

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74685

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>
22-13841	WR/License	01/08/1991	0.08 cfs	N/A	N/A	4.2	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>
22-13841	NO	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>
22-13841	22-13841	0.08 cfs	12.1 af	N/A	2.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.08 cfs	12.1 af	N/A	2.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-13841

WATER RIGHT NO. 22-13841
As Modified by Transfer No. 74685

In accordance with the approval of Transfer No. 74685, Water Right No. 22-13841 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	12/31	0.04 CFS	4.4 AF
FIRE PROTECTION STORAGE	01/01	12/31		4.4 AF
AESTHETIC STORAGE	01/01	12/31		4.4 AF
WILDLIFE STORAGE	01/01	12/31		4.4 AF
IRRIGATION	04/15	10/15	0.04 CFS	7.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NWNENE) Sec. 4 Twp 05N Rge 45E TETON County

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

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	45E	4	X	X			
			L1	L2			

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	45E	4	1.5				1.5
			L1				
06N	45E	33				.7	.7

Total Acres: 2.2

WATER RIGHT NO. 22-13841
As Modified by Transfer No. 74685

CONDITIONS OF APPROVAL

1. 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.
2. Diversion of water under transfer 74685 is subject to the terms stated in the Settlement Agreement for Application for Transfer No. 74685, recorded in Teton County on February 6, 2009 at instrument #202743.
3. The 2 ponds established by the storage of water under rights: 22-600, 22-601 and 22-13841 shall not exceed a total capacity of 13.3 acre feet or a total surface area of 2.4 acres.
4. This right authorizes the diversion of an annual total of 4.4 af to be used for the replacement of losses caused by evaporation from the ponds.
5. The right holder shall install and maintain an impermeable liner in the pond(s) to eliminate seepage losses.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. 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.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Point of diversion and place of use are located within the D Diamond Ranch Subdivision.
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.

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 18 day of May, 2009

for Ernest Carlson
Chief, Water Allocation Bureau