

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73787

This is to certify that: EAGLE SPRINGS RANCH LLC

PO BOX 2020

BOISE ID 83701

(208) 429-9596

And

BARNES VENTURES INC

5983 W STATE ST STE D

BOISE ID 83703

208-424-2022

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>
65-5696	WR/Decreed	04/01/1966	0.04 cfs	N/A	N/A	3.0	ALDER CREEK, COSKI CREEK
65-11324	WR/Decreed	09/03/1966	2.2 cfs	2.70 af	N/A	110.0	PAYETTE RIVER
65-8850	WR/Decreed	04/01/1900	2.57 cfs	3.29 af	N/A	103.0	ALDER CREEK
65-5633	WR/Decreed	04/01/1900	5.27 cfs	N/A	N/A	216.0	ALDER CREEK, CHARTERS CREEK, COSKI 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>
65-5696	NO	NO	YES	NO	NO	NO
65-11324	NO	NO	YES	NO	NO	YES
65-8850	NO	YES	YES	YES	NO	YES
65-5633	NO	YES	YES	NO	NO	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>
65-5696	65-5696	0.04 cfs	N/A	3.0	332.0		N/A	N/A	N/A	N/A
65-11324	65-11324	2.20 cfs	N/A	97.0	136.0		N/A	N/A	N/A	N/A
65-8850	65-8850	2.57 cfs	N/A	90.0	136.0		N/A	N/A	N/A	N/A
65-5633	65-5633	5.27 cfs	N/A	190.0	332.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		10.08 cfs		290.0	468.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 65-5633

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73787

Detailed Water Right Description(s) attached

Dated this 22nd day of July, 2009

for Shelley W. Keen
Chief, Water Allocation Bureau

WATER RIGHT NO. 65-5633
As Modified by Transfer No. 73787

In accordance with the approval of Transfer No. 73787, Water Right No. 65-5633 is now described as follows.

Right Holder: EAGLE SPRINGS RANCH LLC
 PO BOX 2020
 BOISE ID 83701

Priority Date: April 01, 1900

Source: ALDER CREEK
 CHARTERS CREEK
 COSKI CREEK

Tributary: SOUTH FORK PAYETTE RIVER
 SOUTH FORK PAYETTE RIVER
 SOUTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
AESTHETIC	04/01 to	11/01	0.63 CFS
IRRIGATION	04/01 to	11/01	4.64 CFS
			5.27 CFS

LOCATION OF POINT(S) OF DIVERSION:

ALDER CREEK	SWNE	Sec. 2 Twp 08N Rge 04E BOISE County
CHARTERS CREEK	SWNE	Sec. 34 Twp 09N Rge 04E BOISE County
COSKI CREEK	NESE	Sec. 34 Twp 09N Rge 04E BOISE County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 04E 27									X		X	X			X		
									L9			L7			L7		
09N 04E 34	X	X	X	X	X			X					X	X			
	L3	L2		L3													

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 04E 27							24.0		1.0	13.0	30.0	22.0			1.0		91.0
							L6		L9	L6		L7			L7		
09N 04E 28			1.0	27.0									10.0				38.0
			L3	L4									L4				
09N 04E 34	14.0	29.0	34.0	33.0	35.0	10.0		14.0					20.0	14.0			203.0
	L3	L2		L3													

Total Acres: 332

WATER RIGHT NO. 65-5633
As Modified by Transfer No. 73787

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. 65.
2. 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 lands above.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right is limited to the irrigation of 190 acres within the place of use described above in a single irrigation season.
5. Rights 65-5633, 65-5696, 65-8850 and 65-11324 when combined shall not exceed the irrigation of 290 acres in a single irrigation season.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. Prior to diversion of Alder Creek water under this right, the right holder shall install and maintain a measuring device and lockable controlling works acceptable to the Department to provide the watermaster suitable control at the point of diversion.
8. When water is being diverted from the South Fork Payette River for irrigation purposes pursuant to right no. 63-11324, the holder of rights 65-5633 and 65-5696 shall physically separate water diverted, delivered, and used for irrigation under rights 65-5633 and 65-5696 to prevent it from being commingled with water diverted under right number 65-8850, 65-11324, and/or irrigation water rights not appurtenant to the same place of use as right 65-5633 and 65-5696. Water diverted pursuant to rights 65-5633 and 65-5696 shall only be used on the place of use expressly described and authorized for rights 65-5633 and 65-5696.
9. Rights 65-5633, 65-8850, and 65-11324 authorize the diversion and consumptive use of an annual total of up to 83 af for aesthetic and recreational uses to replace losses caused by evaporation from the 39 acre total surface area of 18-22 ponds and associated water features authorized under right 65-23105.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

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 22nd day of July, 2009

Shelley W. Keen
for Chief, Water Allocation Bureau

WATER RIGHT NO. 65-5696
As Modified by Transfer No. 73787

In accordance with the approval of Transfer No. 73787, Water Right No. 65-5696 is now described as follows.

Right Holder: EAGLE SPRINGS RANCH LLC
 PO BOX 2020
 BOISE ID 83701

Priority Date: April 01, 1966

Source: ALDER CREEK
 COSKI CREEK

Tributary: SOUTH FORK PAYETTE RIVER
 SOUTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.04 CFS
			0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

ALDER CREEK SWNE Sec. 2 Twp 08N Rge 04E BOISE County

COSKI CREEK NESE Sec. 34 Twp 09N Rge 04E BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 04E 27							24.0		1.0	13.0	30.0	22.0			1.0		91.0
							L 6		L 9	L 6		L 7			L 7		
09N 04E 28			1.0	27.0									10.0				38.0
			L 3	L 4									L 4				
09N 04E 34	14.0	29.0	34.0	33.0	35.0	10.0		14.0					20.0	14.0			203.0
	L 3	L 2		L 3													

Total Acres: 332

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. 65.
2. 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 lands above.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.
5. Rights 65-5633, 65-5696, 65-8850 and 65-11324 when combined shall not exceed the irrigation of 290 acres in a single irrigation season.

WATER RIGHT NO. 65-5696
As Modified by Transfer No. 73787

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. Prior to diversion of Alder Creek water under this right, the right holder shall install and maintain a measuring device and lockable controlling works acceptable to the Department to provide the watermaster suitable control at the point of diversion.
8. When water is being diverted from the South Fork Payette River for irrigation purposes pursuant to right no. 63-11324, the holder of rights 65-5633 and 65-5696 shall physically separate water diverted, delivered, and used for irrigation under rights 65-5633 and 65-5696 to prevent it from being commingled with water diverted under right number 65-8850, 65-11324, and/or irrigation water rights not appurtenant to the same place of use as right 65-5633 and 65-5696. Water diverted pursuant to rights 65-5633 and 65-5696 shall only be used on the place of use expressly described and authorized for rights 65-5633 and 65-5696.
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.
11. 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.

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 22nd day of July, 20 09

Shelley W. Keen
for Chief, Water Allocation Bureau

WATER RIGHT NO. 65-8850
As Modified by Transfer No. 73787

In accordance with the approval of Transfer No. 73787, Water Right No. 65-8850 is now described as follows.

Right Holder: BARNES VENTURES INC
 5983 W STATE ST STE D
 BOISE ID 83703

Priority Date: April 01, 1900

Source: ALDER CREEK

Tributary: SOUTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC	04/01	to 11/01	0.32 CFS	
STOCKWATER	01/01	to 12/31	0.06 CFS	3.3 AF
IRRIGATION	04/01	to 11/01	2.19 CFS	
			2.57 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ALDER CREEK SWNE Sec. 2 Twp 08N Rge 04E BOISE County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
09N 04E 35							X		X	X	X	X		X	X		
							L 5		L 6	L 5				L 7	L 7		

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
09N 04E 35							X	X	X					X			
							L 5	L 6	L 6					L 7			

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
09N 04E 35							10.0	6.0	35.0	36.0	11.0	18.0		17.0	3.0		136.0
							L 5	L 6	L 6	L 5				L 7	L 7		

Total Acres: 136

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. 65.

