



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

June 11, 2007

ERIC LEITZINGER
ID DEPT FISH & GAME
3101 S POWERLINE
NAMPA ID 83686

HAND DELIVERED

Re: Water Right Applications for Wildlife Projects

Dear Mr. Leitzinger:

Enclosed is information regarding numerous applications for new water rights proposing surface water for wildlife projects in the lower portion of the Boise River system. Several months ago we discussed the need for the Idaho Department of Water Resources (IDWR) to seek comments from your agency, among others, regarding the proposals.

Ideally, IDWR would process all the applications simultaneously for comprehensive and efficient efforts in this regard. However, other constraints require IDWR to act at this time on the first group of the pending applications.

Four applications for Tree Top Ranches LP are being processed at this time. The applications are identified as numbers 63-32462, 63-32465, 63-32466 and 63-32467. If your agency desires to file a protest against any of the four applications, please note the June 25, 2007 protest deadline in the enclosed copy of the legal notice for the applications. If your agency does not want to protest the applications but has concerns about any of them, please provide written comments at your earliest convenience. Please see the enclosed information regarding the Tree Top Ranches applications for more details.

Copies of other applications filed by different owners are also enclosed. Most of the applications include complete information while some await further details from the applicant. IDWR will provide you with any additional information received for this group as the applications are ready to process. IDWR will seek your comments on those applications when they are processed.

In our previous discussion, you asked for information summarizing non-irrigation water rights for the sources in question. I hope I provided that information via new notes added to Figures 2 and 3 in the set of information labeled "Wildlife Projects in Boise River Drainage, IDWR Notes, February 2007." For example, from Figure 2:

- Zone 2 of the Boise River includes about 192 cfs for existing river water rights of all types. About 26 cfs of that total covers non-irrigation rights. Another 60 cfs is proposed for new wildlife projects in Zone 2.
- Tree Top Ranches Applications 63-32465 and 63-32467 propose 40 of that 60 cfs.

Figure 3 in the February 2007 notes covers similar details for Sand Hollow Creek.

Other applications propose water from various drains. Although I did not provide a summary of existing rights from those drains, the total amount of additional water proposed from drains is a category connected to Boise River Zone 3 since the drain water is tributary to the river in that zone (Figure 2, see note about 11.63 cfs proposed from drains).

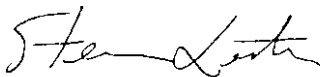
Specific Questions for Tree Top Ranches Applications

In addition to any other comments you wish to make, any information for the following questions regarding Applications 63-32462, 63-32465, 63-32466 and 63-32467 would be appreciated:

1. In each case, is the amount of water justified for achieving the proposed wildlife beneficial use? The applicant makes the basic point that the amounts are needed to prevent diverted water from freezing.
2. In each case, will the project benefit wildlife habitat as proposed?
3. In each case, will the proposed diversion cause adverse habitat conditions for the source in question? In other words, is there a "wildlife cost/benefit" to consider for each project?
4. Does your agency have any concerns regarding the cumulative effect of the four applications or any combination of the applications?
5. Does your agency have any concerns regarding possible effects on senior water rights from Sand Hollow Creek for land administered by your agency?

I hope we can consider individual impacts for any given project in addition to cumulative impacts for all the applications by this process. Please let me know if you have any questions about any of the enclosed information. Thank you for your help with this unprecedented situation in the Boise River area.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure