

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

RIGHT NUMBER: 63-21530

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

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.380 CFS

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION:

T05N R05W S23 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

3,380 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S22	NENE	30.00	T05N R05W S22	NWNE	38.00
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T05N R05W S22	SWNE	26.00	T05N R05W S22	SENE	23.00
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T05N R05W S22	NENW	20.00	T05N R05W S23	SWNW	32.00
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169 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

Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this recommendation, this water right is within State Water District No. 63, Boise River.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre.~~

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,

SRBA

DIRECTORS REPORT 63-21530

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 63-21530

Name and Address: LARRY WILLIAMS
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE, ID 83706

Source: SAND HOLLOW CREEK Tributary: SNAKE RIVER

Quantity: 3.38 CFS

Priority Date: 03-15-1935

Diversion Point: T05N R05W S23 SENW Within Canyon County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-01 TO 11-15	3.38 CFS

Place of Use:	Irrigation	Within Canyon County
	T05N R05W S22	NENE 30 NWNE 38
		SWNE 26 SENE 23
		NENW 20
	S23	SWNW 32
	169 Acres Total	

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

Explanatory Material: Basis of Claim - Beneficial Use

This right when combined with all other rights shall provide no more than .02 cfs per acre.

[Return to SRBA Home Page](#)

10-7-11

Not
Completed

**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. 63-21530
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

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

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

CLAIMANT/OBJECTOR:

Tree Top Ranches, LP

RESPONDENT:

Greg Obendorf



Andrew J. Waldera 10/5/11
Attorney for Claimant/Objector Date

Dana L. Hofstetter Date
Attorney for Respondent

IDWR Concurrency:

Jan Shurte Date
Water Rights Supervisor

Andrea L. Courtney 9/19/11
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 63-21530

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

LARRY WILLIAMS
MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706



SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.380 CFS

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION:

T05N R05W S23 SENW 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	3.380 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S22	NENE	30.00	T05N R05W S22	NWNE	38.00
T05N R05W S22	SWNE	26.00	T05N R05W S22	SENE	23.00
T05N R05W S22	NENW	20.00	T05N R05W S23	SWNW	32.00

169 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63, Boise River.

This right when combined with all other rights shall provide no more than .02 cfs per acre.

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:

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

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

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

Signature of person or attorney

**ATTACHMENT 1 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-21530**

Reasons Supporting Objection(s)

Name and Address:

Larry and Marianne Williams transferred title to the real property, to which this water right is appurtenant, to Tree Top Ranches, LP. Therefore, the correct name and address to be listed on the partial decree is Tree Top Ranches, LP, 914 Houston Road, Boise, Idaho 83706.

Source:

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

Explanatory Material:

Tree Top Ranches, LP, objects to the inclusion of the following remark under Explanatory Material, as set forth in the Director's Report, as there is no legal basis for the inclusion of the remark:

This right when combined with all other rights shall provide no more than .02 cfs per acre.

09/28/2006

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

RIGHT NUMBER: 63-21530

NAME AND ADDRESS: MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706

LARRY WILLIAMS
914 HOUSTON RD
BOISE ID 83706

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.380 CFS

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION:

T05N R05W S23 SENW 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	3.380 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S22	NENE	30.00	T05N R05W S22	NWNE	38.00
T05N R05W S22	SWNE	26.00	T05N R05W S22	SENE	23.00
T05N R05W S22	NENW	20.00	T05N R05W S23	SWNW	32.00

169 ACRES TOTAL

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

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

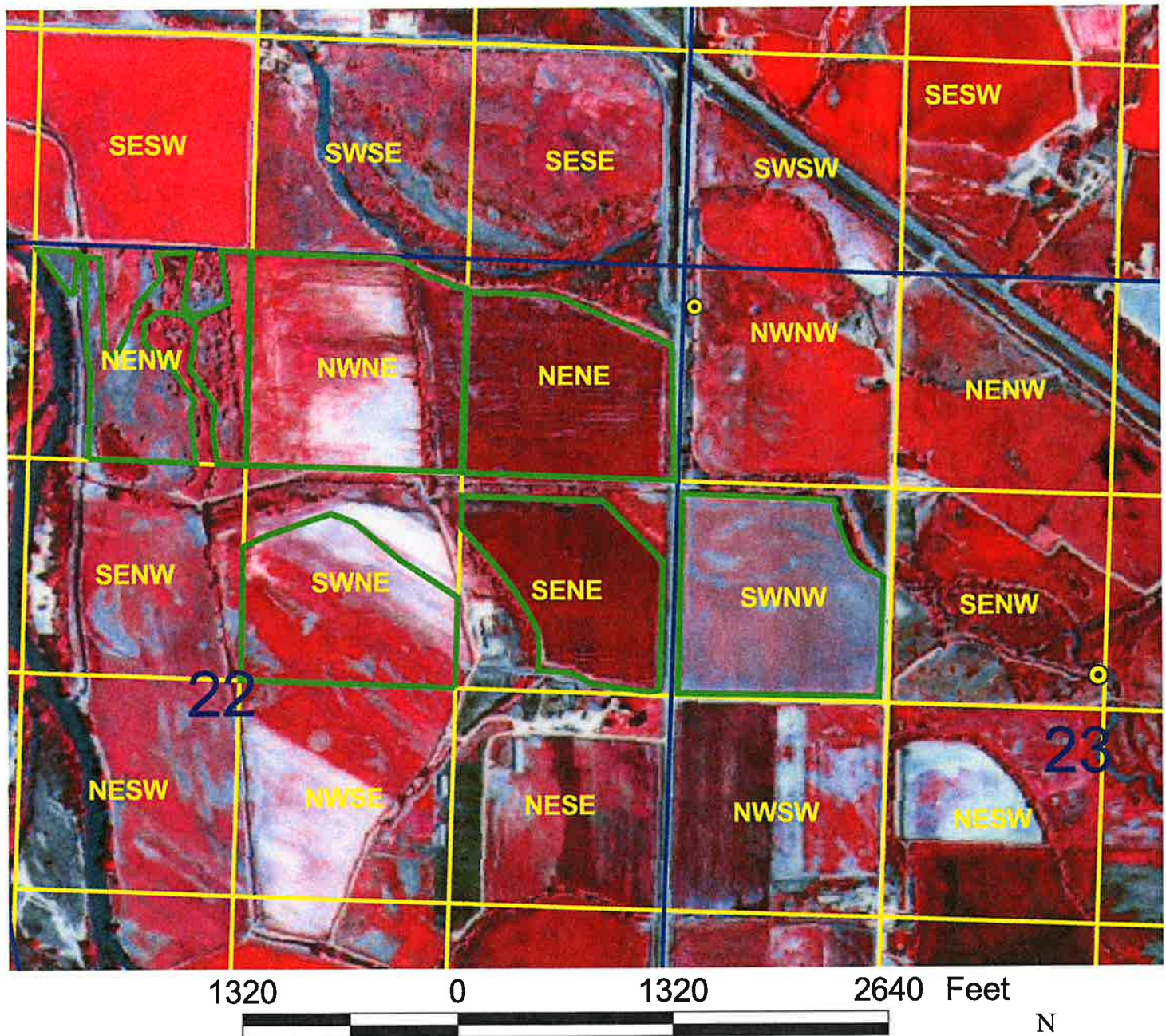
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right when combined with all other rights shall provide no more than .02 cfs per acre.



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTIONS 22 and 23
Water Right: 63-21530



TOTAL IRRIGATED ACRES = 169

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

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