

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

RIGHT NUMBER: 63-178C

NAME AND ADDRESS: TINA IEST THE TINA IEST FAMILY LLLP
C/O HELEN C TIDWELL
5700 SOUTH LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 7.330 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	7.330 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 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.

SF5 Right No. 63-178C

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S23	NESW	31.10	T05N R05W S23	NWSW	15.20
T05N R05W S23	SWSW	34.30	T05N R05W S23	SESW	38.20
T05N R05W S23	NWSE	12.30	T05N R05W S23	SWSE	27.20
T05N R05W S26 Lot 1 NENE		27.00	T05N R05W S26 Lot 2 NWNE		27.60
T05N R05W S26	NENW	12.20			

225.1 ACRES TOTAL

Right Nos. 63-178C and 63-33498 are limited to the irrigation of a combined total of 225.1 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 originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Water Masters records.

This right is a split from right 63-178.

~~This right is renumbered from former right 63-178.~~

DOCUMENTATION OF NAME CHANGE TO THE TINA IEST FAMILY

Feb-12-2009 04:47pm

From: CANYON COUNTY ASSESSOR

T-036 P.001/001 F-763

GlobalSearchResultsView

Page 1 of 1

MANATRON

424-8774
Dana

Return All revenue types as of 02/12/2009 and sorted by Revenue Object

Search Results

PIN AIN GeoCode	Type Subtype	Owner	Account	Situs Address	Description
06912000 0 C83750010040	Parcel Parcel	TEST TINA-TRSTER \$ TEST TINA TIDWELL HELEN CATHERINE-TRST	0000007377	2313 TERRACE DR CA ID	14-4N-3W SW 1 ADD LOT 4 BLK
34798011 D 04N03W146750	Parcel Parcel	TEST TINA FAMILY LTD PTNRSH	0000057040	0 LINCOLN RD CA ID	14-4N-3W SW 1 LESS TAX 10A I
34803000 0 04N03W146900	Parcel Parcel	TEST TINA FAMILY LTD PTNRSH	0000057053	0 LINCOLN RD CA ID	14-4N-3W SW 1 SW 1/4 N&E OF LIMITS
34804000 0 C00000146950	Parcel Parcel	TIDWELL HELEN CATHERINE \$ TEST TINA TEST TINA FAM LTD PTNRSH @ \$ TEST TINA-CO-TRUSTEES \$	0000057054	0 LINCOLN RD CA ID	14-4N-3W SW 1 OF CITY LIMITS IN SW
34804010 0 C00000146935	Parcel Parcel	TEST TINA FAMILY LTD PTNRSH	0000057055	0 LINCOLN RD CA ID	14-4N-3W SW 1 LS TX 19 IN SW
39029000 0 05N05W234900	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065021	26237 DEB LN PA ID	23-5N-5W SW E LS TX 2 E 1/2 N 1/2 SE LS TX 2 LS HWY2 T7619
39050000 0 05N05W253600	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065050	0 DEB LN PA ID	25-5N-5W NW 1
39054000 0 05N05W266001	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065055	0 BOISE RIVER RD CA ID	26-5N-5W SW S TX 4 & TX 5
39054010 0 05N05W263600	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065056	25706 BOISE RIVER RD PA ID	26-5N-5W NW S OF RIVER,, LTS OF RIVER,, LT 7 S OF ...
39056000 0 05N05W260100	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065062	0 HWY 95 PA ID	26-5N-5W NE L' & NENW LS TX :
39056010 0 05N05W264200	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065063	0 HWY 95 PA ID	26-5N-5W NE L' IN NE & SE N O & TX 1 LS TX 1- RIVER IN NW

39070010 0

39070010 AO

39070011 0

SECOND CORRECTION WARRANTY DEED

TINA IEST AND HELEN CATHERINE TIDWELL, CO-TRUSTEES OF THE TINA IEST DECLARATION OF TRUST, U/T/A dated March 29, 1990, "Grantor," for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby convey, grant, and warrant to the TINA IEST FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, "Grantee," whose current address is 2313 Terrace Drive, Caldwell, Idaho 83605, for the sum of ten dollars (\$10.00) and other good and valuable consideration, the following described real property located in Canyon County, Idaho, more particularly described as follows, to wit:

An undivided fifty percent (50%) interest in and to the following described real property, to wit:

The E1/2 of the SW1/4, the E1/2 of the NW1/4 of the SW1/4, the SW1/4 of the SW1/4, the SW1/4 of the SE1/4, and the NW1/4 of the SE 1/4 of Sec. 23, and Lots 1, 2, 3 and the NE1/4 of the NW1/4 of Sec. 26, all in Twp. 5 N., R. 5 W., B.M.; and

An undivided fifty percent (50%) in and to a parcel situated in the N1/2 of Section 26, Township 5 North, Range 5 West of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of the NW1/4 of the NW1/4 of said Section 26;

thence S 0°03' E. along the East boundary of the NW1/4 of the NW1/4 of said Section 26, a distance of 1480.0 feet to the TRUE POINT OF BEGINNING;

thence S 0°03' E, a distance of 416.16 feet;

thence S 60°25' E, a distance of 927.91 feet;

thence N 59°35' E, a distance of 1398.90 feet;

SECOND CORRECTION WARRANTY DEED - 1

North 28° 10' 30" West a distance of 112.10 feet; thence

North 13° 53' 20" West a distance of 172.90 feet; thence

North 8° 56' 40" East a distance of 425.10 feet; thence

North 20° 15' 10" West a distance of 51.50 feet; thence

North 37° 24' 10" West a distance of 162.62 feet; thence

North 34° 47' 50" West a distance of 424.90 feet; thence

North 63° 49' West a distance of 174.35 feet; thence

South 84° 31' West a distance of 67.72 feet; thence

North 69° 52' 10" West a distance of 126.25 feet; thence

North 53° 12' 10" West a distance of 127.40 feet; thence

North 33° 31' 20" West a distance of 159.00 feet; thence

North 6° 17' 40" West a distance of 309.30 feet to the point of intersection with the North boundary of the South Half of said Section 23; thence

North 89° 53' 40" East a distance of 97.39 feet along the North boundary of the South Half of said Section 23 to the Center of said Section; thence

South 89° 53' 40" East along the North boundary of the South Half of said Section 23

SECOND CORRECTION WARRANTY DEED - 2

thence N 79°48' E, a distance of 469.15 feet;

thence N 88°05' W, a distance of 2479.80 feet to the TRUE POINT OF BEGINNING, containing 25.43 acres, more or less.

EXCEPTING THEREFROM highway right of way for U.S. Highway 95;

ALSO EXCEPTING THEREFROM the following described parcel of land situated in the South Half of Section 23, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 23; thence

South 0° 08' West a distance of 2233.58 feet along the East boundary of said Northwest Quarter of the Southeast Quarter and Southwest Quarter of the Southeast Quarter of said Section 23; thence traversing the Easterly boundary of a certain irrigation ditch,

North 24° 47' 40" West a distance of 92.50 feet; thence

North 44° 45' 20" West a distance of 132.20 feet; thence

North 64° 38' 40" West a distance of 186.50 feet; thence

North 56° 40' 10" West a distance of 108.15 feet; thence

North 42° 19' 30" West a distance of 102.08 feet; thence

SECOND CORRECTION WARRANTY DEED - 2

a distance of 1320.88 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a 30 foot wide non-exclusive easement for utilities and ingress and egress, created by Grant of Easement recorded November 10, 1977 as Instrument NO. 814565, the centerline of which is described as follows;

BEGINNING at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 23, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 06' 20" East, a distance of 15 feet to the Beginning of the centerline of the easement; thence

South 89° 53' 40" East, parallel with the South boundary of said Southeast Quarter of the Northwest Quarter, a distance of 1224.45 feet; thence

North 73° 06' 30" East, a distance of 165.00 feet; thence

South 89° 52' 40" East, a distance of 173.33 feet; thence

South 22° 14' 30" East, a distance of 45.45 feet to the South boundary of said Southeast Quarter of the Northwest Quarter, which is the end of said easement.

