

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

RIGHT NUMBER: 63-33590

NAME AND ADDRESS: TREE TOP RANCHES LP
PO BOX 8126
BOISE, IDAHO 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.780 CFS

PRIORITY DATE: 03/01/1964

POINT OF DIVERSION:

T05N R05W S25 SWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

6.780 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 Lake Lowell, Lucky Peak, Arrowrock or Anderson Ranch Reservoir.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S22	SWNE	36.00	T05N R05W S22	SENE	0.70
T05N R05W S22	SENE	21.00	T05N R05W S22	NESW	23.00
T05N R05W S22	SESW	9.30	T05N R05W S22	NESE	26.00
T05N R05W S22	NWSE	34.00	T05N R05W S22	SWSE	22.00
T05N R05W S22	SESE	27.00	T05N R05W S23	NWSW	18.00
T05N R05W S27	NENE	0.30	T05N R05W S27	NWNE	7.00
T05N R05W S27	NENW	6.00			

230.3 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 - Beneficial Use

Shurte, Jan

From: Andy Waldera [AJW@moffatt.com]
Sent: Wednesday, July 10, 2013 8:25 AM
To: Carter, Meghan; Shurte, Jan; Dana Hofstetter
Cc: Andrea.Courtney@deq.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 lest split of 178. I want to make sure the lest POU in the NWSW QQ of Section 23, 5N, 5W does not overlap with that of Tree Top's in the same QQ on IDWR's mapping of the parties' respective rights. Tree Top owns the W1/2 of the NWSW and lest 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 lest) because each acreage total is less than 20 acres (again Tree Top owns the west 20 acres and lest 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 lest 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 lest. 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@deq.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@deq.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 LLLP 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 LLLP 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: 63-33590

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.780 CFS

PRIORITY DATE: 03/01/1964

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	6.780 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 Lake Lowell, Lucky Peak, Arrowrock or Anderson Ranch Reservoir.		

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S22	SWNE	36.00	T05N R05W S22	SENE	0.70
T05N R05W S22	SENE	21.00	T05N R05W S22	NESW	23.00
T05N R05W S22	SESE	9.30	T05N R05W S22	NESE	26.00
T05N R05W S22	NWSE	34.00	T05N R05W S22	SWSE	22.00
T05N R05W S22	SESE	27.00	T05N R05W S23	NWSW	18.00
T05N R05W S27	NENE	0.30	T05N R05W S27	NWNE	7.00
T05N R05W S27	NENW	6.00			

230.3 ACRES TOTAL

Right Nos. 63-127D, 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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33590 V2

WATER RIGHT NUMBER: 63-33590 V2

<u>Owner Type</u>	<u>Name and Address</u>
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

Priority Date: 03/01/1964

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	6.780 CFS	
	<u>Total Diversion:</u>	6.780 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

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	22			36.0	.7				21.0	23.0			9.3	26.0	34.0	22.0	27.0	199.0
05N	05W	23										18.0							18.0
05N	05W	27	.3	7.0			6.0												13.3

Total Acres: 230.3

Conditions of Approval:

- E55 Right Nos. 63-127D, 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.
- 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33590 V2

3. S49 Diversion for mitigation 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 Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

Comments:

1. jshurte 3/29/2013 Obj. resolution

Comment: Modified season of use remark to fit settlement agreement and previously recommended water right for claimant. Also changed total acres due to overlap between the Boise River rights and Sand Hollow Creek Right No. 63-21530.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33590 V1

WATER RIGHT NUMBER: 63-33590 V1

<u>Owner Type</u>	<u>Name and Address</u>
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

Priority Date: 03/01/1964

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	6.780 CFS	
	<u>Total Diversion:</u>	6.780 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

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	22			36.0	.7				21.0	23.0			9.3	26.0	34.0	22.0	27.0	199.0
05N	05W	23									18.0								18.0
05N	05W	27	.3	7.0			6.0												13.3

Total Acres: 230.3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33590 V1

2. S49 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.
3. E55 Right Nos. 63-127D, 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.

Remarks:

Comments:

1. jshurte 5/21/2012 Recommendation

Comment: See comments on 63-33497 for an explanation of this right.

2. jshurte 5/31/2012 Cfs per acre

Comment: This right with all other rights listed in the overlap place of use remark total 373.3 acres and 23.76 cfs resulting in a total of .06 cfs per acre. The Hubble analysis used for the original Andrews ditch water rights is the Hubble analysis for the Haas ditch company in the same area. The hubble allows for .06 cfs per acre. This right completes that cfs per acre amount for Tree Top.

3. jshurte 5/31/2012 Overlap review

Comment: The overlapping acres is 230.3 from the Boise River plus 143 acres of their Sand Hollow Creek Rt No. 63-21530 which includes a 26 acre overlap in the SWNE Sec. 22. = 373.3 acre total. 169 - 26 = 143 acres from Sand Hollow plus the 230.3 from the Boise = 373.3 acres.

Water Supply Bank:

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, March 28, 2013 3:04 PM
To: 'Dana Hofstetter'
Cc: Courtney, Andrea; Andy Waldera
Subject: RE: Right Nos. 63-33497, 33498 and 33499

63-33590 (TREE TOP)

Dana,

No, Andy stated that Tree Top is good with the 1964 priority date, but did not want to be counted out if we were to recommend the 1938 date.

Jan

From: Dana Hofstetter [<mailto:Dana@IdahoWaterLaw.com>]
Sent: Thursday, March 28, 2013 2:48 PM
To: Shurte, Jan
Cc: Courtney, Andrea
Subject: Re: Right Nos. 63-33497, 33498 and 33499

Jan,

Thank you for this email. This is my next priority and I will be in touch tomorrow on this. Could you give me an update on where Tree Top is on the priority date issue? Did they obtain any pre-1964 evidence?

Thank you,
Dana

On 3/28/2013 11:10 AM, Shurte, Jan wrote:

Dana,

At our last meeting concerning these rights we discussed the following (based on your client's objections):

- 1- Changing the season of use remark to the remark agreed upon in your settlement with Tree Top and already included in the 63-127C thru 63-131C and 178C thru 178E.
- 2- Going back to a 1938 priority date which represented when E G Johnson began using Sand Hollow Creek water and no longer used Boise River water under his Stewart decreed rights.
- 3- Under 63-33499 and 63-178E the place of use is not the same as recommended, there may be more acres, or the acres recommended are not correct. You had stated you would send me a map outlining which acres go with each right.

This email serves as an update on my progress and also a reminder of what I still need from you.

I am in the process of changing the season of use remark to match the remark from your settlement for these rights.

I cannot change the priority date to 1938 because I do not have proof that when E G Johnson began using Sand Hollow Creek instead of the Boise River it immediately was used by the Obendorfs. You've given me no proof that the Obendorfs or their predecessor(s) actually diverted the water for the purpose of irrigation of their lands, only the theory that it happened by default. There needs to be

evidence that the 40 cfs was in the ditch in 1938 since the decreed water rights, at that time, did not add up to 40 cfs. My suggestion is we settle with the 1964 priority date that is proven by the landowner's affidavits. If the lower Boise River were ever administered by the water master it is unlikely a right with either a 1938 or 1964 priority would be delivered in lieu of the Stewart and Bryan decreed rights.

Please send me the maps concerning 63-33499 and 63-178E as to where the 7.5 acres for each lie. In the meantime I will work on all of the water rights in the settlement to prepare them for SF5s.

Thanks,
Jan

SRBA

DIRECTORS REPORT 63-33590

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 63-33590

Name and Address: TREE TOP RANCHES LP
PO BOX 8126
BOISE, ID 83707

Source: BOISE RIVER Tributary: SNAKE RIVER

Quantity: 6.78 CFS

Priority Date: 03-01-1964

Diversion 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	6.78 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, NE1/4 of the SE1/4 of the SE1/4, 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 S22	SWNE 36 SENE 0.7
		SENE 21 NESW 23
		SESE 9.3 NESE 26
		NWSE 34 SWSE 22
		SESE 27
	S23	NWSW 18
	S27	NENE 0.3 NWNE 7
		NENW 6
	230.3 Acres Total	

Right Nos. 63-127D 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 / Administration of this Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

[Return to SRBA Home Page](#)

Phone call w/Andy Waldera

6-4-12 - Jan Shurte

Subject: Late Claim Expedited Recommendation for 63-33590 – Tree Top Ranches LP

Andy Waldera called concerning the recommendation made on the above late claim. His concerns were as follows:

- 1- The season of use condition is IDWR's condition. The settlement of Tree Top and Obendorf listed a different condition that has been approved and used on the other Tree Top Stewart Decree Rights. IDWR's condition was put on this right by me and it does need to be changed to the stipulated settlement remark.
2. In the place of use remark I listed 63-127D rather than 127C and that needs to be changed.
3. Govt Lot missing in place of use.
4. Possibly the priority date because the other parties involved in the priority date (Obendorf) will likely object and Andy can be a party to that objection.

Spoke to Andy about the combined acre limit on 63-33590. The combined acre limit with 63-21530 (Sand Hollow Creek) is due to the overlap of 26 acres in the SWNE, S.S22 with 63-127C et al, and this right from the Boise River. The total acres are 373.3 when these rights are all combined. 63-127C – 131C and 178B plus this right are for a total of 230.3 acres. The overlap of 26 acres in the SWNE on 63-21530 amounts to 26 acres taken from the 169 acres on 21530 which leaves 143 acres plus the 230.3 on the Boise River rights gives the 373.3 total acre limiter.

63-21530 - SAND HOLLOW CK.

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Original Owner	JERRY KRAMER KRAMER RANCH RT 1 BOX 1013 PARMA, ID 83660 (208)722-5877
Original Owner	EDWINA KRAMER KRAMER RANCH RT 1 BOX 1013 PARMA, ID 83660 (208)722-5877
Directors Report Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Directors Report Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	TREE TOP RANCHES LP PO BOX 8126 BOISE, ID 83707 (208)377-0998

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	to 11/15	3.380 CFS	
		<u>Total Diversion:</u>	3.380 CFS	

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	
1	1	1																	
1	2	1																	
1	3	1																	
1	4	1																	
1	5	1																	
1	6	1																	
1	7	1																	
1	8	1																	
1	9	1																	
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1	29	1																	
1	30	1																	
1	31	1																	
1	32	1																	
1	33	1																	
1	34	1																	
1	35	1																	
1	36	1																	
1	37	1																	
1	38	1																	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21530 V1

			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 05W	22		30.0	38.0	26.0	23.0	20.0												137.0
05N 05W	23							32.0											32.0

Total Acres: 169

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63, Boise River.
2. 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.
3. 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. vmusic 8/28/2006 EVIDENCE OF PRIORITY
Comment: NEW OWNER TREETOP SUBMITTED AFFIDAVIT FROM SAM SMYER WHO HAS KNOWLEDGE OF AREA DATING BACK TO 1935. ADVANCED PRIORITY DATE FROM 1919 TO 1935.
2. vmusic 8/28/2006 OWNERSHIP
Comment: PER CANYON CO TAXLOT INFORMATION ON ARCVIEW CURRENT OWNERS ARE TREETOP RANCHES LP CHANGE IN OWNERSHIP FILED AND PROCESSED.
3. vmusic 9/28/2006 SOURCE
Comment: SAND HOLLOW CREEK DETERMINED TO BE TRIBUTARY TO SNAKE RIVER.
4. vmusic 9/28/2006 POD
Comment: SAND HOLLOW CREEK

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21530 V1

SubCase:

SubCase Number: 63-21530

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: vmusic

Basis of Claim: Beneficial Use

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

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

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-33590 V1

WATER RIGHT NUMBER: 63-33590 V1

Owner Type
Current Owner
Name and Address
TREE TOP RANCHES LP
PO BOX 8126
BOISE, ID 83707
(208)377-0998

Priority Date: 03/01/1964
Basis: Beneficial Use
Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

Beneficial Use
IRRIGATION

From To
03/01 to 11/15

Diversion Rate
6.780 CFS

Annual Volume

Total Diversion: 6.780 CFS

Location of Point(s) of Diversion

BOISE RIVER
CANYON County

L2 (SW1/4SE1/4)

Sec. 25, Twp 05N, Rge 05W, B.M.

