

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72204

This is to certify that: BIRCH CREEK RANCHES LLC
 5203 S 11TH E
 IDAHO FALLS ID 83404
 (208)522-8069

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>
32-7025	WR/Decreed	12/26/1973	3.92 cfs	1102.5 af	315.0	405.0	GROUND WATER
32-10127	WR/Decreed	12/26/1973	0.84 cfs	315.0 af	90.0	405.0	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>
32-7025	NO	NO	NO	YES	NO	NO
32-10127	NO	NO	NO	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>
32-7025	32-7025	3.92 cfs	1102.5 af	315.0	405.0		N/A	N/A	N/A	N/A
32-10127	32-10127	0.84 cfs	315.0 af	90.0	405.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.92 cfs	1417.5 af	405.0	405.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of October, 20 05


 Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 32-7025

WATER RIGHT NO. 32-7025
As Modified by Transfer No. 72204

In accordance with the approval of Transfer No. 72204, Water Right No. 32-7025 is now described as follows.

Right Holder: BIRCH CREEK RANCHES LLC
 5203 S 11TH E
 IDAHO FALLS ID 83404

Priority Date: December 26, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	6.7 AF
DOMESTIC	01/01 to	12/31	0.04 CFS	1.2 AF
IRRIGATION	04/01 to	11/01	3.76 CFS	1,102.5 AF
			3.92 CFS	1,102.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSW	Sec. 36 Twp 09N	Rge 32E	CLARK County
GROUND WATER	L4 (SWSWSW)	Sec. 36 Twp 09N	Rge 32E	CLARK County
GROUND WATER	SWNWSE	Sec. 31 Twp 09N	Rge 33E	CLARK County
GROUND WATER	NWSWNE	Sec. 32 Twp 09N	Rge 33E	CLARK County

PLACE OF USE: STOCKWATER and DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 32E 36										X							
										L 4							

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 quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 32-7025
As Modified by Transfer No. 72204

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Rights 32-7025 and 32-10127 when combined shall not exceed a total diversion rate of 3.92 cfs, a total annual maximum diversion volume of 1417.5 af at the field headgate, and the irrigation of 405 acres.
6. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
7. This right is limited to the irrigation of 315 acres within the place of use described above in a single irrigation season.
8. Use of water under this right is combined with water from Reno Ditch Company, Inc.
9. Prior to the diversion and use of water under Transfer approval 72204, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. Right 32-10127 is also diverted through the point(s) of diversion described above.
12. Right No. 32-10127 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
13. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
14. 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.

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 5th day of October, 20 05



Chief, Water Allocation Bureau

WATER RIGHT NO. 32-10127
As Modified by Transfer No. 72204

In accordance with the approval of Transfer No. 72204, Water Right No. 32-10127 is now described as follows.

Right Holder: BIRCH CREEK RANCHES LLC
 5203 S 11TH E
 IDAHO FALLS ID 83404

Priority Date: December 26, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.84 CFS	315.0 AF
			0.84 CFS	315.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSW	Sec. 36 Twp 09N	Rge 32E	CLARK County
GROUND WATER	SWNWSE	Sec. 31 Twp 09N	Rge 33E	CLARK County
GROUND WATER	NWSWNE	Sec. 32 Twp 09N	Rge 33E	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

- 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.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
- Use of water under this right is combined with water from Reno Ditch Company, Inc.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 32-10127
As Modified by Transfer No. 72204

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 72204, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Rights 32-7025 and 32-10127 when combined shall not exceed a total diversion rate of 3.92 cfs, a total annual maximum diversion volume of 1417.5 af at the field headgate, and the irrigation of 405 acres.
9. This right is based upon an enlargement of Right No. 32-7025 pursuant to Section 42-1426, Idaho Code.
10. This right is for an enlargement of 90 acres within the place of use described for this right.
11. Right 32-7025 is also diverted through the point(s) of diversion described above.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. 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.

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 5th day of October, 2005


Chief, Water Allocation Bureau