

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

RIGHT NUMBER: 63-178B		NAME AND ADDRESS: TREE TOP RANCHES LP PO BOX 8126 BOISE, IDAHO 83707	
SOURCE: BOISE RIVER		TRIBUTARY: SNAKE RIVER	
QUANTITY: 0.420 CFS		0.420 CFS 0.57 CFS	
Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.			
PRIORITY DATE: 06/01/1869		POINT OF DIVERSION:	
PURPOSE AND PERIOD OF USE:		T05N R05W S25 SMS E Lot 2 within CANYON County	
PURPOSE OF USE	PERIOD OF USE	QUANTITY	IRIGATION
	03/01 11/15	0.420 CFS	0.570 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.			

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S22	SWNE	36.00
T05N R05W S22	SENW	21.00
T05N R05W S22 Lot 2 SE&W		9.30
T05N R05W S22	NWSE	34.00
T05N R05W S22	SESE	27.00
T05N R05W S22 Lot 1 SW&E		22.00
T05N R05W S23	NWSW	18.00
T05N R05W S27	NWNE	7.00
T05N R05W S27	NENW	6.00

230.3 ACRES TOTAL

18 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, 63-178B, 63-21530 and 63-33590 are limited to the irrigation of a combined total of 373.3 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

This right is a split from former right 63-178.

~~This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.~~

~~This right originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Masters records.~~

Shurte, Jan

From: Andy Waldera [A\W@moffatt.com]
Sent: Wednesday, July 10, 2013 8:25 AM
To: Carter, Meghan; Shurte, Jan; Dana Hofstetter
Cc: Andrea.Courtney@deg.idaho.gov; Fritschle, Carter; Cooley-Denney, Suzy
Subject: RE: Draft SF5s for review

Meghan and Jan,

Though I spoke to Jan by phone about the Tree Top SF5s previously, it would probably help if I reduced my observations to writing. So, here it goes...

63-127B: This right was split into C and D splits. The name and address of the original B split owner should be:

Tree Top Ranches LP
PO Box 8126
Boise, Idaho 83707.

This name and address change applies to all of the Tree Top rights, including the splits decreed disallowed because of the further splits of those rights.

63-127C: I find no errors on the recommendation except for the owner address issue discussed above.

63-128B: Please fix the Tree Top address as discussed above.

63-128C: I find no errors on the recommendation except for the owner address issue discussed above.

63-129B: Please fix the Tree Top address as discussed above.

63-129C: I find no errors on the recommendation except for the owner address issue discussed above.

63-130B: Please fix the Tree Top address as discussed above.

63-130C: I find no errors on the recommendation except for the owner address issue discussed above.

63-131B: Please fix the Tree Top address as discussed above.

63-131C: I find no errors on the recommendation except for the owner address issue discussed above.

63-178B: I find no errors on the recommendation except for: (1) the owner address issue discussed above; and (2) a missing comma in the POU combined use limitation remark. The comma is missing between "63-131C" and "63-178B."

63-178C: This is the last split of 178. I want to make sure the last POU in the NWSW QQ of Section 23, 5N, 5W does not overlap with that of Tree Tops in the same QQ on IDWR's mapping of the parties' respective rights. Tree Top owns the W1/2 of the NWSW and last owns the E1/2 of the same QQ. I doubt there is an overlap given the parties' respective irrigated acres in the NWSW (18.0 for Tree Top and 15.2 for last) because each acreage total is less than 20 acres (again Tree Top owns the west 20 acres and last owns the east 20 acres), but that overlap issue cannot be determined from the described POU for the QQ alone. Jan, please double check IDWR's mapping to ensure that the last irrigated acres are located on the east 20 acres of the NWSW QQ. Thanks.

63-21530: I find no errors on the recommendation except for the owner address issue discussed above.

63-33498: Like 178C above, this water right is owned by last. The same POU concern discussed in the context of 178C applies to this water right as well.

63-33590: I find no errors on the recommendation except for the owner address issue discussed above.
If you or Jan has any questions, please feel free to contact me directly at 385-5418.

Thanks guys.

--Andy

From: Carter, Meghan [mailto:Meghan.Carter@idwr.idaho.gov]
Sent: Monday, July 08, 2013 2:27 PM
To: Shurte, Jan; Dana Hofstetter; Andy Waldera
Cc: Andrea.Courtney@deg.idaho.gov; Fritschle, Carter; Cooley-Denney, Suzy
Subject: RE: Draft SF5s for review

Dana & Andy,

I'd like to get these SF5s finalized and have final versions circulating. Would you please get us any further comments by July 12th. We will then send out the final versions no later than July 26th for signatures.