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	SESW	9.3	T05N R05W S22	NESE	26.0
T05N R05W S22	NWSE	34.0	T05N R05W S22	SWSE	22.0
T05N R05W S22	SESE	27.0	T05N R05W S23	NWSW	18.0
T05N R05W S27	NENE	0.3	T05N R05W S27	NWNE	7.0
T05N R05W S27	NENW	6.0			

Total Acres: 230.3

Conditions of Approval:

1. E55 Right Nos. 63-127D, 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.
2. S49 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.

*See
Comments on
63-33497 (in
file) for further
explanation
of this et.
Plus comments
in this right.*

127C

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33590 V1

3. 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. jshurte 5/21/2012 Recommendation

Comment: See comments on 63-33497 for an explanation of this right.

2. jshurte 5/31/2012 Cfs per acre

Comment: This right with all other rights listed in the overlap place of use remark total 373.3 acres and 23.76 cfs resulting in a total of .06 cfs per acre. The Hubble analysis used for the original Andrews ditch water rights is the Hubble analysis for the Haas ditch company in the same area. The hubble allows for .06 cfs per acre. This right completes that cfs per acre amount for Tree Top.

3. jshurte 5/31/2012 Overlap review

Comment: The overlapping acres is 230.3 from the Boise River plus 143 acres of their Sand Hollow Creek Rt No. 63-21530 which includes a 26 acre overlap in the SWNE Sec. 22. = 373.3 acre total. $169 - 26 = 143$ acres from Sand Hollow plus the 230.3 from the Boise = 373.3 acres.

Water Supply Bank:

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

RIGHT NUMBER: 63-33590

NAME AND ADDRESS: TREE TOP RANCHES LP
PO BOX 8126
BOISE ID 83707

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.780 CFS

PRIORITY DATE: 03/01/1964

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

6.780 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.

PLACE OF USE:

IRRIGATION in CANYON County

T05N R05W S22	SWNE	36.00	T05N R05W S22	SENE	0.70
T05N R05W S22	SENE	21.00	T05N R05W S22	NESW	23.00
T05N R05W S22	SESW	9.30	T05N R05W S22	NESE	26.00
T05N R05W S22	NWSE	34.00	T05N R05W S22	SWSE	22.00
T05N R05W S22	SESE	27.00	T05N R05W S23	NWSW	18.00
T05N R05W S27	NENE	0.30	T05N R05W S27	NWNE	7.00
T05N R05W S27	NENW	6.00			

230.3 ACRES TOTAL

Right Nos. 63-127D, 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 - Beneficial Use

~~Due to~~ Okenburg- 1.82 cfs

160(33511)

(Sharon) 085467m
333-9000

$$\begin{array}{r} 5.56 \text{ cfs} \\ + 2.79 \text{ cfs} \\ \hline 8.35 \div 254 \\ = .0329 \text{ ft}^3/\text{sec} \end{array}$$

100	16.98	23.76
-----	-------	-------

100 16.98

~~16.98~~ 16.98
 TREE TOP HAS ~~16~~ CFS + 33590 = 23.76
~~20.58~~ CFS FOR

Orig. Andrews Ditch sec. 2

63-21530 - 3.38 Ck

OK 4.71' p.m.

