

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74795

This is to certify that: SVI HOLDINGS LLC
542 S EAGLE DR
MAPLETON UT 84664

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>
23-11389	WR/Decreed	08/15/1893	0.9 cfs	N/A	38.6	38.6	PALISADES 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>
23-11389	NO	NO	NO	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>
23-11389	23-11389	0.9 cfs	N/A	N/A	34.8		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.9 cfs	N/A	N/A	34.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of August, 2008

for Shelley W. Keen
Chief, Water Allocation Bureau

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. 01.
2. 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 diversion(s).
3. The pond established by the storage of water under this right shall not exceed a total capacity of 3.8 acre feet or a total surface area of 0.4 acres.

WATER RIGHT NO. 23-11389
As Modified by Transfer No. 74795

CONDITIONS OF APPROVAL

4. This right authorizes the diversion of an annual total of 4.2 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond.
5. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
6. 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.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. This right does not grant any right-of-way or easement across the land of another.
9. Use of this right is combined with water from Palisades Irrigation Co.
10. Water is delivered through Palisades Canal.
11. Place of use for irrigation is located within Lots 1-4, Blk. 1; Lot 1-2, 4-6, Blk. 2; Lots 1-2, Blk. 3; and Lots 1-2, Blk. 4; Deer Track Ranch Subdivision. Place of use for Aesthetic and Fire Protection Storage are located within Lot 5, Blk. 2; Deer Track Ranch Subdivision.
12. Place of use does not include federal public lands.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 13th day of August, 2008

for Shelley W. Keen
Chief, Water Allocation Bureau