

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	
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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.

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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, 20 07.



DAVID R. TUTHILL, JR., Director