ALSO EXCEPTING THEREFROM that part thereof conveyed to the State of Idaho in Warranty Deed, dated November 14, 1961, recorded December 14, 1961, Document No. 510238, Book 275 Deeds, page 223, records of Canyon County, Idaho;

ALSO EXCEPTING THEREFROM the following described property situated in the NE1/4

SECOND CORRECTION WARRANTY DEED - 4

EXHIBIT

B

Bundling No. 3208

NW1/4 and the SE1/4 NW1/4 of Section 26, Township 5 North, Range 5 West of the Boise Meridian and more particularly described as follows: Commencing at the NW corner of the NE1/4 NW1/4 of said Section 26; thence S 0°03'00" E, along the West boundary of said NE1/4 NW1/4, a distance of 458.20 feet to the TRUE POINT OF BEGINNING; thence S 91°03'00" E, a distance of 256.00 feet; thence S 38°10'30" E, a distance of 298.00 feet; thence N 82°29'30" E, a distance of 274.00 feet; thence S 0°03'00" E, a distance of 807.23 feet; thence N 88°05'00" W, a distance of 708.93 feet to a point on the West boundary of said SE1/4 NW1/4; thence N 0°03'00" W, along the West boundary of said SE1/4 NW1/4 and NE1/4 NW1/4, a distance of 1021.80 feet to the TRUE POINT OF BEGINNING.

TOGETHER With an easement for ingress and egress to the above described property, which easement is located on the SW1/4 SW1/4 and the SE1/4 SW1/4 of Section 23 and in the NE1/4 NW1/4 of Section 26, all in Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, which easement is 25 feet in width, being 12.50 feet each side of the centerline, which centerline is described as follows: COMMENCING At the SW corner of said Section 23; thence North, along the West boundary of said Section 23, a distance of 12.50 feet; thence N 89° 54' 00" E, parallel with the South boundary of said Section 23, a distance of 1336.24 feet to a point 12.50 feet Easterly from the West boundary of the SE1/4 SW1/4 of said Section 23; thence S 0° 03' 00" E, parallel with the West boundary of the SE1/4 SW1/4 of said Section 23; and the West boundary of the NE1/4 NW1/4 of said Section 26, a distance of 472.67 feet to the end of said easement centerline.

ALSO EXCEPTING A parcel situated in Government Lot 3 of Section 26, Township 5 North, Range 5 West of the Boise Meridian and

is more particularly described as follows: Commencing at the NW corner of the NE1/4 NW1/4 of said Section 26; thence S 0°03'00" E, along the West boundary of said NE1/4 NW1/4 and Government Lot 3, a distance of 1480.00 feet to the TRUE POINT OF BEGINNING; thence S 88°05'00" E, a distance of 575.04 feet; thence S 26°58'00" E, a distance of 519.40 feet; thence S 63°02'00" W, a distance of 162.58 feet; thence N 70°49'27" W, a distance of 704.16 feet to a point on the West boundary of said Government Lot 3; thence N 0°03'00" W, along the West boundary of said Government Lot 3, a distance of 324.60 feet to the TRUE POINT OF BEGINNING.

Together with all water and water rights, ditches and rights of way thereunto belonging however evidenced, including (but not limited to) dams, flumes and controls of every kind.

SUBJECT TO taxes and assessments for the year 2003 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, revisions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that it is the owner in fee simple of said premises, that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend the same from all lawful claims.

The Grantor executes this instrument solely in its fiduciary capacity and covenants only that it is authorized to

SECOND CORRECTION WARRANTY DEED - 5

SECOND CORRECTION WARRANTY DEED - 6

make this conveyance in such fiduciary capacity. The Grantor hereby disclaims any and all other warranties and covenants, whether express or implied. Any further recourse hereunder is to be only against the aforementioned trust.

THIS SECOND CORRECTION WARRANTY DEED CORRECTS THE LEGAL DESCRIPTION SET FORTH ON THE CORRECTION WARRANTY DEED RECORDED FEBRUARY 12, 2002, IN CANYON COUNTY, IDAHO, AS INSTRUMENT NO. 200206961. ALSO, TO THE EXTENT THE LEGAL DESCRIPTIONS CONTAINED IN INSTRUMENT NUMBERS 9212698, 9212699, 9846692, AND 9846690 WERE IN ERROR AND THE LEGAL DESCRIPTIONS IN THIS INSTRUMENT PERTAIN TO THE SAME PARCELS, THE LEGAL DESCRIPTIONS IN THIS INSTRUMENT SHALL CORRECT THE ERRONEOUS LEGAL DESCRIPTIONS CONTAINED IN THE PRIOR ABOVE-REFERENCED INSTRUMENTS.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 23rd day of June, 2003.

Tina Iest Declaration of Trust, U/T/A dated March 29, 1990

By: Tina Iest
Tina Iest, Co-Trustee

By: Helen Catherine Tidwell
Helen Catherine Tidwell, Co-Trustee

STATE OF IDAHO

County of Canyon

On this 23rd day of June, in the year 2003, before me, the undersigned, a Notary Public in and for said state, personally appeared Tina Iest as Co-Trustee of the Tina Iest Declaration of Trust, U/T/A dated March 29, 1990, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for and on behalf of said trust.



Tina Iest
Notary Public for Idaho
Commission expires: 7-20-2004

STATE OF Idaho

County of Idaho

On this 10 day of July, in the year 2003, before me, the undersigned, a Notary Public in and for said state, personally appeared Helen Catherine Tidwell as Co-Trustee of the Tina Iest Declaration of Trust, U/T/A dated March 29, 1990, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for and on behalf of said trust.

(SEAL)

TERESA D. LAUGHIDGE
Notary Public
State of Idaho

Teresa D. Laughidge
Notary Public for
Commission expires: 12-10-2007

SECOND CORRECTION WARRANTY DEED - 7

SECOND CORRECTION WARRANTY DEED - 8

RECORDED

2003 JUL 22 PM 3 50

C. NOEL HAYES
CANYON COUNTY RECORDER

200345103

CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

DEC 8 2 41 PM '98



1. The name of the limited partnership is: The Tina Iest Family Limited Partnership

- 2. The name and business address of the registered agent are:**

Tina Iest, 6313 Terrace Drive, Caldwell, ID 83605

(not a P.O. Box)

- 3. The name and business address of each general partner are:**

Name

Address

Tina Test

6313 Terrace Drive, Caldwell, ID 83605

Helen Catherine Tidwell 5700 S. Linder Rd., Meridian, ID 83642

(If more space is needed, continue in Item 5.)

- 4. Other matters (optional):**

- 5. Signatures of all general partners:**

Final Test

Helen Catherine Tidwell

~~INLAND SECRETARY OF STATE~~

12/08/1998 09:00
CK: 2049 CT: 187848 BN: 168361

1 @ 100.00 = 100.00 LTD PTR DM # 2

L3922

Subperformance, pms. Performed 7/8/77

Publication No. 5209

EXHIBIT

C

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

RIGHT NUMBER: 63-178C

NAME AND ADDRESS: TINA IEST
C/O HELEN C TIDWELL
5700 SOUTH LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 7.330 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	7.330 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 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.

SF5 Right No. 63-178C

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S23	NESW	31.10	T05N R05W S23	NWSW	15.20
T05N R05W S23	SWSW	34.30	T05N R05W S23	SESW	38.20
T05N R05W S23	NWSE	12.30	T05N R05W S23	SWSE	27.20
T05N R05W S26 Lot 1 NENE		27.00	T05N R05W S26 Lot 2 NWNE		27.60
T05N R05W S26	NENW	12.20			

225.1 ACRES TOTAL

Right Nos. 63-178C and 63-33498 are limited to the irrigation of a combined total of 225.1 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 originated as all or part of right no. 44 in the Stewart Decree and the historic Boise River Water Masters records.

This right is a split from right 63-178.

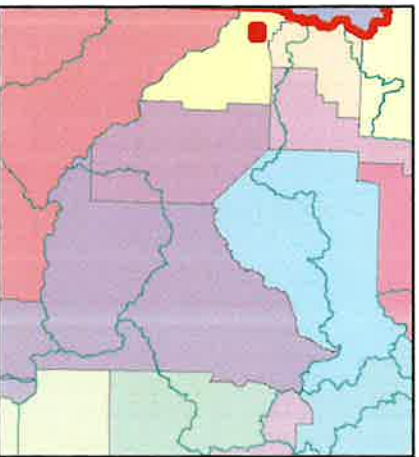
~~This right is renumbered from former right 63-178.~~

Idaho Department of Water Resources

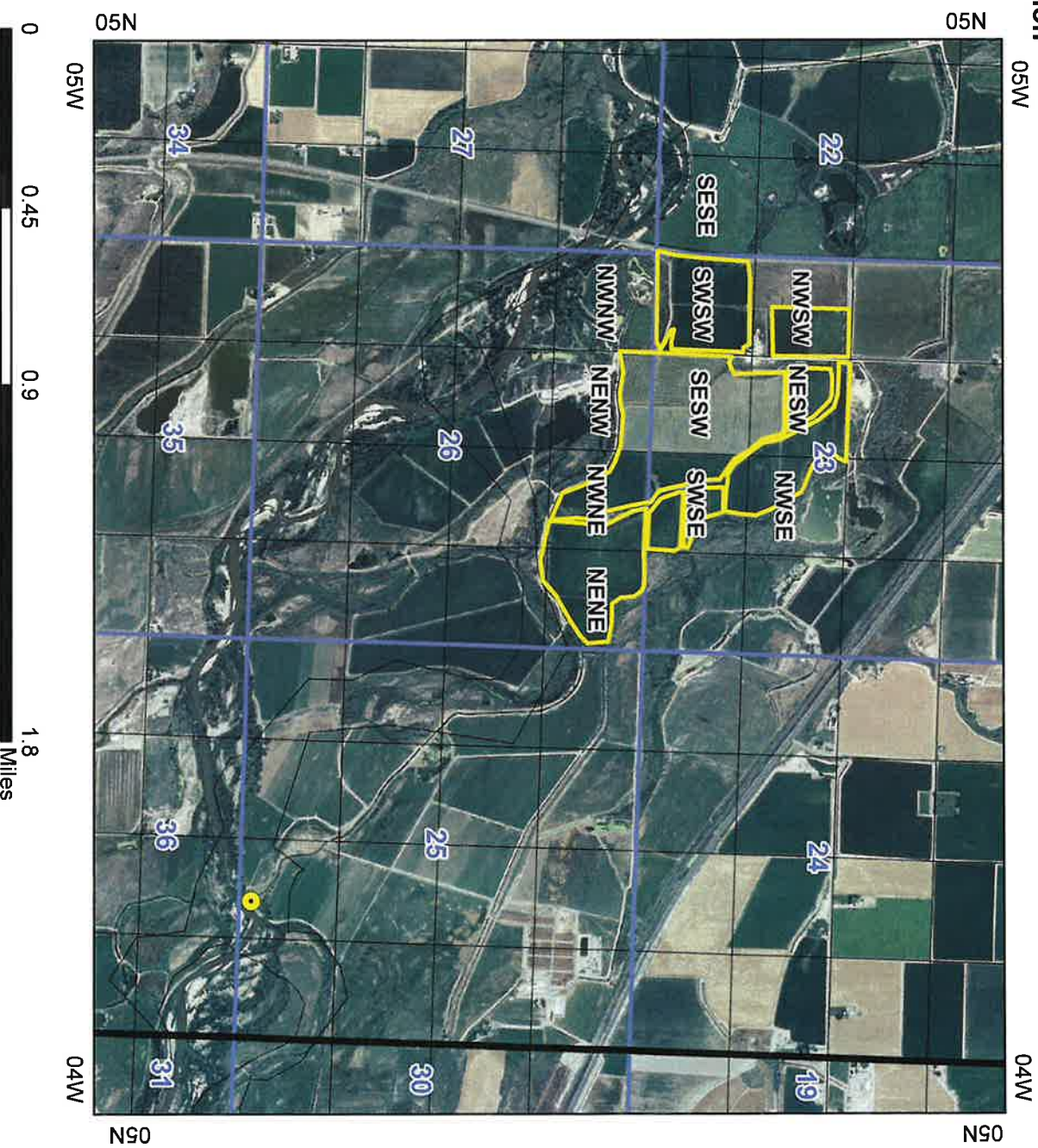


Adjudication Recommendation 63-178C (IRRIGATION)

