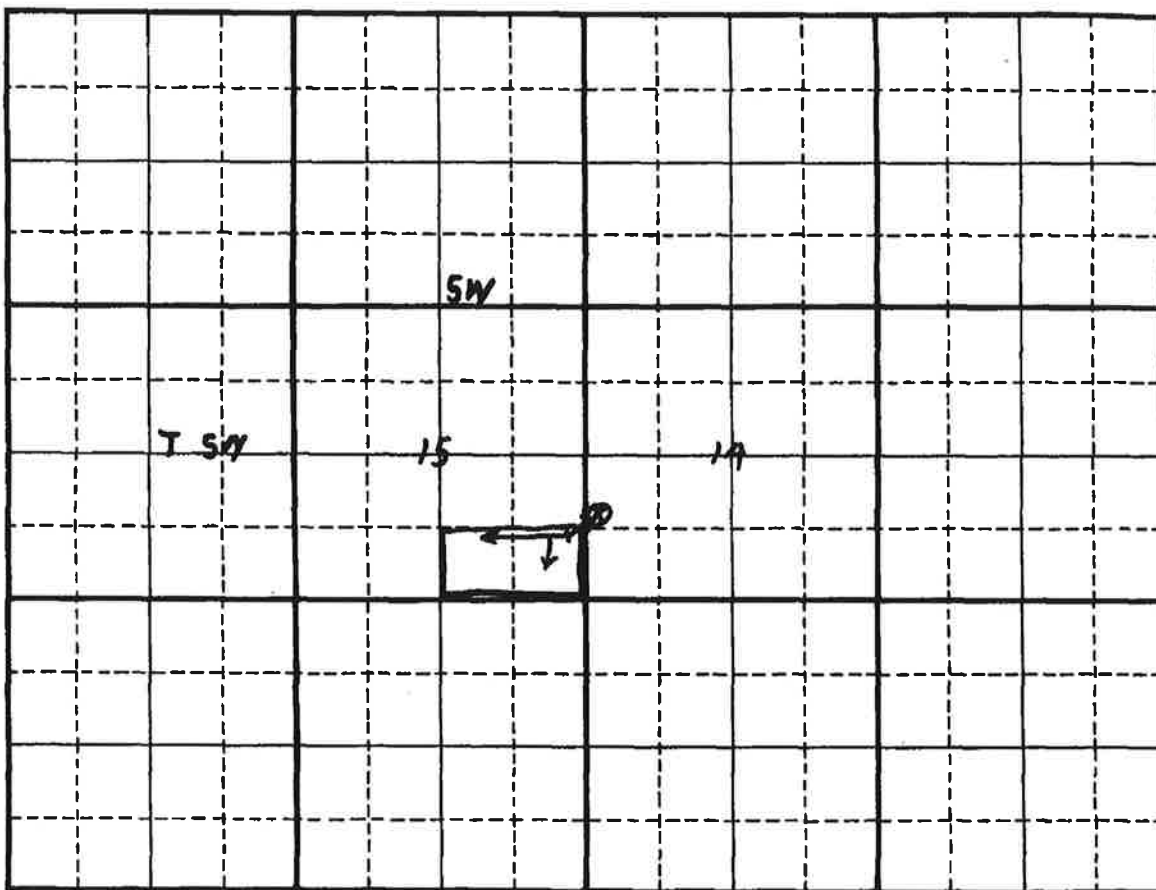
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Leslie H. Hamilton
(Claimant)

Sworn to before me this 19th day of March, 19 79.

Kathryn A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by KK CMB Date 3/19/79 Exception filed by:
Prelim. check by _____ Date _____
\$20.00 fee received by 2000 Date 3/19 # 12600
Published in News Tribune
Dates 3/29 & 4/5/79

Forwarded to claimant by: _____ Date _____
KK 4/19/79

SEE FILE

63-4641A

FOR SRBA

FIELD EXAM