

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79762**

This is to certify that: **MACKAY LAND CO**
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362
AND
NO TELLUM CREEK RANCH LLC
2655 1ST ST #245
SIMI VALLEY, CA 93065-1547

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-14040	WR/DECREED	10/12/1884	0.740 cfs	N/A	N/A	36.0	BIG LOST RIVER
34-14041	WR/DECREED	10/12/1884	3.580 cfs	N/A	N/A	173.0	BIG LOST RIVER
34-14042	WR/DECREED	5/11/1960	0.710 cfs	126.0 af	N/A	36.0	GROUND WATER
34-14043	WR/DECREED	5/11/1960	3.360 cfs	591.5 af	N/A	169.0	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>
34-14040	NO	NO	YES	NO	NO	NO
34-14041	YES	NO	YES	NO	NO	NO
34-14042	NO	YES	YES	NO	NO	NO
34-14043	YES	YES	YES	NO	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>
34-14040	34-14040	0.740 cfs	N/A	36.0	75.0	N/A	N/A	N/A	N/A	N/A
34-14041	34-14468	0.810 cfs	N/A	39.0	75.0	34-14041	2.770 cfs	N/A	N/A	134.0
34-14042	34-14042	0.710 cfs	126.0 af	36.0	75.0	N/A	N/A	N/A	N/A	N/A
34-14043	34-14469	0.780 cfs	136.5 af	39.0	75.0	34-14043	2.580 cfs	455.0 af	N/A	130.0
COMBINED TOTALS		1.980 cfs	N/A	75.0	75.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 34-14040

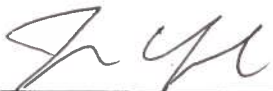
Transfer No. 79762

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79762

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 23rd day of February, 2015.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 34-14042

As Modified by Transfer No. 79762

In accordance with the approval of Transfer No. 79762, Water Right No. 34-14042 is now described as follows:

Right Holder: MACKAY LAND CO
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

Priority Date: 5/11/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.710 cfs

0.710 cfs

Diversion Volume

126.0 af

126.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

L3 (NWSW)

Sec 31 Twp 07N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36													8.0			1.5	9.5
07N	25E	31							1.0			47.0	17.5						65.5
									L 2			L 3	L 4						

Right Acre Limit: 36.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14040 and 34-14042 when combined shall not exceed a total diversion rate of 0.95 cfs and the irrigation of 36 acres.
3. Rights 34-14040, 34-14042, 34-14468, and 34-14469 when combined shall not exceed a total diversion rate of 1.98 cfs and the irrigation of 75 acres.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

WATER RIGHT NO. 34-14042

As Modified by Transfer No. 79762

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79762, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. 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. 34.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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 place of use.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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. 34-14040**As Modified by Transfer No. 79762**

In accordance with the approval of Transfer No. 79762, Water Right No. 34-14040 is now described as follows:

Right Holder: MACKAY LAND CO
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

Priority Date: 10/12/1884

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE **From** **To** **Diversion Rate**
IRRIGATION 05/01 to 10/15 0.740 cfs
0.740 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SWNESW Sec 20 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36													8.0			1.5	9.5
07N	25E	31							1.0			47.0	17.5						65.5
									L 2			L 3	L 4						

Right Acre Limit: 36.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14040 and 34-14042 when combined shall not exceed a total diversion rate of 0.95 cfs, and the irrigation of 36.0 acres.
3. Rights 34-14040, 34-14042, 34-14468, and 34-14469 when combined shall not exceed a total diversion rate of 1.98 cfs and the irrigation of 75 acres.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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. 34.

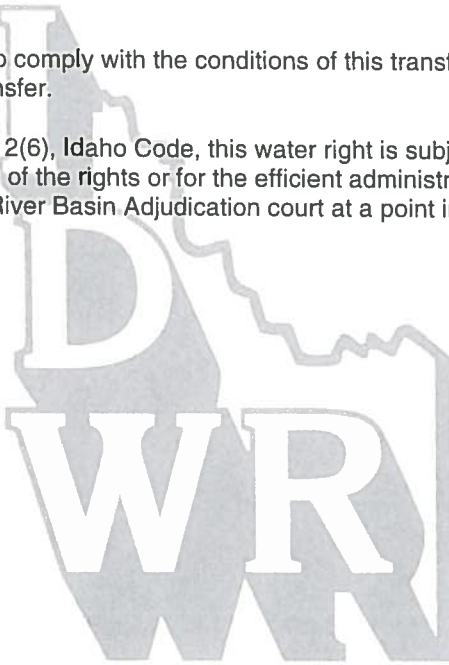
Transfer No. 79762

WATER RIGHT NO. 34-14040

As Modified by Transfer No. 79762

CONDITIONS OF APPROVAL

6. 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 place of use.
7. Water is delivered through the Swauger Ditch.
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. 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. 34-14041