WATER RIGHT NO. 65-8850
As Modified by Transfer No. 73787

CONDITIONS OF APPROVAL

2. 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 lands above.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right is limited to the irrigation of 97 acres within the place of use described above in a single irrigation season.
5. Rights 65-8850 and 65-11324 when combined shall not exceed 0.26 cfs for aesthetic use nor exceed 1.94 cfs for irrigation use, and shall not exceed the irrigation of 97 acres in a single irrigation season.
6. Rights 65-5633, 65-5696, 65-8850 and 65-11324 when combined shall not exceed the irrigation of 290 acres in a single irrigation season.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. Prior to diversion of Alder Creek water under this right, the right holder shall install and maintain a measuring device and lockable controlling works acceptable to the Department to provide the watermaster suitable control at the point of diversion.
9. When water is being diverted from the South Fork Payette River for irrigation purposes pursuant to right no. 63-11324, the holder of rights 65-8850 and 65-11324 shall physically separate water diverted, delivered, and used for irrigation under rights 65-8850 and 65-11324 to prevent it from being commingled with water diverted under rights 65-5633, 65-5696 and/or other irrigation water rights not appurtenant to the same place of use as rights 65-8850 and 65-11324. Water diverted pursuant to rights 65-8850 and 65-11324 shall only be used on the place of use expressly described and authorized for rights 65-8850 and 65-11324.
10. Rights 65-5633, 65-8850, and 65-11324 authorize the diversion and consumptive use of an annual total of up to 83 af for aesthetic and recreational uses to replace losses caused by evaporation from the 39 acre total surface area of 18-22 ponds and associated water features authorized under right 65-23105.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 22nd day of July, 2009

Shelley W. Keen
for Chief, Water Allocation Bureau

WATER RIGHT NO. 65-11324
As Modified by Transfer No. 73787

In accordance with the approval of Transfer No. 73787, Water Right No. 65-11324 is now described as follows.

Right Holder: BARNES VENTURES INC
 5983 W STATE ST STE D
 BOISE ID 83703

Priority Date: September 03, 1966

Source: SOUTH FORK PAYETTE
 RIVER

Tributary: PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC	04/01	to 11/01	0.26 CFS	
STOCKWATER	01/01	to 12/31	0.05 CFS	2.7 AF
IRRIGATION	04/01	to 11/01	1.94 CFS	
			2.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SOUTH FORK PAYETTE L5 (SWNW) Sec. 35 Twp 09N Rge 04E BOISE County
 RIVER

SOUTH FORK PAYETTE L6 (SENW) Sec. 35 Twp 09N Rge 04E BOISE County
 RIVER

SOUTH FORK PAYETTE L7 (NWSE) Sec. 35 Twp 09N Rge 04E BOISE County
 RIVER

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	35							X		X	X	X	X		X	X		
									L5		L6	L5				L7	L7		

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	
09N	04E	35							X	X	X					X			
									L5	L6	L6					L7			

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	35							10.0	6.0	35.0	36.0	11.0	18.0		17.0	3.0		
									L5	L6	L6	L5				L7	L7		

Total Acres: 136

WATER RIGHT NO. 65-11324
As Modified by Transfer No. 73787

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. 65.
2. 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 lands above.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right is limited to the irrigation of 97 acres within the place of use described above in a single irrigation season.
5. Rights 65-5633, 65-5696, 65-8850 and 65-11324 when combined shall not exceed the irrigation of 290 acres in a single irrigation season.
6. Rights 65-8850 and 65-11324 when combined shall not exceed 0.26 cfs for aesthetic use nor exceed 1.94 cfs for irrigation use, and shall not exceed the irrigation of 97 acres in a single irrigation season.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. Prior to diversion of South Fork Payette River water under this right, the right holder shall install and maintain a measuring device and lockable controlling works acceptable to the Department to provide the watermaster suitable control at the point of diversion.
9. When water is being diverted from the South Fork Payette River for irrigation purposes pursuant to right no. 63-11324, the holder of rights 65-8850 and 65-11324 shall physically separate water diverted, delivered, and used for irrigation under rights 65-8850 and 65-11324 to prevent it from being commingled with water diverted under rights 65-5633, 65-5696 and/or other irrigation water rights not appurtenant to the same place of use as rights 65-8850 and 65-11324. Water diverted pursuant to rights 65-8850 and 65-11324 shall only be used on the place of use expressly described and authorized for rights 65-8850 and 65-11324.
10. Rights 65-5633, 65-8850, and 65-11324 authorize the diversion and consumptive use of an annual total of up to 83 af for aesthetic and recreational uses to replace losses caused by evaporation from the 39 acre total surface area of 18-22 ponds and associated water features authorized under right 65-23105.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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. 65-11324
As Modified by Transfer No. 73787

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 22nd day of July, 20 09

for Shelley W. Keen
Chief, Water Allocation Bureau