33590 The Topo claim & sec - 6.7892

63	178 C	Recommendation	Decreed	Active	6/1/1869	7.33	BOISE RIVER	IRRIGATION	TEST, TINA
63	178 D	Recommendation	Decreed	Active	6/1/1869	0.54	BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	178 E	Recommendation	Decreed	Active	6/1/1869	0.21	BOISE RIVER	IRRIGATION	THE DRAKE LLC
63	180	Recommendation	Decreed	Active	6/1/1869	3.50	BOISE RIVER	MITIGATION	E G JOHNSON FARMS INC
63	181	Recommendation	Decreed	Active	6/1/1874	2.20	BOISE RIVER	MITIGATION	E G JOHNSON FARMS INC
63	33406	Recommendation	Decreed	Active	6/1/1865	3.80	BOISE RIVER	IRRIGATION, MITIGATION	E G JOHNSON FARMS INC
63	33511	Recommendation	Decreed	Active	6/1/1865	3.20	BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	127	Claim	Decreed	Parent	6/1/1864	3.26	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	127 A	Claim	Decreed	Active	6/1/1864	3.26	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	127 B	Claim	Decreed	Active	6/1/1864	2.38	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	127 C	Claim	Decreed	Active	6/1/1864	2.89	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	127 D	Claim	Decreed	Active	6/1/1864	0.41	BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	128	Claim	Decreed	Parent	6/1/1865	6.00	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	128 A	Claim	Decreed	Active	6/1/1865	6.00	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	128 B	Claim	Decreed	Active	6/1/1865	5.28	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	128 D	Claim	Decreed	Active	6/1/1865	0.72	BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	129	Claim	Decreed	Parent	6/1/1870	1.30	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	129 A	Claim	Decreed	Active	6/1/1870	1.30	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	129 B	Claim	Decreed	Active	6/1/1870	1.14	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	129 C	Claim	Decreed	Active	6/1/1870	1.14	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	130	Claim	Decreed	Active	6/1/1870	0.16	BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	130 A	Claim	Decreed	Parent	6/1/1888	0.90	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	130 B	Claim	Decreed	Active	6/1/1888	0.90	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	130 C	Claim	Decreed	Active	6/1/1888	0.79	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	130 D	Claim	Decreed	Active	6/1/1888	0.79	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	131	Claim	Decreed	Active	6/1/1888	0.11	BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	131 A	Claim	Decreed	Parent	6/1/1891	3.90	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	131 A	Claim	Decreed	Active	6/1/1891	3.90	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	131 B	Claim	Decreed	Active	6/1/1891	3.08	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	131 C	Claim	Decreed	Active	6/1/1891	3.08	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	131 D	Claim	Decreed	Active	6/1/1891	0.42	BOISE RIVER	IRRIGATION	OBENDORF, ANN; OBENDORF, GRE
63	178	Claim	Decreed	Parent	6/1/1869	8.50	BOISE RIVER	IRRIGATION	ANDREWS DITCH CO
63	178 A	Claim	Decreed	Withdrawn	6/1/1869	8.50	BOISE RIVER	IRRIGATION	TREE TOP RANCHES LP
63	178 B	Claim	Decreed	Active	6/1/1869	0.43	BOISE RIVER	IRRIGATION	TEST, TINA
63	178 C	Claim	Decreed	Active	6/1/1869	7.33	BOISE RIVER	IRRIGATION	

63	178 D	Claim	Decreed	Active	6/1/1869	0.54 BOISE RIVER	MITIGATION	OBENDORF, ANN; OBENDORF, GRE
63	178 E	Claim	Decreed	Active	6/1/1869	0.21 BOISE RIVER	IRRIGATION	THE DRAKE LLC
63	33497	Claim	Beneficial Use Active		1/19/1906	2.79 BOISE RIVER, SAN IRRIGATION, MITIGATION		OBENDORF, GREG
63	33498	Claim	Beneficial Use Active		1/19/1906	3.59 BOISE RIVER	IRRIGATION	THE TINA IEST FAMILY LLLP
63	33499	Claim	Beneficial Use Active		1/19/1906	0.14 BOISE RIVER	IRRIGATION	THE DRAKE LLC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33497 V1

WATER RIGHT NUMBER: 63-33497 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GREG OBENDORF 26496 DEB LN PARMA, ID 83660 (208)722-6451
Attorney	DANA L HOFSTETTER HOFSTETTER LAW OFFICE LLC 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800

Priority Date: 03/01/1964
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	03/01 to 11/15	2.790 CFS	
	<u>Total Diversion:</u>	2.790 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L2 (SW1/4SE1/4)	Sec. 25, Twp 05N, Rge 05W, B.M.
CANYON County		
BOISE RIVER	NW1/4NW1/4	Sec. 25, Twp 05N, Rge 05W, B.M.
CANYON County	(Injection)	

Place of Use

MITIGATION Within CANYON County

T05N R05W S23	NWNE	T05N R05W S23	SWNE
T05N R05W S23	SENE	T05N R05W S23	NENW
T05N R05W S23	SENE	T05N R05W S23	NESE
T05N R05W S23	SESE	T05N R05W S24	NESW
T05N R05W S24	NWSW	T05N R05W S24	SWSW
T05N R05W S24	SESW	T05N R05W S24	SWSE

Conditions of Approval:

*See comments
in this nt. 63-
relating to
33590.*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33497 V1

1. S49 Diversion for mitigation 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.
2. 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.
3. This right is diverted from the Boise River in the SWSE, S25, Twp. 5N, Rge. 5W, and injected into Sand Hollow Creek in the NWNW, S. 25, Twp. 5N, Rge. 5W for mitigation of Sand Hollow Creek Right Nos. 63-3201 and 63-9744.

Remarks:

Comments:

1. jshurte 5/21/2012 Disallowal

Comment: This claim was filed as a part of the settlement of the Andrews Ditch Co. water rights. The Stewart decree rights totaled 26.7 cfs and the ditch was measured in 2008 at 40 cfs. Each member of the ditch then filed b/u claims to make up the difference. I requested proof that the ditch was flowing 40 cfs at the time the Stewart decree was finalized because these are b/u claims and evidence of priority is needed especially where the Stewart decree had just been completed decreeing a certain amount. Evidence was requested and none submitted so this right is being disallowed. See comments in 63-33590 also.

2. jshurte 5/29/2012 Recommendation

Comment: Evidence in the form of two affidavits from individuals still living was submitted on 5-21-2012 which dated back to 1964. The priority for the first day of the irrigation season was given 3-1-1964. The original priority date claimed was one day after the Stewart Decree or 1/19/1906. I requested evidence that the ditch was able to carry this amount dating back to 1906 and received the above mentioned affidavits. This right is a part of a settlement between Tree Top Ranches, Obendorf, Iest and Hauck. A measurement was conducted by SPF Water engineering on 11-19-2008 on the Andrews ditch. With the ditch full 40 cfs was being diverted. The water rights decreed in 1906 from the Stewart Decree total 26.7 cfs. The parties then filed beneficial use claims on the remaining 13.3 cfs in order to keep the system running as it has historically been. There was mention of Boise River rights for E G Johnson aka Right Nos 63-180, 63-181 and 63-33406 which have been recommended as mitigation for Sand Hollow creek right nos. 63-4036A and B. These rights date back to 1938 when the diversion of 63-180 et al from the Boise River Andrews ditch was ceased and 63-4036A and B represent the beginning of diverting Sand Hollow Creek water instead of the Boise River water for the same lands due to better irrigation methods and more available flow in Sand Hollow Creek from increased irrigation of surrounding lands and increased wastewater into Sand Hollow Creek. The thought is that when the flow was reduced from the Andrews ditch by E G Johnson ceasing diversion in 1938 then that would be the priority date justification for that amount of water remaining in the Andrews ditch. However that amount of water is 9.5 cfs and not 13.3 cfs so the 1964 affidavits were used. An objection will likely be filed on this and the other rights 63-33498, 63-33499 and 63-33590. This comment will be a reference for all of these rights.

3. jshurte 5/31/2012 CFS per acre

Comment: This right is for mitigation for irrigation. However, if you add up all the cfs for the Boise River mitigation rights plus the Sand Hollow Creek Right Nos. 63-3201 and 63-9744 the cfs per acre for 254 acres is .03 cfs per acre. The Hubble analysis allows for .06 cfs for this area. This Hubble was done for the Haas ditch company in this area and used in the original recommendations for the Andrews Ditch Co. The acres are still limited to the 254 acres now irrigated from the Sand Hollow Creek rights 63-3201 and 63-9744.

Shurte, Jan

From: Hofstetter Law Office [Dana@IdahoWaterLaw.com]
Sent: Monday, May 21, 2012 8:11 PM
To: Shurte, Jan
Subject: Re: Late Claim Nos. 63-33497 - Obendorf, 63-33498 - Iest, 63-33499 - The Drake LLC
Attachments: Greg Obendorf Affidavit.pdf; Tidwell Affidavit.pdf

Jan:

In response to your request, I attach Affidavits of Greg Obendorf and David Tidwell, documenting use of a full Andrews Ditch back to the early 1960's based on their personal observations. Unfortunately, it is difficult, based on the witnesses currently available, to document this beneficial use any earlier than that. I do note, however, that the Johnson right nos. 63-33406 (based on a portion of 63-160), 63-180 and 63-181 which were originally decreed in the Stewart Decree from the Andrews Ditch appear to support a priority date of about 1938 for the beneficial use rights from the Andrews Ditch. As you know, 63-33406, 63-180, and 63-181 were decreed in the SRBA as accomplished transfer rights for mitigation of 63-4036A&B, 63-28751 and 63-32394 which have 1938 priorities. Thus, this indicates that as of 1938, 63-33406, 63-180 and 63-181 (amounting to 9.5 cfs) would have been left in the River for mitigation and this additional capacity in the Andrews Ditch would have been available for the diversion and delivery of the beneficial use rights from the Andrews Ditch. The portion of Greg Obendorf's Affidavit indicating that the old headgate for the branch of the Andrews Ditch, leading to his property, appeared to date at least to the 1930's would also suggest that as of the 1930's the Andrews Ditch was run as full as possible back at least to the 1930's to serve the branches of the Ditch and the respective lands. Please let me know, if you have any questions or need any additional information.

Thank you,
Dana

On 3/23/2012 12:56 PM, Shurte, Jan wrote:
Hi Dana,

I am in the process of reviewing the beneficial use late claims for the Andrews ditch in preparation for the April 30th due date. The above b/u late claims are claiming a 1/19/1906 priority date for a total of 6.52 cfs over and above the amount decreed for the Andrews ditch in the Stewart Decree.

In order to recommend this priority date I will need some evidence of priority that could document that this additional amount of water was being diverted in 1906. This can be in the form of affidavits, documentation of who spoke of this amount of water to necessitate the filing, newspaper articles, historical articles, just about anything will help. We know the ditch diverts more than it's decreed rights at this time, so I am looking for some kind of idea as to why we can go back to 1906.

If you have any questions concerning this request, please feel free to contact me.

Jan Shurte
Adjudication Technical Analyst
Idaho Dept of Water Resources
322 E Front St
Boise, Idaho 83720
(208) 287-4992

PROOF OF 1967 priority

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

Attorney for Greg and Ann Obendorf,
The Tina Iest Family L.L.L.P., and
THEDRAKE LLC

**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 Nos. 63-33497, 63-33498,
Case 39576	)	63-33499 and 63-33590
	)	
	)	AFFIDAVIT OF GREG OBENDORF
	)	
_____	)	

STATE OF IDAHO)
) ss:
COUNTY OF CANYON)

Greg Obendorf, being first duly sworn on oath, deposes and says:

(1) I was born in 1955 and grew up in the Parma, Idaho area. I recall at age 12, hunting ducks on what is now the Canyon County, Idaho property owned by The Tina Iest Family L.L.L.P through which the Andrews Ditch runs (hereinafter the "Iest Property").

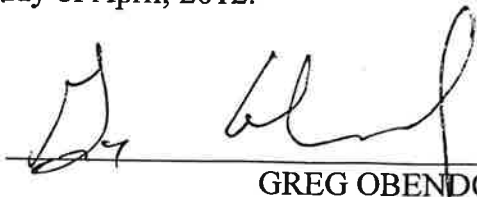
(2) My wife and I purchased property adjacent to the Iest Property in March 1987. Since that time, I have resided adjacent to the Iest Property and have also leased and farmed the Iest Property since about 1988.

(3) The Andrews Ditch on the Iest Property was full when I first recall seeing it when I was 12 years old. Based on what I have observed since then, it always has been operated full during the irrigation season. The capacity of the Andrews Ditch has remained the same over the period of time from when I was 12 until the present.

(4) The branch of the Andrews Ditch delivering water to Sand Hollow Creek on my property had a headgate that was very old at the time I purchased my property in 1987, appearing at least 40-50 years old at that time. It was so old that I replaced it a couple of years ago. The presence of this old headgate confirmed that this branch of the Andrews Ditch had existed for quite some time

FURTHER YOUR AFFIANT SAYETH NAUGHT.

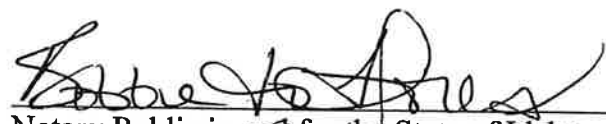
DATED this 25th day of April, 2012.



GREG OBENDORF

SUBSCRIBED AND SWORN to before me this 25th day of April, 2012.





Notary Public in and for the State of Idaho
Residing at: Panna, ID
My Commission Expires: 8-9-12