As Modified by Transfer No. 79762

In accordance with the approval of Transfer No. 79762, Water Right No. 34-14041 is now described as follows:

Right Holder: NO TELLUM CREEK RANCH LLC
2655 1ST ST #245
SIMI VALLEY, CA 93065-1547

Priority Date: 10/12/1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From
05/01

To
to 10/15

Diversion Rate
2.770 cfs
2.770 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SWNESW Sec 20 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36					34.5	33.0	29.5	33.0		4.0							134.0

POU Total Acres: 134.0

CONDITIONS OF APPROVAL

1. Rights 34-14041 and 34-14043 when combined shall not exceed a total diversion rate of 3.54 cfs and the irrigation of 134 acres.
2. Water is delivered through the Swauger Ditch.
3. 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. 34-14468

As Modified by Transfer No. 79762

In accordance with the approval of Transfer No. 79762, Water Right No. 34-14468 is now described as follows:

Right Holder: MACKAY LAND CO
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

Priority Date: 10/12/1884

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.810 cfs

0.810 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SWNESW Sec 20 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36													8.0			1.5	9.5
07N	25E	31							1.0			47.0	17.5						65.5
									L2			L3	L4						

Right Acre Limit: 39.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14468 and 34-14469 when combined shall not exceed a total diversion rate of 1.03 cfs and the irrigation of 39 acres.
3. Rights 34-14040, 34-14042, 34-14468, and 34-14469 when combined shall not exceed a total diversion rate of 1.98 cfs and the irrigation of 75 acres.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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. 34.

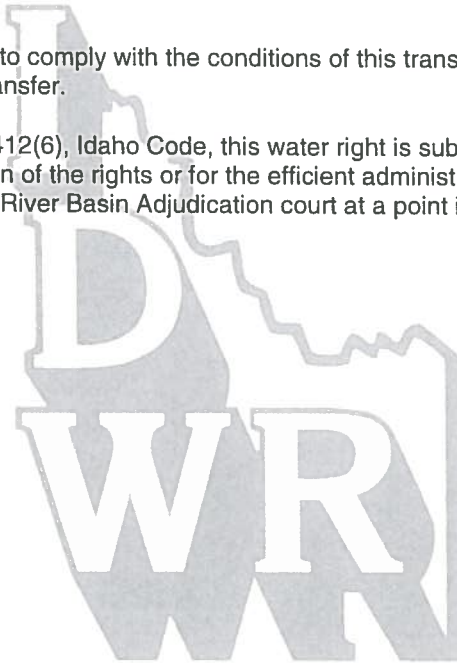
Transfer No. 79762

WATER RIGHT NO. 34-14468

As Modified by Transfer No. 79762

CONDITIONS OF APPROVAL

6. 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 place of use.
7. Water is delivered through the Swauger Ditch.
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. 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. 34-14043

As Modified by Transfer No. 79762

In accordance with the approval of Transfer No. 79762, Water Right No. 34-14043 is now described as follows:

Right Holder: NO TELLUM CREEK RANCH LLC
2655 1ST ST #245
SIMI VALLEY, CA 93065-1547

Priority Date: 5/11/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.580 cfs

2.580 cfs

Diversion Volume

455.0 af

455.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNWNW

Sec 36 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36					34.5	33.0	29.5	33.0									130.0

POU Total Acres: 130.0

CONDITIONS OF APPROVAL

1. Rights 34-14041 and 34-14043 when combined shall not exceed a total diversion rate of 3.54 cfs and the irrigation of 134.0 acres.
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.

WATER RIGHT NO. 34-14469

As Modified by Transfer No. 79762

In accordance with the approval of Transfer No. 79762, Water Right No. 34-14469 is now described as follows:

Right Holder: MACKAY LAND CO
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

Priority Date: 5/11/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.780 cfs

0.780 cfs

Diversion Volume

136.5 af

136.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

L3 (NWSW)

Sec 31 Twp 07N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36													8.0			1.5	9.5
07N	25E	31							1.0			47.0	17.5						65.5
									L 2			L 3	L 4						

Right Acre Limit: 39.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14468 and 34-14469 when combined shall not exceed a total diversion rate of 1.03 cfs and the irrigation of 39 acres.
3. Rights 34-14040, 34-14042, 34-14468, and 34-14469 when combined shall not exceed a total diversion rate of 1.98 cfs and the irrigation of 75 acres.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

WATER RIGHT NO. 34-14469

As Modified by Transfer No. 79762

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79762, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. 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. 34.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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 place of use.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.