

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73906

This is to certify that: TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616
(208)859-8848

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>
63-31799	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	144.8	GROUND WATER
63-31801	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	144.8	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>
63-31799	NO	NO	YES	YES	NO	NO
63-31801	NO	NO	YES	YES	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>
63-31799	63-31799	0.30 cfs	127.0 af	29.5	145.5		N/A	N/A	N/A	N/A
63-31801	63-31801	0.72 cfs	344.2 af	86.5	145.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.02 cfs	428.0 af	95.1	145.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of May, 2008

Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-31799

TRANSFER NO. 73906
WATER RIGHT NO. 63-31799
As Modified by Transfer No. 73906

In accordance with the approval of Transfer No. 73906, Water Right No. 63-31799 is now described as follows.

Right Holder: TUSCANY HILLS LLC
 82 E STATE ST STE B
 EAGLE ID 83616

Priority Date: October 07, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.30 CFS	127.0 AF
			0.30 CFS	127.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NESE	Sec. 11 Twp 02N	Rge 03W CANYON 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	
02N 03W 10			.4	34.6									19.0			3.5	57.5
02N 03W 11					18.0	30.0			40.0								88.0

Total Acres: 145.5

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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

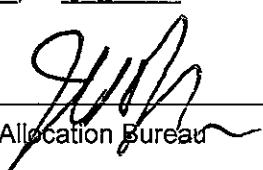
WATER RIGHT NO. 63-31799
As Modified by Transfer No. 73906

CONDITIONS OF APPROVAL

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 does not grant any right-of-way or easement across the land of another.
7. This right is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/1 and after 11/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Rights 63-31799 and 63-31801 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 428 af at the field headgate, and the irrigation of 95.1 acres.
10. Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31800, 63-31801 and 63-31802 are also diverted through the existing well in the NWSW and the well in the NESE, Section 11, T2N, R3W.

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 May, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31801
As Modified by Transfer No. 73906

In accordance with the approval of Transfer No. 73906, Water Right No. 63-31801 is now described as follows.

Right Holder: TUSCANY HILLS LLC
 82 E STATE ST STE B
 EAGLE ID 83616

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.72 CFS	344.2 AF
			0.72 CFS	344.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NESE	Sec. 11 Twp 02N	Rge 03W CANYON 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	
02N 03W 10			.4	34.6									19.0			3.5	57.5
02N 03W 11					18.0	30.0			40.0								88.0

Total Acres: 145.5

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.
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.

WATER RIGHT NO. 63-31801
As Modified by Transfer No. 73906

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Rights 63-31799 and 63-31801 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 428 af at the field headgate, and the irrigation of 95.1 acres.
10. Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31800, 63-31801 and 63-31802 are also diverted through the existing well in the NWSW and the well in the NESE, Section 11, T2N, R3W.

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 May, 20 08



Chief, Water Allocation Bureau