

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74214

This is to certify that: BIRCH CREEK RANCHES LLC
 5203 S 11TH E
 IDAHO FALLS ID 83404
 (208)522-8069

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>
33-14872	WR/Decreed	08/07/1961	0.47 cfs	N/A	N/A	150.0	GROUND WATER
33-14874	WR/Decreed	08/08/1961	0.28 cfs	N/A	N/A	150.0	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>
33-14872	NO	YES	YES	NO	NO	NO
33-14874	NO	YES	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>
33-14872	33-14872	0.47 cfs	82.3 af	23.5	114.0		N/A	N/A	N/A	N/A
33-14874	33-14874	0.28 cfs	82.3 af	23.5	114.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.75 cfs	82.3 af	23.5	114.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30 day of April, 20 09

Ernest Carlson
 for Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 33-14872

WATER RIGHT NO. 33-14874
As Modified by Transfer No. 74214

In accordance with the approval of Transfer No. 74214, Water Right No. 33-14874 is now described as follows.

Right Holder: BIRCH CREEK RANCHES LLC
 5203 S 11TH E
 IDAHO FALLS ID 83404

Priority Date: August 08, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.28 CFS	82.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWSE Sec. 19 Twp 10N Rge 27E BUTTE 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	
10N	27E	19													13.0			32.0	45.0
10N	27E	20										19.0	39.0						58.0
10N	27E	29						7.0											7.0
10N	27E	30	4.0																4.0

Total Acres: 114

CONDITIONS OF APPROVAL

1. Rights 33-14872 and 33-14874 when combined shall not exceed a total diversion rate of 0.75 cfs, a total annual maximum diversion volume of 82.3 af at the field headgate, and the irrigation of 23.5 acres.
2. Rights 33-14870, 33-14872 and 33-14874 when combined shall not exceed a total diversion rate of 2.56 cfs, a total annual maximum diversion volume of 399 af at the field headgate, and the irrigation of 114 acres.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 33-14874
As Modified by Transfer No. 74214

CONDITIONS OF APPROVAL

6. 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.
7. The following rights are diverted through point(s) of diversion described above: 33-14870, 33-14872, 33-14874.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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 3 day of April, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 33-14872
As Modified by Transfer No. 74214

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Right Holder: BIRCH CREEK RANCHES LLC
 5203 S 11TH E
 IDAHO FALLS ID 83404

Priority Date: August 07, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/31	0.47 CFS	82.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWSE Sec. 19 Twp 10N Rge 27E BUTTE 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	
10N 27E 19													13.0			32.0	45.0
10N 27E 20									19.0	39.0							58.0
10N 27E 29							7.0										7.0
10N 27E 30	4.0																4.0

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Dated this 30 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau