

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75667

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>
22-13839	WR/License	01/08/1991	0.42 cfs	N/A	N/A	22.5	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>
22-13839	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>
22-13839	22-13957	0.03 cfs	3.2 af	N/A	N/A	22-13956	0.39 cfs	73.5 af	N/A	21.0
COMBINED										
TOTALS		0.03 cfs	3.2 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-13839

WATER RIGHT NO. 22-13956
As Modified by Transfer No. 75667

In accordance with the approval of Transfer No. 75667, Water Right No. 22-13956 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	0.39 CFS	73.5 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									21.0								21.0

Total Acres: 21

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 73.5 af for the lands above.
2. 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.
3. 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.
4. 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.
5. 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.

WATER RIGHT NO. 22-13956
As Modified by Transfer No. 75667

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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13957
As Modified by Transfer No. 75667

In accordance with the approval of Transfer No. 75667, Water Right No. 22-13957 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>
DIVERSION TO STORAGE	01/01	to 12/31	0.03 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		3.2 AF
AESTHETIC STORAGE	01/01	to 12/31		3.2 AF
RECREATION STORAGE	01/01	to 12/31		3.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSE Sec. 35 Twp 06N Rge 45E TETON County

PLACE OF USE: FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION 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	
06N	45E	35													X	X			

CONDITIONS OF APPROVAL

1. This right authorizes the diversion of an annual total of 3.2 af to be used for the replacement of losses caused by evaporation from the two ponds.
2. The two ponds established by the storage of water under right 22-13957, 22-366B, 22-367B, 22-611A and 22-13588 shall not exceed a total capacity of 11.0 acre feet or a total surface area of 1.8 acres.
3. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
4. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
5. 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.
6. Point of diversion is located within Lot 22, South Leigh Creek Ranch Subdivision.
7. Place of use is located within Lots 21-22 and 11-13, South Leigh Creek Ranch Subdivision.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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CONDITIONS OF APPROVAL

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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau