

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 32-07261

Priority: January 28, 2000

Maximum Diversion Rate: 1.40 CFS

It is hereby certified that BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 28, 2000; and has submitted Proof of Beneficial Use on April 17, 2000. An examination indicates that the works have a diversion capacity of 1.4 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	1.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼SW¼NE¼	Sec. 32, Twp 09N, Rge 33E, B.M. CLARK County
GROUND WATER	SW¼NW¼SW¼	Sec. 36, Twp 09N, Rge 32E, B.M. CLARK County
GROUND WATER	SW¼NW¼SE¼	Sec. 31, Twp 09N, Rge 33E, B.M. CLARK 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	
08N 32E 1	34.0	34.0	40.0	40.0	11.0			9.0									168.0
	L 1	L 2			L 3												
09N 32E 36							40.0	40.0	40.0	40.0	39.0	38.0					237.0
											L 4	L 3					

Total Acres: 405

CONDITIONS OF APPROVAL

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

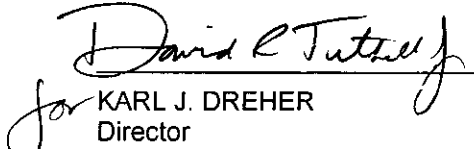
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CONDITIONS OF APPROVAL CONTINUED

3. 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. 110.
4. The right holder shall comply with the measuring device requirements of Transfer No. 72204 and Water District 110.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Rights 32-7025, 32-7261, and 32-10127 when combined shall not exceed the irrigation of 405 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1417.5 af at the field headgate for the lands above.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 32-7025, 32-10127, 32-13219, and 32-13220 are also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 10th day of May, 2006.


for **KARL J. DREHER**
Director