

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-02390

Priority: March 01, 1968

Maximum Diversion Rate: 22.75 CFS
Maximum Diversion Volume: 3,702.7 AF

It is hereby certified that TREE TOP RANCHES LP
1299 N ORCHARD ST
SUITE 203
BOISE ID 83706 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 10, 1967; and has
submitted Proof of Beneficial Use on May 12, 1981. An examination indicates that the works have a
diversion capacity of 22.75 cfs of water from:

SOURCE

UNNAMED STREAM

Tributary: SAGE CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	22.75 CFS	
IRRIGATION FROM STORAGE	03/15 to 10/31		3,700.0 AF
IRRIGATION STORAGE	01/01 to 12/31		3,700.0 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF

LOCATION OF POINTS OF DIVERSION:

UNNAMED STREAM	NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 34, Twp 14N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM (Injection)	L2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	Sec. 3, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM (Rediversion)	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 3, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 3, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 14, Twp 13N, Rge 05W, B.M., WASHINGTON County
UNNAMED STREAM (Rediversion)	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 23, Twp 13N, Rge 04W, B.M., WASHINGTON County

PLACE OF USE: IRRIGATION 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	
13N 05W 10																	X
13N 05W 11												X					
13N 05W 14					X	X	X				X						
13N 05W 15	X			X													

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PLACE OF USE: IRRIGATION FROM 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	
13N 04W 11												.8	30.0		40.0	40.0	110.8
13N 04W 12									24.0	16.0					9.3		49.3
13N 04W 13		40.0	38.0		24.0	39.0	39.0	40.0	30.0	40.0	35.0	19.0		1.4			345.4
13N 04W 14	40.0	40.0	39.0	37.0	28.0			25.0					39.0	8.6	6.1	28.0	290.7
13N 04W 23	6.6																6.6
13N 04W 24					4.2	20.0											24.2

Total Acres: 827

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 04W 11												X	X		X	X	
13N 04W 12											X	X			X		
13N 04W 13		X	X		X	X	X	X	X	X	X	X		X			
13N 04W 14	X	X	X	X	X			X				X	X	X	X	X	
13N 04W 23	X																
13N 04W 24					X	X											

CONDITIONS OF APPROVAL

1. 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. 67.
2. Water is diverted under this right from an unnamed stream into a ditch in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T14N, R5W, B.M., and then injected into another unnamed stream known locally as Summercreek Creek. The injected water, along with Summercreek Creek water, is then (re)diverted in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T13N, R5W, B.M., into a ditch that fills Fairchild Reservoir No. 1. Storage water is released from Fairchild Reservoir No. 1 into another unnamed stream, which is tributary to Sage Creek. Water is then diverted from Sage Creek (under Rts. 67-7732 and 67-7899) into a ditch and stored again in Fairchild Reservoir No. 2, where water is rediverted by pumps to mainlines for sprinkler irrigation.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

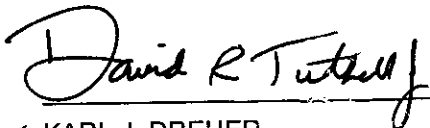
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4. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
5. Rights 67-07732, 67-07899, 67-00638, 67-00639, 67-00644, 67-00645, 67-00646, 67-00647, 67-00648, 67-00649, 67-00650, 67-00651, 67-00652, 67-00653, and 67-02390 when combined shall not exceed the irrigation of 827 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of June, 2006.


KARL J. DREHER
Director