

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74351

This is to certify that: SURPRISE VALLEY HOLDINGS LLC
 PO BOX 1601
 DRIGGS ID 83422
 (208)399-8080

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>
22-13821	WR/License	01/08/1991	0.02 cfs	N/A	N/A	1.0	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>
22-13821	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>
22-13821	22-13821	0.02 cfs	2.0 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.02 cfs	2.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of March, 20 08

 Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13821
As Modified by Transfer No. 74351

In accordance with the approval of Transfer No. 74351, Water Right No. 22-13821 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	0.02 CFS	
FIRE PROTECTION STORAGE	01/01 to	12/31		2.0 AF
			0.02 CFS	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 7 Twp 05N Rge 46E TETON County

PLACE OF USE: FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	46E	7	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 1.4 acre feet or a total surface area of 0.33 acres.
2. This right authorizes the diversion of an annual total of 2.0 af to be used for filling of the pond and for the replacement of losses caused by seepage and evaporation from the pond.
3. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
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. 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 right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-13821
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CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Point of diversion and place of use are located within the Chilly Water 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 17th day of March, 20 08



Chief, Water Allocation Bureau