

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED**TRANSFER OF WATER RIGHT****AMENDED****TRANSFER NO. 77012**

This is to certify that: BC PROPERTIES LLC
PO BOX 28
DRIGGS ID 83422
(208)705-0859

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-13956	WR/License	01/08/1991	0.39 cfs	73.5 af	N/A	21.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

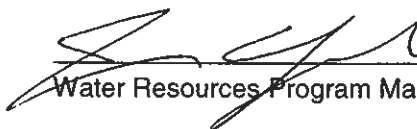
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13956	YES	YES	YES	NO	YES	YES

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>
22-13956	22-13995	0.04 cfs	5.9 af	N/A	1.2	22-13994	0.35 cfs	66.5 af	N/A	19.0
COMBINED TOTALS		0.04 cfs	5.9 af	N/A	1.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of March, 2011


Water Resources Program Manager

SUPPORT DATA

IN FILE # 22-13956

WATER RIGHT NO. 22-13994
As Modified by Transfer No. 77012

In accordance with the approval of Transfer No. 77012, Water Right No. 22-13994 is now described as follows.

Right Holder: BC PROPERTIES LLC
 PO BOX 28
 DRIGGS ID 83422

Priority Date: January 08, 1991

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.35 CFS	66.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 5 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	45E	5									19.0								19.0

Total Acres: 19

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 66.5 af for the lands above.
2. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

WATER RIGHT NO. 22-13994
As Modified by Transfer No. 77012

CONDITIONS OF APPROVAL

This water right 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.

Dated this 23rd day of March, 20 11



Water Resources Program Manager



WATER RIGHT NO. 22-13995
As Modified by Transfer No. 77012

In accordance with the approval of Transfer No. 77012, Water Right No. 22-13995 is now described as follows.

Right Holder: BC PROPERTIES LLC
 PO BOX 28
 DRIGGS ID 83422

Priority Date: January 08, 1991

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.02 CFS	4.2 AF
DIVERSION TO STORAGE	04/15	to 10/15	0.02 CFS	
AESTHETIC STORAGE	01/01	to 12/31		1.7 AF
WILDLIFE STORAGE	01/01	to 12/31		1.7 AF
FIRE PROTECTION STORAGE	01/01	to 12/31		1.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 29 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	46E	29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.2

Total Acres: 1.2

PLACE OF USE: AESTHETIC STORAGE, WILDLIFE STORAGE, FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	46E	29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

CONDITIONS OF APPROVAL

1. The pond established under this right shall not exceed a total surface area of 1.0 acre.
2. Right 22-13995 authorizes the diversion of an annual total of 1.7 acre-feet to be used for the replacement of losses caused by evaporation. Right 22-13995 does not authorize diversion of ground water for the initial fill or subsequent refill of the pond. The diversion of ground water for the initial fill and subsequent refill of the pond must be authorized pursuant to a water bank lease or other approval from the Idaho Department of Water Resources.
3. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.

WATER RIGHT NO. 22-13995
As Modified by Transfer No. 77012

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. This right does not grant any right-of-way or easement across the land of another.
8. The diversion and use of water described in this right may be subject to additional limitations set forth in a separate agreement to which the Department is not a party and which may be enforceable by a court of law. The agreement was filed with Teton County on March 14, 2011 and identified as Instrument No. 216137.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

Dated this 23rd day of March, 2011


Water Resources Program Manager