

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74949

This is to certify that: AVIMOR LLC
 485 E RIVERSIDE DR STE 300
 EAGLE ID 83616
 (208)939-0343

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>
63-5386	WR/Decreed	03/15/1894	1.88 cfs	N/A		93	SPRING VALLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-5386	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>
63-5386	63-5386	1.88 cfs	N/A	93	207		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.88 cfs	N/A	93	207		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of May, 2009

 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-5386
As Modified by Transfer No. 74949

In accordance with the approval of Transfer No. 74949, Water Right No. 63-5386 is now described as follows.

Right Holder: AVIMOR LLC
 485 E RIVERSIDE DR STE 300
 EAGLE ID 83616

Priority Date: March 15, 1894

Source: SPRING VALLEY CREEK **Tributary:** BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	02/01 to	12/01	0.02 CFS
IRRIGATION	03/15 to	11/15	1.86 CFS
			1.88 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING VALLEY CREEK	SESESE	Sec. 7	Twp 05N	Rge 02E	ADA County
SPRING VALLEY CREEK	NENWNE	Sec. 18	Twp 05N	Rge 02E	ADA County

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	
05N 02E 7		X	X									X		X	X		
05N 02E 17							X				X						
05N 02E 18	X	X	X	X	X			X	X			X		X	X		

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	
05N 02E 7		19.0	31.0									.5		12.0	11.0		73.5
05N 02E 17							4.0				.5						4.5
05N 02E 18	1.0	24.0	33.0	6.0	4.0			10.0	16.0			9.0		16.0	10.0		129.0

Total Acres: 207

WATER RIGHT NO. 63-5386
As Modified by Transfer No. 74949

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 93 acres within the place of use described above in a single irrigation season.
2. This right is limited to the irrigation of a specific 93 acres within the 207 acre place of use authorized by this right in a single irrigation season. The specific 93 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 93 acres to be irrigated within the 207 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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. 63.
5. 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 diversions.
6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 29th day of May, 2009

Chief, Water Allocation Bureau