Thanks,

Meghan

Meghan Carter
Deputy Attorney General
Natural Resources Division
Water Resources Section
322 E. Front Street, P.O. Box 83720
Boise, Idaho 83720-0098
Tel: (208) 287-4810 Fax: (208) 287-6700
meghan.carter@idwr.idaho.gov

From: Shurte, Jan
Sent: Wednesday, June 05, 2013 2:07 PM
To: Dana Hofstetter; Andy Waldera
Cc: Carter, Meghan; Andrea.Courtney@deg.idaho.gov; Fritschle, Carter
Subject: Draft SF5s for review

Dana and Andy,

Per my agreement with Dana I am sending the 34 draft SF5s for Tree Top Ranches LP, Obendorf, TheDrake LLC and The Tina Iest Family LLP for review. I am sending Andy a copy also because I would like both of your reviews so all can be discussed and these SF5s completed.

Dana, you might notice that 63-178C is only in the name of Tina Iest. I don't know if it is supposed to be in the name of The Tina Iest Family LLP and would need a change of ownership to put whichever name is correct on the right.

I'm ready for questions and problems.

Thanks,

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

RIGHT NUMBER: 63-178B

NAME AND ADDRESS: TREE TOP RANCHES LP
C/O MORFATT THOMAS ET AL
SCOTT CAMPBELL &/OR ANDREW WALDERA
PO BOX 829
BOISE ID 83701-0829

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.420 CFS 0.57-CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION:

T05N R05W S25 SMS E Lot 2 within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.420 CFS 0.570-CFS

Diversion for Irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576 not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S22	SWNE	36.00
T05N R05W S22	SENW	21.00
T05N R05W S22 Lot 2	SESW	9.30
T05N R05W S22	NWSB	34.00
T05N R05W S22	SESE	27.00
T05N R05W S27 Lot 5	NENE	0.30
T05N R05W S27	NENW	6.00
T05N R05W S22	NESE	26.00
T05N R05W S22 Lot 1	SWSE	22.00
T05N R05W S23	NMSW	18.00
T05N R05W S27	NWNE	7.00

230.3 ACRES TOTAL 18 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C 63-178B, 63-21530 and 63-33590 are limited to the irrigation of a combined total of 373.3 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

This right is a split from former right 63-178.

~~This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.~~

~~This right originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Masters records.~~

Owner Type Name and Address
Current Owner TREE TOP RANCHES LP
C/O MOFFATT THOMAS ET AL
SCOTT CAMPBELL &/OR ANDREW WALDERA
PO BOX 829
BOISE, ID 83701-0829
(208) 345-2000
Attorney MOFFATT THOMAS BARRETT ROCK & FIELD CHTD
C/O SCOTT L CAMPBELL
PO BOX 829
BOISE, ID 83701-0829
(208) 345-2000
Priority Date: 06/01/1869
Basis: Decreed
Status: Active

Source
BOISE RIVER
Tributary
SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 03/01 to 11/15 0.420 CFS 0.420 CFS
Total Diversion: 0.420 CFS

Location of Point(s) of Diversion
BOISE RIVER L2 (SW1/4SE1/4) Sec. 25, Twp 05N, Rge 05W, B.M.
CANYON County

Place of Use
IRRIGATION Within CANYON County

T05N R05W S22	SWNE	36.0	T05N R05W S22	SENE	0.7
T05N R05W S22	SENE	21.0	T05N R05W S22	NESW	23.0
T05N R05W S22 Lot 2 SESW	9.3	T05N R05W S22	NESE	26.0	
T05N R05W S22	NWSE	34.0	T05N R05W S22 Lot 1 SWSE	22.0	
T05N R05W S22	SESE	27.0	T05N R05W S23	NWSW	18.0
T05N R05W S27 Lot 5 NENE	0.3	T05N R05W S27	NWNE	7.0	
T05N R05W S27	NENW	6.0			

Total Acres: 230.3

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-178B V1

1.		Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.
2.	183	Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3.	P21	This right is a split from former right 63-178.
4.	E55	Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C 63-178B, 63-21530 and 63-33590 are limited to the irrigation of a combined total of 373.3 acres in a single irrigation season.
5.	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.
6.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7.	SD1	This right originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Water Masters records.
Remarks:		

Comments:

1. awarntje 6/14/2006 Pedigree
Comment: This right is renumbered from 63-178.

