

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78779**

This is to certify that: **B & H REAL ESTATE ENTERPRISES LLC**
3300 WASHINGTON PARKWAY
IDAHO FALLS, ID 83404

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
23-11354	WR/DECREED	12/23/1950	0.200 cfs	38.5 af	N/A	11.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
23-11435	WR/DECREED	6/1/1890	0.130 cfs	N/A	6.4	19.7	RAINEY CREEK
23-11436	WR/DECREED	6/1/1893	0.100 cfs	N/A	4.9	19.7	RAINEY CREEK
23-11437	WR/DECREED	5/7/1896	0.210 cfs	N/A	10.6	19.7	RAINEY CREEK
23-11438	WR/DECREED	10/24/1898	0.090 cfs	N/A	4.5	19.7	RAINEY CREEK
23-11439	WR/DECREED	1/22/1916	0.430 cfs	N/A	N/A	19.7	RAINEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
23-11354	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
23-11354	23-11354	0.200 cfs	38.5 af	11.0	19.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 cfs	38.5 af	11.0	19.7		N/A	N/A	N/A	N/A

Transfer No. 78779

SUPPORT DATA
 IN FILE # 23-11354

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78779

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of September, 2013.


Water Resources Program Manager

WATER RIGHT NO. 23-11354

As Modified by Transfer No. 78779

In accordance with the approval of Transfer No. 78779, Water Right No. 23-11354 is now described as follows:

Right Holder: B & H REAL ESTATE ENTERPRISES LLC
3300 WASHINGTON PARKWAY
IDAHO FALLS, ID 83404

Priority Date: 12/23/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.200 cfs	38.5 af
			0.200 cfs	38.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSENE Sec 5 Twp 01N Rge 44E BONNEVILLE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	16.7																16.7
02N	44E	32																3.0	3.0

Right Acre Limit: 11.0
POU Total Acres: 19.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 11 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11435, 23-11436, 23-11437, 23-11438, 23-11354 and 23-11439 when combined shall not exceed a total diversion rate of 0.45 cfs, and the irrigation of 19.7 acres.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 78779

WATER RIGHT NO. 23-11435**As Modified by Transfer No. 78779**

In accordance with the approval of Transfer No. 78779, Water Right No. 23-11435 is now described as follows:

Right Holder: B & H REAL ESTATE ENTERPRISES LLC
3300 WASHINGTON PARKWAY
IDAHO FALLS, ID 83404

Priority Date: 6/1/1890

Source: RAINEY CREEK

Tributary: SOUTH FORK SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.130 cfs

0.130 cfs

LOCATION OF POINT(S) OF DIVERSION

RAINEY CREEK

SENWSE

Sec 33 Twp 02N Rge 44E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	16.7																16.7
02N	44E	32																3.0	3.0

Right Acre Limit: 6.4

POU Total Acres: 19.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.4 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11435, 23-11436, 23-11437, 23-11438, 23-11354 and 23-11439 when combined shall not exceed a total diversion rate of 0.45 cfs, and the irrigation of 19.7 acres.
3. 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER RIGHT NO. 23-11435
As Modified by Transfer No. 78779

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 23-11436
As Modified by Transfer No. 78779

In accordance with the approval of Transfer No. 78779, Water Right No. 23-11436 is now described as follows:

Right Holder: B & H REAL ESTATE ENTERPRISES LLC
 3300 WASHINGTON PARKWAY
 IDAHO FALLS, ID 83404

Priority Date: 6/1/1893

Source: RAINEY CREEK

Tributary: SOUTH FORK SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.100 cfs
 0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

RAINEY CREEK

SENWSE

Sec 33 Twp 02N Rge 44E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	16.7																16.7
02N	44E	32																3.0	3.0

Right Acre Limit: 4.9

POU Total Acres: 19.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.9 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11435, 23-11436, 23-11437, 23-11438, 23-11354 and 23-11439 when combined shall not exceed a total diversion rate of 0.45 cfs, and the irrigation of 19.7 acres.
3. 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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WATER RIGHT NO. 23-11436
As Modified by Transfer No. 78779

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 23-11437

As Modified by Transfer No. 78779

In accordance with the approval of Transfer No. 78779, Water Right No. 23-11437 is now described as follows:

Right Holder: B & H REAL ESTATE ENTERPRISES LLC
3300 WASHINGTON PARKWAY
IDAHO FALLS, ID 83404

Priority Date: 5/7/1896

Source: RAINEY CREEK

Tributary: SOUTH FORK SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.210 cfs

0.210 cfs

LOCATION OF POINT(S) OF DIVERSION

RAINEY CREEK

SENWSE

Sec 33 Twp 02N Rge 44E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	16.7																16.7
02N	44E	32																3.0	3.0

Right Acre Limit: 10.6

POU Total Acres: 19.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.6 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11435, 23-11436, 23-11437, 23-11438, 23-11354 and 23-11439 when combined shall not exceed a total diversion rate of 0.45 cfs, and the irrigation of 19.7 acres.
3. 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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WATER RIGHT NO. 23-11437
As Modified by Transfer No. 78779

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 23-11438**As Modified by Transfer No. 78779**

In accordance with the approval of Transfer No. 78779, Water Right No. 23-11438 is now described as follows:

Right Holder: B & H REAL ESTATE ENTERPRISES LLC
3300 WASHINGTON PARKWAY
IDAHO FALLS, ID 83404

Priority Date: 10/24/1898

Source: RAINEY CREEK

Tributary: SOUTH FORK SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.090 cfs

0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

RAINEY CREEK

SENWSE

Sec 33 Twp 02N Rge 44E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	16.7																16.7
02N	44E	32																3.0	3.0

Right Acre Limit: 4.5

POU Total Acres: 19.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.5 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11435, 23-11436, 23-11437, 23-11438, 23-11354 and 23-11439 when combined shall not exceed a total diversion rate of 0.45 cfs, and the irrigation of 19.7 acres.
3. 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER RIGHT NO. 23-11438
As Modified by Transfer No. 78779

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 23-11439
As Modified by Transfer No. 78779

In accordance with the approval of Transfer No. 78779, Water Right No. 23-11439 is now described as follows:

Right Holder: B & H REAL ESTATE ENTERPRISES LLC
 3300 WASHINGTON PARKWAY
 IDAHO FALLS, ID 83404

Priority Date: 1/22/1916

Source: RAINEY CREEK

Tributary: SOUTH FORK SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.430 cfs

0.430 cfs

LOCATION OF POINT(S) OF DIVERSION

RAINEY CREEK

SENWSE

Sec 33 Twp 02N Rge 44E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	16.7																16.7
02N	44E	32																3.0	3.0

POU Total Acres: 19.7

CONDITIONS OF APPROVAL

1. Rights 23-11435, 23-11436, 23-11437, 23-11438, 23-11354 and 23-11439 when combined shall not exceed a total diversion rate of 0.45 cfs, and the irrigation of 19.7 acres.
2. 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. 01.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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