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



Canyon County
IDWR Basin 63



Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

OCT 20 2011

DEPARTMENT OF
WATER RESOURCES

October 19, 2011

Boise
Idaho Falls
Pocatello

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
101 S Capitol Blvd 10th Fl
Boise ID 83702-7710

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

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
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Kimberly D. Evans Ross
Jon A. Stenquist
Mark C. Peterson
Tyler J. Anderson
Andrew J. Waldera
Dylan B. Lawrence

Paul D. McFarlane
C. Edward Cather III
Benjamin C. Ritchie
Amy A. Lombardo
Noah G. Hillen
Matthew J. McGee
David J. Dance
Mindy M. Willman
Jetta A. Hatch

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
John W. Barrett, 1931-2011
Kirk R. Helvie, 1956-2003

Ray Williams, Paralegal
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

Re: SRBA Standard Form 5s for Subcase Nos. 63-00127B, 63-00127D, 63-00128B, 63-00128D, 63-00129B, 63-00129D, 63-00130B, 63-00130D, 63-00131B, 63-00131D, 63-00178C, 63-00178D and 63-00178E

MTBR&F File No. 22567.0000

Dear Ray:

Please find enclosed the Standard Form 5s ("SF5s") for the above referenced subcases executed on behalf of Tree Top Ranches, L.P. ("Tree Top"). Given the Obendorfs' filing of late claims motions (nos. 63-33570 and 63-33571), and the parties' discussions during yesterday morning's status conference with Special Master Booth, I did not sign (and, therefore, am not returning) the SF5s for right nos. 63-3201 and 63-9744. As you recall, and according to Dana Hofstetter, late claim nos. 63-33570 and 63-33571 are intended to replace water right nos. 63-3201 and 63-9744 should the Court allow the late claims to proceed and should the Department ultimately recommend them.

Also please note that while I did execute the SF5s for right nos. 63-127D, -128D, -129D, -130D, -131D, and -178D (all Obendorf rights), those signatures may prove useless should late claim nos. 63-33570 and 63-33571 replace water right nos. 63-3201 and 63-9744 in the future. This is because the above-referenced Obendorf SF5 water right reports each contain the remark that the rights are injected into Sand Hollow Creek "for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744." If right nos. 63-3201 and 63-9744 are ultimately replaced by late claim nos. 63-33570 and 63-33571 (and subsequently disallowed as a result) the SF5s will have to be revised to substitute numbers "63-33570 and 63-33571" for numbers "63-3201 and 63-9744" within the remark. Consequently, the Obendorf SF5s will have to be re-routed to everyone for signature once again.

Ray Williams, Paralegal
October 19, 2011
Page 2

Acknowledging this, I signed the Obendorf SF5s in their present form so that Ms. Hofstetter and her clients would know that Tree Top otherwise agrees with the rights as settled, and that Tree Top is proceeding under the parties' settlement agreement as planned. Further, late claim nos. 63-33570 and 63-33571 only directly implicate the final resolution of the Obendorf rights, not the rights of Tree Top, TheDrake LLC, or the Tina Iest Family, LLLP. Thus, Ms. Hofstetter and her clients should review and execute the unaffected SF5s:

Disallowed: 63-127B, -128B, -129B, -130B, and -131B

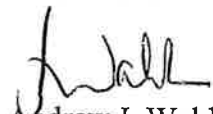
Tree Top: 63-127C, -128C, -129C, -130C, -131C, -178B, and -21530

Iest: 63-178C

TheDrake: 63-178E.

I look forward to receiving the fully executed, court conformed copies of these documents in the near future. If you have any questions or comments in the meantime, please feel free to contact me directly at 385-5418.

Very truly yours,



Andrew J. Waldera

AJW/dll
Enclosures
cc: Bill Mulder

Not
Completed
See new
SFS

**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. 63-178C

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:

Tina Iest

OBJECTOR(s):

The Hauck Family Revocable Trust
The Tina Iest Family, LLP
Greg Obendorf

Dana L. Hofstetter Date
Attorney for Claimant/Objector

Dana L. Hofstetter Date
Attorney for Objectors

Tree Top Ranches, LP

IDWR Concurrence:

Andrea L. Courtney 07/11
Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-178C

NAME AND ADDRESS: TINA IEST
C/O HELEN C TIDWELL
5700 SOUTH LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 7.330 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	7.330 CFS
<u>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.</u> 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.		

SF5 Right No. 63-178C

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S23	NESW	31.10	T05N R05W S23	NWSW	15.20
T05N R05W S23	SWSW	34.30	T05N R05W S23	SESW	38.20
T05N R05W S23	NWSE	12.30	T05N R05W S23	SWSE	27.20
T05N R05W S26 Lot 1 NENE		27.00	T05N R05W S26 Lot 2 NWNE		27.60
T05N R05W S26	NENW	12.20			

225.1 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 right 63-178.

~~This right is renumbered from former right 63-178.~~

*This right when comb.
w/Right No. 63-33498
cannot exceed 225.1 acres.*

*AN
JW*

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, LLLP
HAUCK FAMILY REVOCABLE TRUST
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

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY		AMOUNT DECREED			INCHES	TO SEC.
			NO.	DATE	INTERVENORS				
					STEWART DECREE	STEWART DECREE	BRYAN DECREE		
AIKEN			63	6-1-1877	5.20			260	
			73-A	4-1-1880	.10			5	5.
ANDREWS DITCH			4	6-1-1864	3.30			165	
			29	6-1-1865	6.00			300	
			44	6-1-1869	8.50			425	
			51	6-1-1870	1.30			65	
			104	6-1-1888	.90			45	
			121	6-1-1891	3.50			175	23.
BALLENTYNE			98	6-1-1888	4.00			200	
			99	6-1-1888	1.30			65	
			100	6-1-1888	1.40			70	
			101	6-1-1888	1.46			73	
			102	6-1-1888	1.20			60	
			103	6-1-1888	1.40			70	
			123	6-1-1891	.80			40	
			66-A	4-1-1878		.80		40	
			66-C	4-1-1878		1.40		70	
			66-D	4-1-1878		.80		40	
			85-D	5-1-1883		.8256		41.28	
			136	5-1-1906		.392		19.6	
		57	65	6-1-1877	.60			30	
		64*	102	6-1-1888	.20*			10*	
		140*	85-D	5-1-1883		.07*		3.5*	
		151	124-A	5-1-1893		.135		6.75	
		161*	103	6-1-1888	.65*			32.5*	
		174*	103	6-1-1888	.24*			12*	
BAXTER			73-B	1880		3.20		150	
	127		20	6-1-1865	.80			40	
BOISE CITY			33	6-1-1866	38.06			1903	
		370*	33	6-1-1866	1.124*			56.2*	
		373*	33	6-1-1866	.374*			18.7*	
		1048*	33	6-1-1866	.0875*			4.375*	
		1059*	33	6-1-1866	.10*			5*	
	3559*	3559*	33	6-1-1866	2.025*			101.25*	3

*SUB TRACT



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 28, 2009

TINA IEST
C/O HELEN C TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

Re: Water Right Nos. 63-178C, 63-5179, 63-5181, 63-5182

Dear Ms. Tidwell:

Enclosed are copies of the above referenced water rights which reflect the change of address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED**JAN 26 2009**WATER RESOURCES
WESTERN REGION

- [] Water Right Number(s): 63-5179 V1; 63-5181 V1; 63-5182 V1;
63-178 C V1; 63-21150; 63-21151;
63-11617; 63-11618; 63-32066
- [] Name(s): TINA TEST FAMILY PARTNERSHIP
C/O HELEN E. TIDWELL
- [] Old Mailing Address: 2313 TERRACE DRIVE
CALDWELL, ID 83605
- [] New Mailing Address: 5700 SOUTH LINDER ROAD
MERIDIAN, IDAHO 83642
- Telephone Number: (208) 888 - 3325
- Email: DPTHCT@FIBERPIPE.NET
- [] Signature(s) of Owner(s) Helena C. Tidwell
EXECUTRIX
(Include your title if on behalf of company or organization)
- Date: January 22, 2009

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

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

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033