

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 71735

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 32-13219     | WR/Decreed          | 12/27/1951      | 0.64 cfs    | 185.5 af      | 53.0              | 101.0              | GROUND WATER  |
| 32-13220     | WR/Decreed          | 01/02/1952      | 0.36 cfs    | 152.8 af      | 48.0              | 101.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 32-13219              | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 32-13220              | NO           | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 32-13219               | <b>32-13219</b>                  | 0.64 cfs             | 185.5 af               | 53.0              | 101.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-13220               | <b>32-13220</b>                  | 0.36 cfs             | 152.8 af               | 48.0              | 101.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.00 cfs</b>      | <b>338.3 af</b>        | <b>101.0</b>      | <b>101.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 27<sup>th</sup> day of April, 20 05

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**SUPPORT DATA**  
**IN FILE # 32-13219**

**WATER RIGHT NO. 32-13219  
As Modified by Transfer No. 71735**

In accordance with the approval of Transfer No. 71735, Water Right No. 32-13219 is now described as follows.

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

**Priority Date:** December 27, 1951

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.64 CFS              | 185.5 AF      |
|                       |             |           | 0.64 CFS              | 185.5 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

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 |        |
| 09N | 33E | 32  |    |    |    |    |    |    |    |    | 25.5 | 25.5 | 25.0 | 25.0 |    |    |    |    | 101.0  |

Total Acres: 101

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 32-13219 and 32-13220 shall not exceed 1.0 cfs, a total combined annual volume of 338.3 af for the irrigation of 101.0 acres.
2. This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 71735, 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.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 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.

**WATER RIGHT NO. 32-13219**  
**As Modified by Transfer No. 71735**

**CONDITIONS OF APPROVAL**

6. 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.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 27<sup>th</sup> day of April, 20 05

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 32-13220**  
**As Modified by Transfer No. 71735**

In accordance with the approval of Transfer No. 71735, Water Right No. 32-13220 is now described as follows.

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

**Priority Date:** January 02, 1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.36 CFS              | 152.8 AF      |
|                       |             |           | 0.36 CFS              | 152.8 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

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 |        |
| 09N | 33E | 32  |    |    |    |    |    |    |    |    | 25.5 | 25.5 | 25.0 | 25.0 |    |    |    |    | 101.0  |

Total Acres: 101

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Rights 32-13219 and 32-13220 shall not exceed 1.0 cfs, a total combined annual volume of 338.3 af for the irrigation of 101.0 acres.
2. This right is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 71735, 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.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 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.

**WATER RIGHT NO. 32-13220**  
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**CONDITIONS OF APPROVAL**

6. 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.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 27<sup>th</sup> day of April, 2005

  
Chief, Water Allocation Bureau