2. DTUTHILL 10/16/2006 POU
Comment: Update POU after review of NOE.

3. jshute 8/1/2011 obj resolution

Comment: This recommendation is a result of a settlement between Tree Top and Obendorf dated 2-11-2011. See copy in file.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-178B V1

SubCase:

SubCase Number: 63-178B

Class: 1

SF5 Filed Date:

Special Master Recorn Signed Date:

Attorney Assigned:

Adjudication Agent: awarnlje

Basis of Claim: Decreed

Date Filed: 8/20/2007 Objection Status: Active

Date Filed: 6/19/2007 Objection Status: Active

Date Filed: 6/19/2007 Objection Status: Active

Water Supply Bank:

Point of Diversion

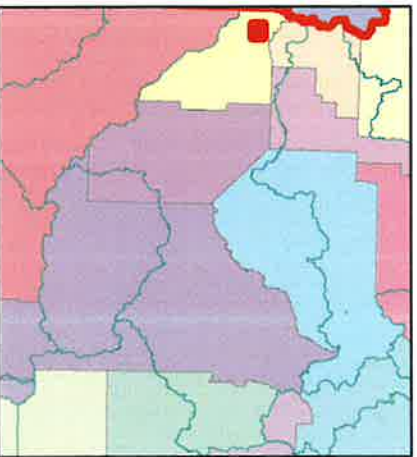
Place of Use

State Outline

Townships

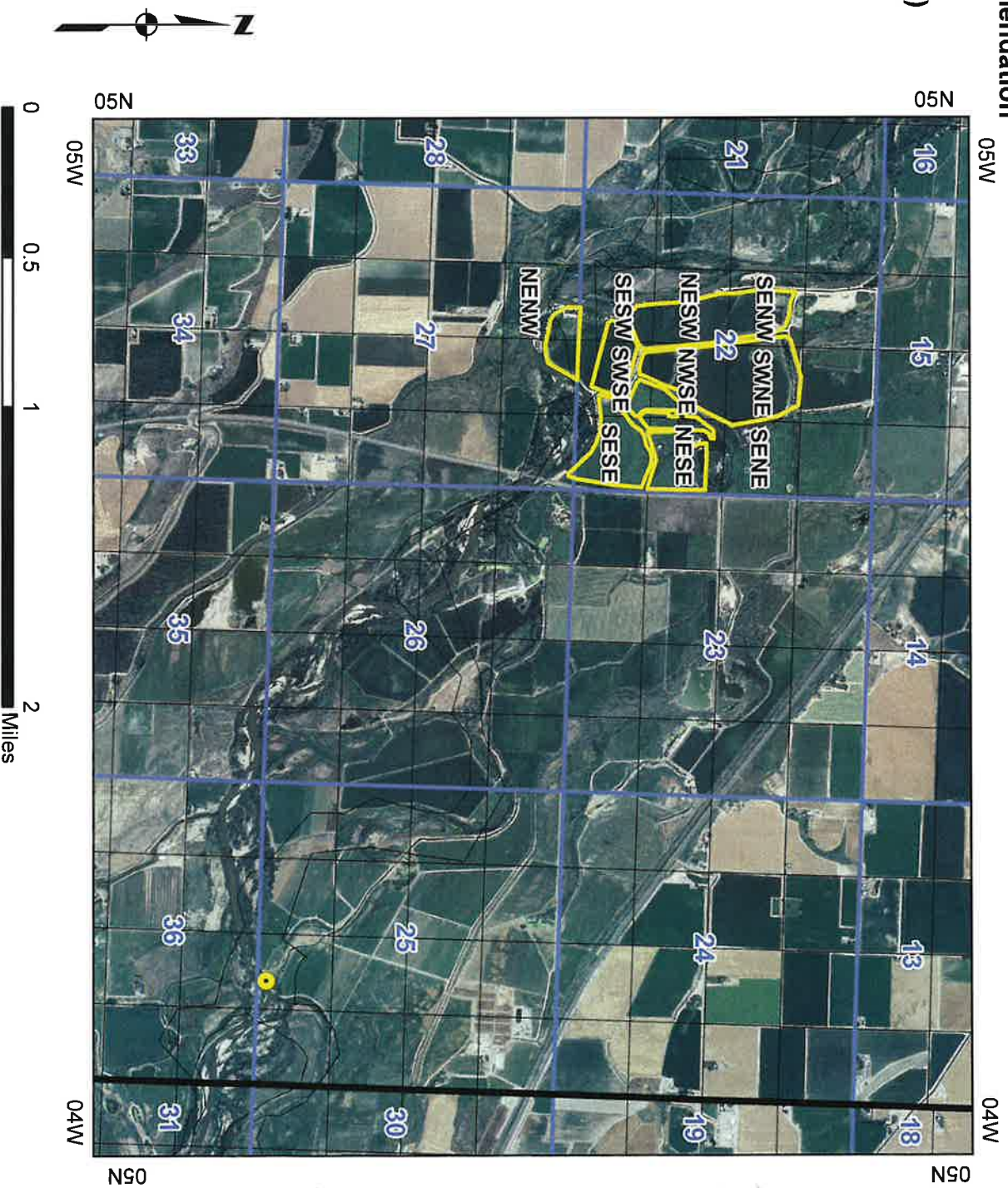
PLS Sections

Quarter Quarters



**Canyon County
IDWR Basin 63**

Prepared by Shurte, Jan
On May 23, 2013
2009 Aerial Photography



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 No. 63-178B

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

OBJECTOR(s):

