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May 17, 2011

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RECEIVED

MAY 18 2011

WATER RESOURCES
WESTERN REGION

John Westra
Manager Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Tree Top Ranches, L.P. Winter Wildlife Water Permit No. 63-32462
MTBR&F File No. 22567.0001

Dear John:

I am writing you on behalf of Tree Top Ranches, L.P. ("Tree Top"), the applicant of winter wildlife water right Application for Permit ("Application") No. 63-32462. Application No. 63-32462 is one of several Tree Top winter wildlife-based water rights which have already been permitted (*see, e.g.*, water right nos. 63-32466, 63-32467, 63-32911, and 63-32912).

As the Department is aware, each of Permit Nos. 63-32466, 63-32467, 63-32911, and 63-32912 contain a condition requiring that the water diverted from a particular source be returned to that same source. The condition reads: "Water diverted under the wildlife flow component of this water right shall be returned to" the "Boise River" or to the "Sand Hollow Creek" depending upon the underlying source of water under the permit. Consequently, water diverted from the Boise River under Permit Nos. 63-32467 and 63-32911 must be returned to the Boise River (*see* Condition of Approval No. 5), and water diverted from Sand Hollow Creek under Permit Nos. 63-32466 and 63-32912 must be returned to Sand Hollow Creek (*see* Condition of Approval No. 10).

Tree Top requests that the Department similarly condition any permit ultimately issued under Application No. 63-32462. The proposed source of water under Application No. 63-32462 is Sand Hollow Creek. Therefore, Tree Top requests that any forthcoming Permit No. 63-32462 contain the following condition: "Water diverted under the wildlife flow component of this water right shall be returned to the Sand Hollow Creek" as is found within Permit Nos. 63-32466 and 63-32912.

John Westra
May 17, 2011
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If you have any comments or questions concerning Tree Top's return flow permit condition request outlined herein, please let me know. Feel free to contact me directly at 385-5418.

Very truly yours,



Andrew J. Waldera

AJW/dll

cc: Client
Dana L. Hofstetter