

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by JAReceipt No. W040731Date 11/26/2012

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 63-32911 Date proof is due Dec. 01, 2012

Name(s) of permit holder(s) Tree Top Ranches, LP

Mailing address P.O. Box 8126 City Boise State ID Zip 83707

Telephone no. 208/377-0998 Email _____

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

Please see attached addendum to request for extension of time.

Costing More than \$5,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Please see description above

Permit holder(s) request an extension to December 01, 20 17.

Tree Top Ranches, LP, By LDW Inc., Its Partner

Larry D. Williams, President

Signature (If other than permit holder, Power of Attorney must be supplied)

NOVEMBER 21, 2012
Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by section 42-204 and/or 42-218, Idaho Code.

IT IS HEREBY ORDERED that the above request for extension of time be **APPROVED** and the time within which to submit proof of beneficial use is extended to DECEMBER 1, 2017.

Signed this 6th day of FEBRUARY, 2013

Jeff Peppersack, Chief
Water Allocation Bureau

Addendum to Request for Extension of Time
Permit No. 63-32911
Tree Top Ranches, LP
November 21, 2012

[In response to] "Describe what work has been completed toward the development of this water right":

This Permit No. 63-32911 is a wildlife permit used during the non-irrigation season. Holder has diverted water from the POD to the Place of Use in previous years within the authorized season of use. The Place of Use for the subject Permit is shared to some extent with another permit (63-32467). The contiguous parcel of property to which the subject Permit 63-32911 is appurtenant is also related to Application for Permit 63-32462 and permits 63-32466 and 63-32912. Holder Tree Top Ranches had hoped to submit the Statements of Completion for all of these permits simultaneously to facilitate a more efficient review by the Department.

Application for Permit 63-32462 has been under protest since 2006. Holder quickly resolved the protest with Idaho Department of Fish and Game, but protestant Watson Farms has failed to respond. This protest is scheduled for review by the Department in early 2013. Also, this permit together with permits 63-32466, 63-32467 and 63-32912 are subject to a Settlement Agreement, whose terms are awaiting Department review and resolution and the parties' execution of SF-5 documents. Final completion of the Settlement Agreement terms has taken much longer than Holder ever anticipated. IDWR Water Rights Supervisor Jan Shurte is aware of the Andrews Ditch Settlement Agreement and its delayed condition.

Holder Tree Top Ranches considered engaging a Certified Water Rights Examiner to examine the system during 2012 make the proof even though the others are delayed. Unfortunately, making the subject diversion and use during November 2012 and prior to the December 1 deadline would raise the water table and Holder would be unable to harvest its current corn crop.

For these reasons, Holder Tree Top Ranches respectfully requests an extension of time until December 1, 2017.

Should the Department have any questions relating to this extension request, please direct them to Andy Waldera of Moffatt Thomas. Andy's direct telephone line is 385-5418.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32912

Priority: December 28, 2005

Maximum Diversion Rate: 20.00 CFS

This is to certify, that TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

has applied for a permit to appropriate water from:

SAND HOLLOW CREEK Tributary to: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	11/15 to 03/01	20.00 CFS	
DIVERSION TO STORAGE	11/15 to 03/01	20.00 CFS	
WILDLIFE STORAGE	11/15 to 03/01		181.5 AF

LOCATION OF POINT(S) OF DIVERSION:SAND HOLLOW CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp 05N, Rge 05W, B.M. CANYON CountyPLACE OF USE: WILDLIFE AND WILDLIFE STORAGE

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		X	X		X			X	X			X		X	X		
												L 2					

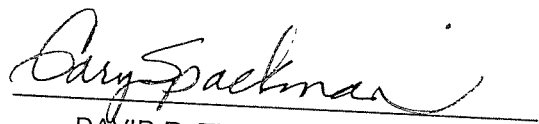
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2012**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-32912

5. The right holder shall install or construct straight lengths of conduit or ditch that will accommodate devices for measuring the entire flow of water being diverted in connection with this right and the entire flow of water being returned to the source stream in connection with this right. If the right holder uses conduit, the straight length(s) of conduit shall be at least ten times the diameter of the conduit and shall be above ground or otherwise easily accessible.
6. When notified by the Department, the right holder shall install and maintain measuring devices of types acceptable to the Department at the point of diversion and at the point of return to the source stream.
7. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from Sand Hollow Creek and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
8. Wildlife use is for habitat improvement during the non-irrigation season.
9. Wildlife Storage is for up to 6 ponds, natural swales, and/or agricultural fields that will be flooded that together shall not exceed 63 surface acres and a storage volume of 181.5 afa when combined with right 63-32911.
10. Water diverted under the wildlife flow component of this water right shall be returned to the Sand Hollow Creek.
11. This right does not grant any right-of-way or easement across the land of another.
12. The Director retains jurisdiction to require a bypass flow on Sand Hollow Creek for maintenance of fish, wildlife, riparian and aquatic habitat.
13. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.
14. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of December, 2007.


DAVID R. TUTHILL, JR., Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32466

Priority: December 28, 2005

Maximum Diversion Rate: 20.00 CFS

This is to certify, that TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

has applied for a permit to appropriate water from:

Source: SAND HOLLOW CREEK Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	11/15 to 03/01	20.00 CFS	
DIVERSION TO STORAGE	11/15 to 03/01	20.00 CFS	
WILDLIFE STORAGE	11/15 to 03/01		256.5 AF

LOCATION OF POINT(S) OF DIVERSION:SAND HOLLOW CREEK SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, Twp 05N, Rge 05W, B.M. CANYON County**PLACE OF USE:** WILDLIFE AND WILDLIFE STORAGE

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		X	X	X	X			X					X	X			
05N 05W 23							X										

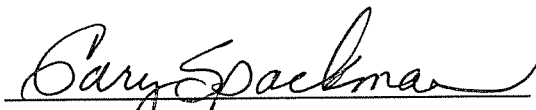
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2012.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

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Department of Water Resources
Permit to Appropriate Water
NO. 63-32466

5. The right holder shall install or construct straight lengths of conduit or ditch that will accommodate devices for measuring the entire flow of water being diverted in connection with this right and the entire flow of water being returned to the source stream in connection with this right. If the right holder uses conduit, the straight length(s) of conduit shall be at least ten times the diameter of the conduit and shall be above ground or otherwise easily accessible.
6. When notified by the Department, the right holder shall install and maintain measuring devices of types acceptable to the Department at the point of diversion and at the point of return to the source stream.
7. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from Sand Hollow Creek and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
8. Wildlife use is for habitat improvement during the non-irrigation season.
9. Wildlife Storage is for up to 6 ponds, natural swales, and/or agricultural fields that will be flooded that together shall not exceed 63 surface acres and a storage volume of 181.5 afa when combined with right 63-32911.
10. Water diverted under the wildlife flow component of this water right shall be returned to the Sand Hollow Creek.
11. This right does not grant any right-of-way or easement across the land of another.
12. The Director retains jurisdiction to require a bypass flow on Sand Hollow Creek for maintenance of fish, wildlife, riparian and aquatic habitat.
13. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.
14. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of December, 2007.


DAVID R. TUTHILL, JR., Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32467

Priority: December 28, 2005

Maximum Diversion Rate: 20.00 CFS

This is to certify, that TREE TOP RANCHES LP
914 HOUSTON RD
BOISE ID 83706

has applied for a permit to appropriate water from:

Source: BOISE RIVER**Tributary:** SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	11/15 to 03/01	20.00 CFS	
DIVERSION TO STORAGE	11/15 to 03/01	20.00 CFS	
WILDLIFE STORAGE	11/15 to 03/01		181.5 AF

LOCATION OF POINT(S) OF DIVERSION:BOISE RIVER L2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 25, Twp 05N, Rge 05W, B.M. CANYON County**PLACE OF USE:** WILDLIFE AND WILDLIFE STORAGE

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		X	X		X			X	X			X		X	X		L 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2012**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. 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.
5. Water diverted under the wildlife flow component of this water right shall be returned to the Boise River.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32467

6. The right holder shall install or construct straight lengths of conduit or ditch that will accommodate devices for measuring the entire flow of water being diverted in connection with this right and the entire flow of water being returned to the source stream in connection with this right. If the right holder uses conduit, the straight length(s) of conduit shall be at least ten times the diameter of the conduit and shall be above ground or otherwise easily accessible.
7. When notified by the Department, the right holder shall install and maintain measuring devices of types acceptable to the Department at the point of diversion and at the point of return to the source stream.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
10. This right shall be junior and subordinate to future minimum instream flow water rights that may be established for the Boise River and its tributaries.
11. Any obstruction in the Boise River channel for diversion of water under this right must provide for watercraft and fish passage. The right holder must bypass sufficient flows in the Boise River at the point of diversion to accommodate watercraft navigation and fisheries values in the Boise River downstream of the diversion. The quantity of the bypass flow may be established in the future by the filing of a petition with the Department to establish the bypass flows and subsequent proceedings as described in the Department's Rules of Procedure.
12. This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.
13. Wildlife use is for habitat improvement during the non-irrigation season.
14. Wildlife Storage is for up to 6 ponds, natural swales, and/or agricultural fields that will be flooded. The total water storage shall not exceed 63 surface acres and a volume of 181.5 afa.
15. This right does not grant any right-of-way or easement across the land of another.
16. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.
17. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of December, 2007.



DAVID R. TUTHILL, JR., Director