

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73833

This is to certify that: THE ORCHARDS AT EAGLE LLC
 802 W BANNOCK STE 801
 BOISE ID 83702
 (208)345-8761

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>
63-4315	AJC/Beneficial Use	04/01/1948	0.34 cfs	45 af	N/A	10.0	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>
63-4315	YES	NO	YES	YES	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>
63-4315	63-32789	0.20 cfs	41.4 af	6.3	16.0	63-32788	0.14 cfs	N/A	N/A	N/A
COMBINED TOTALS		0.20 cfs	41.4 af	6.3	16.0		0.14 cfs	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of December, 2008

for Shelley W. Keen
 Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 63-4315

WATER RIGHT NO. 63-32788
As Modified by Transfer No. 73833

In accordance with the approval of Transfer No. 73833, Water Right No. 63-32788 is now described as follows.

Right Holder: THE ORCHARDS AT EAGLE LLC
 802 W BANNOCK STE 801
 BOISE ID 83702

Priority Date: April 1, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01 to	12/31	0.12 CFS
STOCKWATER	01/01 to	12/31	0.02 CFS
			0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	SESE	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	L1 (NENE)	Sec. 14	Twp 04N	Rge 01W	ADA County

PLACE OF USE: DOMESTIC AND 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	
04N	01W	11																	X
04N	01W	14	X																
		L1																	

CONDITIONS OF APPROVAL

- 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.
- The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
- The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
- Domestic use is for 3 homes.

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 1st day of December, 2008

Shelley W. Keen
 for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-32789
As Modified by Transfer No. 73833

In accordance with the approval of Transfer No. 73833, Water Right No. 63-32789 is now described as follows.

Right Holder: THE ORCHARDS AT EAGLE LLC
 802 W BANNOCK STE 801
 BOISE ID 83702

Priority Date: April 1, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER RECHARGE	01/01	to 12/31	0.07 CFS	13.0 AF
IRRIGATION	03/01	to 11/15	0.13 CFS	28.4 AF
			0.20 CFS	41.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	SESE	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	L1 (NENE)	Sec. 14	Twp 04N	Rge 01W	ADA County
GROUND WATER	L1 (NENE)	Sec. 14	Twp 04N	Rge 01W	ADA County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 14	X																
	L1																

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	
04N 01W 11																	8.0
04N 01W 14	8.0																8.0
	L1																

Total Acres: 16.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

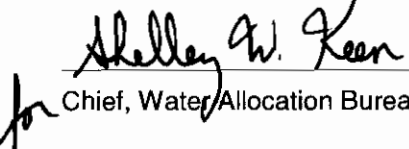
WATER RIGHT NO. 63-32789
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CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. This right authorizes the diversion rate of 0.07 cfs and an annual diversion volume of 13.0 af for ground water recharge as replacement of losses caused by evaporation from a pond associated with permit 63-32601. The diversion volume is fully consumptive.
7. This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.
8. 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.
9. 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.

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 1st day of December, 2008


for Chief, Water Allocation Bureau