Estate of Tina Iest

The Tina Iest Family, LLP

Andrew J. Waldera
Attorney for Claimant/Objector

Date
10/5/11

Dana L. Hofstetter
Attorney for Objectors

Date

10-7-11

OBJECTOR/RESPONDENT:
Greg Obendorf

Dana L. Hofstetter
Date Attorney for Objector/Respondent

IDWR Concurrence:

Jan Shurte
Date Water Rights Supervisor

Andrea L. Courtney
Date Deputy Attorney General Attorney for IDWR

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

RIGHT NUMBER: 63-178B
NAME AND ADDRESS: TREE TOP RANCHES LP
PO BOX 8126
BOISE ID 83707
SOURCE: BOISE RIVER
QUANTITY: 0.420 CFS 0-570-GPS

Whenever it becomes necessary for the watermaster to deliver this right the decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
PERIOD OF USE 03/01 11/15
QUANTITY 0.420 CFS 0-570-GPS

Division of Irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S22	36.00	SENE
T05N R05W S22	21.00	SENW
T05N R05W S22 Lot 2 SESW	9.30	
T05N R05W S22	34.00	NWSE
T05N R05W S22	27.00	SESE
T05N R05W S27 Lot 5 NENE	0.30	
T05N R05W S27	7.00	NWNE
T05N R05W S22	23.00	NESE
T05N R05W S22 Lot 1 SWSE	22.00	
T05N R05W S23	18.00	NWSW
T05N R05W S27	0.70	SENE

230.3 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C 63-178B and 63-2153D are limited to the irrigation of a combined total of 273.3 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 63-178.

This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.

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

CERTIFICATE OF MAILING

I certify that on _____, 2011, 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:

ESTATE OF TINA IEST
GREG OBENDORF
THE TINA IEST FAMILY, LLP
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

5 E MAIL 10/3/11
 COMMENT SFS

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

RIGHT NUMBER: 63-178B
 NAME AND ADDRESS: TREE TOP RANCHES LP
 PO BOX 8126
 BOISE ID 83707
 SOURCE: BOISE RIVER
 TRIBUTARY: SNAKE RIVER
 QUANTITY: 0.420 CFS 0.570-CFS
 PRIORITY DATE: 06/01/1869
 POINT OF DIVERSION:
 T05N R05W S25 SMS Lot 2 within CANYON County
 PURPOSE AND PERIOD OF USE:
 PURPOSE OF USE:
 PERIOD OF USE:
 QUANTITY
 PERIOD OF USE
 IRRIGATION
 03/01 11/15
 0.420 CFS 0.570-CFS
 DIVERSION OF IRRIGATION WATER UNDER THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER
 OCTOBER 31 SHALL OCCUR ONLY WHEN THE NATURAL FLOW OF THE BOISE RIVER BELOW
 THE STAR BRIDGE IN TOWNSHIP 04 NORTH, RANGE 01 WEST, SECTION 18, NE¼ OF
 THE SE¼ OF THE SE¼, BOISE MERIDIAN (APPROXIMATE RIVER MILE 33.9) IS
 SUFFICIENT FOR WATER TO BE AVAILABLE FOR DIVERSION AT THE POINT OF DIVERSION
 DESCRIBED ABOVE, PROVIDED THAT ANY SUCH USE OF THIS WATER RIGHT PRIOR TO
 APRIL 1 AND AFTER OCTOBER 31 SHALL NOT INTERFERE WITH STORAGE OF WATER UNDER
 WATER RIGHTS FOR LUCKY PEAK, LAKE LOWELL, ARROWROCK, OR ANDERSON RANCH
 RESERVOIRS.
 DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1
 AND AFTER OCTOBER 31 SHALL OCCUR ONLY WHEN THE NATURAL FLOW IN
 THE BOISE RIVER BELOW THE STAR BRIDGE IN TOWNSHIP 04 NORTH,
 RANGE 01 WEST, SECTION 18, NE¼ OF THE SE¼ OF THE SE¼, BOISE
 MERIDIAN (APPROXIMATE RIVER MILE 33.9) IS SUFFICIENT FOR WATER
 TO BE AVAILABLE FOR DIVERSION AT THE POINT OF DIVERSION
 DESCRIBED ABOVE, PROVIDED THAT ANY SUCH USE OF THIS WATER RIGHT
 PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL BE SUBORDINATED TO
 WATER RIGHTS FOR STORAGE IN LUCKY PEAK RESERVOIR, LAKE LOWELL,
 ARROWROCK RESERVOIR, AND/OR ANDERSON RANCH RESERVOIR, AS DECREED
 IN SRBA CASE NO. 39576.

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S22	SWNE	36.00
T05N R05W S22	SENW	21.00
T05N R05W S22 Lot 2	SESW	9.30
T05N R05W S22	NWSE	34.00
T05N R05W S22 Lot 1	SWSE	22.00
T05N R05W S23	NMSW	18.00
T05N R05W S27	NMNE	7.00
T05N R05W S27	NENW	6.00

220.3 ACRES TOTAL 18 ACRES TOTAL

Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C 63-178B and 63-21530 are limited to the irrigation of a combined total of 273.3 acres in a single irrigation season.

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

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

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This right is a split from former right 63-178.

This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.

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

373.3 AC
CONNECT #
WHEN OF OVERLAP
RODDED TO
BOISE R.
RIGHTS DUE
TO 26 AC
OVERLAP
IN THE
SUNK

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, October 05, 2011 10:45 AM
To: 'Andy Waldera'; Courtney, Andrea; Williams, Ray
Cc: Harris, Lori
Subject: RE: Tree Top Ranches SF5s (Andrews Ditch)

You are thorough Andy. Nothing wrong with that and the paranoia just comes with the job. I will plead with Lori Harris, who has been fixing these SF5s, to correct 178B and we will get it to you. Here's crossing our fingers for the rest of the way. Thanks, Jan

From: Andy Waldera [mailto:AJW@moffatt.com]
Sent: Wednesday, October 05, 2011 10:36 AM
To: Courtney, Andrea; Shurte, Jan; Williams, Ray
Subject: FW: Tree Top Ranches SF5s (Andrews Ditch)

Ugh.

Please do not beat me Jan...but while I was signing the Tree Top SF5s (and quickly re-scanning them one last time for paranoia's sake) I found a typo/error on the SF5 for 178B.

The combined use limitation remark is missing reference to water right to water right 178B....the remark should read:

"Right Nos. 63-127C, 63-128C, 63-129C, 63-130C, 63-131C, **63-178B**, and 63-21530 are limited to the irrigation of a combined total of 273.3 acres in a single irrigation season."

If you could shoot me a new report for 178B I will sign and send back to Ray with the others.

We are nothing if not thorough.

Thanks,

Andy

From: Andy Waldera
Sent: Friday, September 30, 2011 10:14 AM
To: Courtney, Andrea; Shurte, Jan; Williams, Ray
Subject: Tree Top Ranches SF5s (Andrews Ditch)

Good morning crew.

I just wanted to let you know that the SF5s all look good. I am going to sign and drop in the mail to Ray so that he can obtain the remaining signatures.

Thank you as always for working with me to get these done. I greatly appreciate all of the effort.

Have a good weekend.

--Andy

by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

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.

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 No. 63-178B

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

OBJECTOR(s):

Estate of Tina Iest

The Tina Iest Family, LLP

Andrew J. Waldera
Date

Attorney for Claimant/Objector

Dana L. Hofstetter
Date

Attorney for Objectors

OBJECTOR/RESPONDENT:
Greg Obendorf

Dana L. Hofstetter
Date Attorney for Objector/Respondent

IDWR Concurrence:

Jan Shurte
Date Water Rights Supervisor

Andrea L. Courtney
Date Deputy Attorney General Attorney for IDWR

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

RIGHT NUMBER: 63-178B
NAME AND ADDRESS: TREE TOP RANCHES LP
PO BOX 8126
BOISE ID 83707
SOURCE: BOISE RIVER
QUANTITY: 0.420 CFS 0.570-CFS
TRIBUTARY: SNAKE RIVER

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE: IRRIGATION
PERIOD OF USE: 03/01 11/15
QUANTITY: 0.420 CFS 0.570-CFS

PRIORITY DATE: 06/01/1869
POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 within CANYON County

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576-.

Diversion of irrigation water under this water right prior to April 1 and after October 31 shall occur only when the natural flow of the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall not interfere with storage of water under water rights for Lucky Peak, Lake Lowell, Arrowrock, or Anderson Ranch Reservoirs.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S23 NMSW 18.00

18 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is designated as No. 44 in the Stewart Decree and the Boise Water Distribution Report.

This right is a split from former right 63-178.

22

CERTIFICATE OF MAILING

I certify that on _____, 2011, 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:

ESTATE OF TINA IEST
GREG OBENDORF
THE TINA IEST FAMILY, LLP
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

SRBA DIRECTORS REPORT 63-00178B

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 63-00178B

Name and Address: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE, ID 83706

Source: BOISE RIVER Tributary: SNAKE RIVER

Quantity: .57 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

Priority Date: 06-01-1869

Diversión Point: T05N R05W S25 LOT 2 (SWSE) Within Canyon County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
Irrigation	03-01 TO 11-15	.57 CFS	

Diversión for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to

water rights for storage in Lucky Peak Reservoir, Lake Lowell,
Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed
in SRBA Case No. 39576.

Place of Use: Irrigation
T05N R05W S23
NMSW 18
Within Canyon County

18 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:
Explanatory Material: Basis of Claim - Decreed

This right is designated as No. 44 in the Stewart Decree and the
Boise Water Distribution Report.

Return to SRBA Home Page

**Refer to claim file no. 63-127B for
pleadings and correspondence for the
following subcases:**

**63-127B, 63-128B, 63-129B, 63-130B,
63-131B and 63-178B**

**Claimant is Treetop Ranches LP,
represented by Scott Campbell**

**Objectors: Obendorff, Iest, Hauck,
represented by Dana Hofstetter**

Respondent: BOR – son

Boise
Idaho Falls
Pocatello
Twin Falls

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MAR 30 2006

DEPARTMENT OF
WATER RESOURCES

March 29, 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

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Moffatt Thomas

Tyler J. Henderson	Michael E. Thomas	Eugene C. Thomas
Jason G. Murray	Patricia M. Olsson	John W. Barrett
Mark C. Peterson	Bradley J. Williams	R. B. Rock
Andrew J. Waldera	Lee Radford	Richard C. Fields
Tyler J. Anderson	Michael O. Roe	John S. Simko
Dylan B. Lawrence	David S. Jensen	John C. Ward
Joel A. Flake, Jr.	James L. Martin	D. James Manning
Russell G. Metcalf	C. Clayton Gill	Gary T. Dance
Benjamin C. Ritchie	David P. Gardner	Larry C. Hunter
Robert B. Bakes, of counsel	John O. Fitzgerald, II	Randall A. Peterman
Morgan W. Richards, of counsel	Julian B. Gabiola	Mark S. Prusynski
Willis C. Moffatt, 1907-1980	Angela Schaefer Kaufmann	Stephen R. Thomas
Kirk R. Helvie, 1956-2003	Michael W. McGreaham	Glenna M. Christensen
	Paul D. McFarlane	Gerald T. Husch
	Kimberly D. Evans Ross	Scott L. Campbell
	Jon A. Stenquist	Robert B. Burns

David Tuthill

Administrator, Water Management Division
Idaho Department of Water Resources

Idaho Water Center

322 E. Front Street, 6th Floor

P.O. Box 83720

Boise, ID 83720-0098

Re: SRBA Claims for Water Right Nos. 63-00127B and 63-00178B,

in the Name of Tree Top Ranches

MTBR&F File No. 22567.0

Dear Dave:

We are in receipt of data-entered claims for water right nos. 63-00127B, 63-00128B, 63-00129B, 63-00130B, 63-00131B, and 63-00178B, in the name of Tree Top Ranches, LP, which were provided to us by your office. In reviewing the data-entered claims and comparing them to the actual notices of claim, we noted a couple of errors relative to water right nos. 63-00127B and 63-00178B, as follows:

63-00127B

Item 5 – Description of Diverging Works: the word “gravity” was excluded from the description, which should read, “Diversión dam in river to earthen gravity flow irrigation ditch (commonly referred to as the Andrews Ditch), to other smaller earthen gravity flow irrigation ditches.”

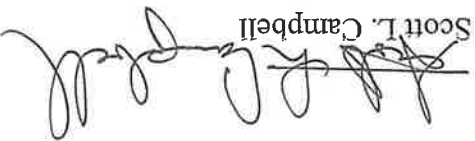
63-00178B

Item 10 – Place of Use: the place of use set forth on the data-entered claim identifies an area comprising 285 acres within Sections 22 and 27, Township 5 North, Range 5 West, Canyon County. However, the notice of claim filed by our client identifies a 20 acre place of use within the Northwest Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Canyon County.

David Tutthill
March 29, 2006
Page 2

In anticipation of the issuance of preliminary recommendations for these water rights in the near future, we would appreciate it if the above errors are corrected as soon as possible. Thank you for your assistance this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh
cc: Larry Williams

Boise
Idaho Falls
Pocatello
Twin Falls

RECEIVED
JAN 30 2006
WATER RESOURCES
WESTERN REGION

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

January 30, 2006
via Hand Delivery

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Moffatt Thomas

Eugene 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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Joel A. Flake, Jr.
Russell G. Metcalf
Robert B. Bakes, of counsel
Morgan W. Richards, of counsel
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Kimberly D. Evans Ross
Paul D. McFarlane
Michael W. McGreaham
Angela Schaefer Kaufmann
Kirk R. Helvie, 1956-2003
Willis C. Moffatt, 1907-1980

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

Re: Adjudication Claims in the Name of Tree Top Ranches, LP
MTBR&F File No. 22567.0

Dear Sir or Madam:

Enclosed for filing please find an original and one copy of Snake River Basin Adjudication Notices of Claim for each of the following water rights, all in the name of Tree Top Ranches, LP: 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178. Also enclosed is the requisite filing fee in the amount of \$585.00 (6 notices of claim at \$50 per claim equals \$300, plus 285 acres at \$1 per acre, equals a total of \$585). Please file the original, receive-stamp the copy, and return the copies to me.

Thank you for your assistance 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/encs.)

XXXXX

That the defendant JOHN HAMMON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 25, T. 5 N. R. 5 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and Lots 8 and 9 in Sec. 26, and Lots 7 and 8 in Sec. 25, T. 5 N. R. 5 W. B.M., in the following amount from the following date:

63 0174 90 inches, from June 1, 1869, and hereby designated as Right No. 41 T-III
That said defendant John Hammon is also hereby awarded the use of the waters of said river, diverted at a point in the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and Lots 5 and 6 in Sec. 26, and Lots 1, 2 and 3 in Sec. 27, and Lots 7 and 8 in Sec. 25, and N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and Lots 8 and 9 in Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date:

63 0175 210 inches, from June 1, 1878; and hereby designated as Right No. 68 T-III
And be adjudged to pay \$21.00 costs in addition to the costs incurred by him.

XL.

That the defendant Isaac BEDAL be, and he is hereby awarded the use

of the waters of Boise River, diverted from a point on the south side thereof in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill slough or ditch, for use upon lands lying

under said ditch, in the following amount and from the following date:
63 0176 80 inches, from June 1, 1869; and hereby designated as Right No. 42
And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XLI.

That the defendant FREDERICK ODE be, and he is hereby awarded the

use of the waters of Boise River, diverted from a point in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12 and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., through what

is known as the Center Point Ditch, for use upon Lots 8 and 9, Sec. 25 and Lots 5, 6 and 7, Sec. 34, T. 5 N. R. 4 W. B.M., and Lot 1, Sec. 4,

63 0177 180 inches, from June 1, 1869 and hereby designated as Right No. 43
T. 4 N. R. 4 W. B.M. in the following amount from the following date;
And be adjudged to pay \$12.60 costs in addition to the costs incurred by him.

XLII.

That the defendant PRIOR BURMIST be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the SW $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 6 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and Lots 1, 2, 3 and 4,

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0178425 inches, from June 1, 1869; and hereby designated as Right No. 44.

And be adjudged to pay \$29.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be

and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east

line of Sec. 16, T. 4 N. R. 2 W. B.M., for use upon the lands lying

under its canal system, in the following amount from the following date;

63 01791860 inches, from June 1, 1869; and hereby designated as Right No. 46

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use

of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of Sec.

25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE $\frac{1}{4}$,

NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

63 0180175 inches, from June 1, 1869; and hereby designated as Right No. 47.
63 0181110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay \$19.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the

use of the waters of Boise River, diverted at a point near the middle

of the east line of Sec. 17, T. 4 N. R. 1 E. B.M., by a canal running

under said canal, and situated on Eagle Island, Ada County

following amount and from the following date;

from June 1, 1870; and hereby designated as Right No. 48.
pay \$9.10 costs in addition to the costs incurred by him.

Decred pol: 440 ac
sw/4 160) 23
w/2 SE 80) 8.5 ac
NEW 40) 26
106 1.2, 34 = 160

06/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-178B
NAME AND ADDRESS: TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706
SOURCE: BOISE RIVER
TRIBUTARY: SNAKE RIVER
QUANTITY: 0.570 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869
POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.570 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, N¹/₄ of the SE¹/₄ of the SW¹/₄, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION within CANYON County

T05N R05W S23 NWMSW 18.00

18 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

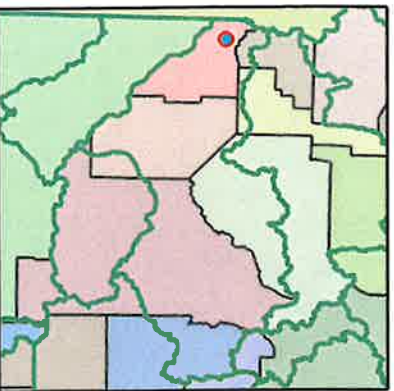


SRBA Recommendation:

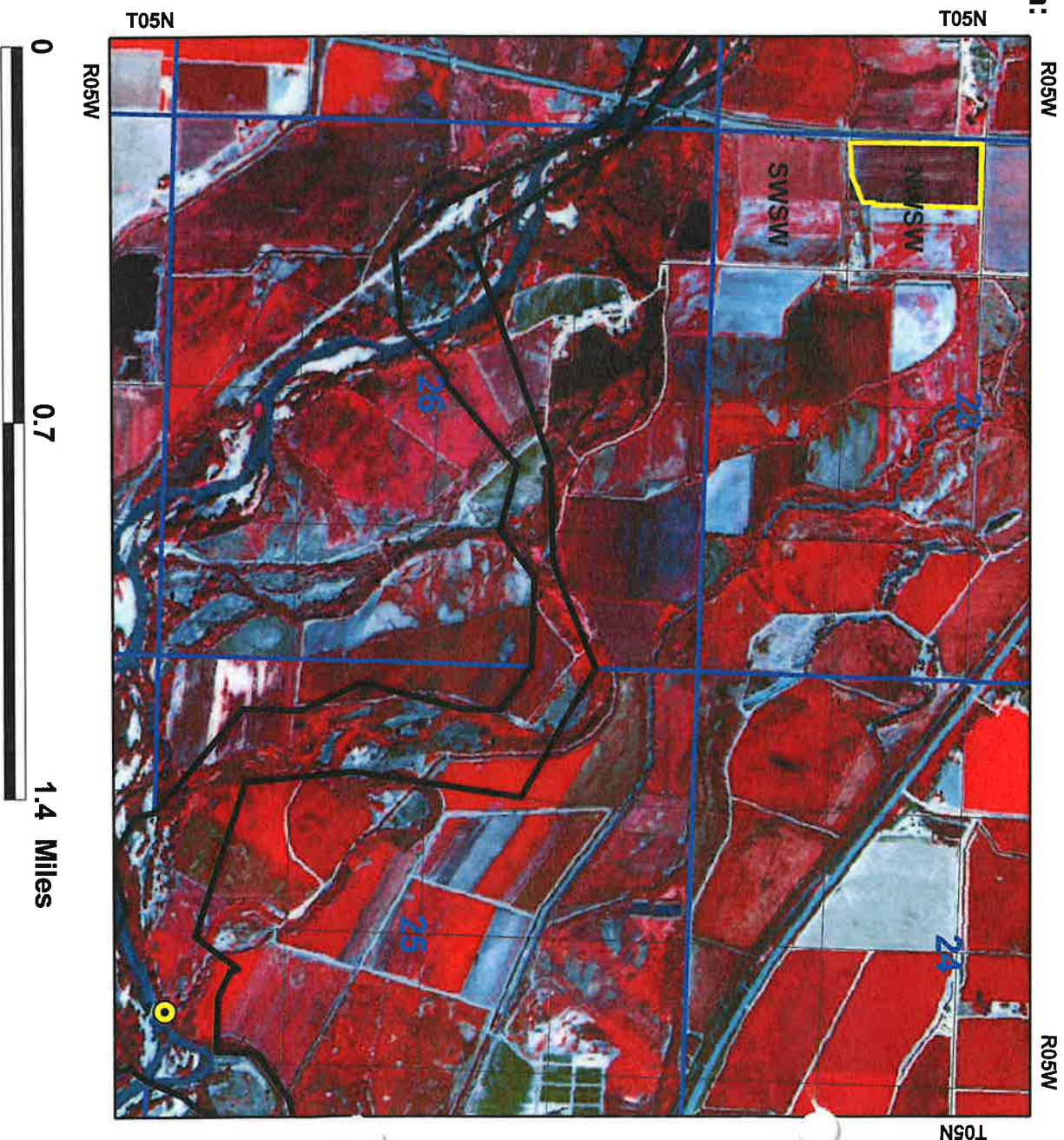
63-178B

Legend

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



Canyon County
IDWR Basin 63



Prepared by A. Warnijes
On Wednesday, June 14, 2006
1987/88 Aerial Photography