

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74457

This is to certify that: EUREKA FEELING INC
 PO BOX 9568
 AVON CO 81620
 (650) 922-1023

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>
22-13819	WR/License	01/08/1991	0.01 cfs	N/A	N/A	0.5	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<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>
22-13818	WR/License	01/08/1991	0.61 cfs	N/A	N/A	32.7	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>
22-13819	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>
22-13819	22-13819	0.01 cfs	1.0 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.01 cfs	1.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of March, 2008


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-13819

WATER RIGHT NO. 22-13819
As Modified by Transfer No. 74457

In accordance with the approval of Transfer No. 74457, Water Right No. 22-13819 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	to 12/31	0.01 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		1.0 AF
			0.01 CFS	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENW Sec. 33 Twp 06N Rge 44E TETON County

PLACE OF USE: FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	44E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X												

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre feet or a total surface area of 0.20 acres.
2. This right authorizes the diversion of an annual total of 1.0 af to be used for a portion of the initial filling of the pond and for the replacement of losses caused by seepage and evaporation from the pond.
3. Any additional water volume or flow rate needed for the initial filling or any subsequent refilling of the pond must be rented from the Water Supply Bank.
4. Water shall not be diverted from the fire protection storage pond under this right except to fight or repel an existing fire.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 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.

WATER RIGHT NO. 22-13819
As Modified by Transfer No. 74457

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Point of diversion and place of use is located within Double F Ranch Subdivision.

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 March, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13818
As Modified by Transfer No. 74457

In accordance with the approval of Transfer No. 74457, Water Right No. 22-13818 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>
IRRIGATION	04/15	to 10/15	0.61 CFS
			0.61 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 5 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	45E	5	NE	NW	SW	SE	32.7
							32.7

Total Acres: 32.7

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 114.5 af for the lands above.
2. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
3. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. 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.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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 March, 2008


 Chief, Water Allocation Bureau