

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77935

This is to certify that: RAINBOW TROUT RANCH LLC
451 JACKSON ST
SAN FRANCISCO CA 94111

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>
34-13564	WR/Decreed	05/01/1975	1.78 cfs	N/A	N/A	337.4	WARM SPRINGS CREEK
34-527	WR/Decreed	04/01/1883	3.2 cfs	N/A	160.0	337.4	WARM SPRINGS CREEK
34-528	WR/Decreed	04/01/1908	2.4 cfs	N/A	120.0	337.4	WARM SPRINGS CREEK
34-742	WR/Decreed	05/01/1905	3 cfs	N/A	150.0	337.4	BIG LOST RIVER
34-13944	WR/Decreed	05/01/1907	1.52 cfs	N/A	76.0	337.4	BIG LOST RIVER

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>
34-13564	NO	NO	YES	NO	NO	NO
34-527	NO	NO	YES	NO	NO	NO
34-528	NO	NO	YES	NO	NO	NO
34-742	NO	NO	YES	NO	NO	NO
34-13944	NO	NO	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>
34-13564	34-13564	1.78 cfs	N/A	N/A	337.4		N/A	N/A	N/A	N/A
34-527	34-527	3.2 cfs	N/A	160.0	337.4		N/A	N/A	N/A	N/A
34-528	34-528	2.4 cfs	N/A	120.0	337.4		N/A	N/A	N/A	N/A
34-742	34-742	3 cfs	N/A	150.0	337.4		N/A	N/A	N/A	N/A
34-13944	34-13944	1.52 cfs	N/A	76.0	337.4		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		10.12 cfs	N/A	337.4	337.4		N/A	N/A	N/A	N/A

SUPPORT DATA
IN FILE # 34-527

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77935

Detailed Water Right Description(s) attached

Dated this 7th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 34-742
As Modified by Transfer No. 77935

In accordance with the approval of Transfer No. 77935, Water Right No. 34-742 is now described as follows.

Right Holder: RAINBOW TROUT RANCH LLC
451 JACKSON ST
SAN FRANCISCO CA 94111

Priority Date: May 01, 1905

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	NESWNW	Sec. 15 Twp 08N Rge 21E CUSTER County
BIG LOST RIVER	SWSWNW	Sec. 27 Twp 08N Rge 22E CUSTER County
(Injection)		
BIG LOST RIVER	NWSENW	Sec. 28 Twp 08N Rge 22E CUSTER County
(Rediversion)		

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	22E	20				23.8									14.8			2.9	41.5
08N	22E	21							32.6		32.5	37.0	37.9	38.8					178.8
08N	22E	28					37.5	8.7	4.7	32.7	33.5								117.1

Total Acres: 337.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 150 acres within the authorized place of use in a single irrigation season.
2. Rights 34-527, 34-528, 34-742, 34-13564 and 34-13944 when combined shall not exceed a total diversion rate of 10.12 cfs, and the irrigation of 337.4 acres.
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.34.
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. 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.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 34-742
As Modified by Transfer No. 77935

CONDITIONS OF APPROVAL

7. Point of injection into and point of redirection from Warm Springs Creek.
8. Water is delivered through Neilsen Ditch.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
10. The right holder shall accomplish the change authorized by this transfer within 1 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.

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 7th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 34-13944
As Modified by Transfer No. 77935

In accordance with the approval of Transfer No. 77935, Water Right No. 34-13944 is now described as follows.

Right Holder: RAINBOW TROUT RANCH LLC
 451 JACKSON ST
 SAN FRANCISCO CA 94111

Priority Date: May 01, 1907

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	1.52 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	NESWNW	Sec. 15 Twp 08N Rge 21E CUSTER County
BIG LOST RIVER	SWSWNW	Sec. 27 Twp 08N Rge 22E CUSTER County
(Injection)		
BIG LOST RIVER	NWSENW	Sec. 28 Twp 08N Rge 22E CUSTER County
(Rediversion)		

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08N 22E 20				23.8									14.8			2.9	41.5
08N 22E 21							32.6		32.5	37.0	37.9	38.8					178.8
08N 22E 28					37.5	8.7	4.7	32.7	33.5								117.1

Total Acres: 337.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 76 acres within the authorized place of use in a single irrigation season.
2. Rights 34-527, 34-528, 34-742, 34-13564 and 34-13944 when combined shall not exceed a total diversion rate of 10.12 cfs, and the irrigation of 337.4 acres.
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.34.
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. 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.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 34-13944
As Modified by Transfer No. 77935

CONDITIONS OF APPROVAL

7. Point of injection into and point of redirection from Warm Springs Creek.
8. Water is delivered through Neilsen Ditch.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
10. The right holder shall accomplish the change authorized by this transfer within 1 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.

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 7th day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 34-527
As Modified by Transfer No. 77935

In accordance with the approval of Transfer No. 77935, Water Right No. 34-527 is now described as follows.

Right Holder: RAINBOW TROUT RANCH LLC
 451 JACKSON ST
 SAN FRANCISCO CA 94111

Priority Date: April 01, 1883

Source: WARM SPRINGS CREEK **Tributary:** BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	3.20 CFS
DOMESTIC	01/01 to	12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK NWSENW Sec. 28 Twp 08N Rge 22E CUSTER 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	22E	20				23.8									14.8			2.9	41.5
08N	22E	21							32.6		32.5	37.0	37.9	38.8					178.8
08N	22E	28					37.5	8.7	4.7	32.7	33.5								117.1

Total Acres: 337.4

PLACE OF USE: 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	
08N	22E	28							X										

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-527, 34-528, and 34-13564 when combined shall not exceed a total diversion rate of 5.60 cfs
3. Rights 34-527, 34-528, 34-742, 34-13564, and 34-13944 when combined shall not exceed a total diversion rate of 10.12 cfs, and the irrigation of 337.4 acres.
4. 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.

WATER RIGHT NO. 34-527
As Modified by Transfer No. 77935

CONDITIONS OF APPROVAL

5. 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).
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. This right does not grant any right-of-way or easement across the land of another.
8. The following rights are diverted through point of diversion described above: 34-00527, 34-00528, and 34-13564.
9. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
10. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
11. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
12. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

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 7th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 34-528
As Modified by Transfer No. 77935

In accordance with the approval of Transfer No. 77935, Water Right No. 34-528 is now described as follows.

Right Holder: RAINBOW TROUT RANCH LLC
 451 JACKSON ST
 SAN FRANCISCO CA 94111

Priority Date: April 01, 1908

Source: WARM SPRINGS CREEK **Tributary:** BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	5/01 to	10/15	2.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK NWSENW Sec. 28 Twp 08N Rge 22E CUSTER 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	22E	20				23.8									14.8			2.9	41.5
08N	22E	21							32.6		32.5	37.0	37.9	38.8					178.8
08N	22E	28					37.5	8.7	4.7	32.7	33.5								117.1

Total Acres: 337.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120 acres within the authorized place of use in a single irrigation season.
2. Rights 34-527, 34-528, and 34-13564 when combined shall not exceed a total diversion rate of 5.60 cfs
3. Rights 34-527, 34-528, 34-742, 34-13564, and 34-13944 when combined shall not exceed a total diversion rate of 10.12 cfs, and the irrigation of 337.4 acres.
4. 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.
5. 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).
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. This right does not grant any right-of-way or easement across the land of another.

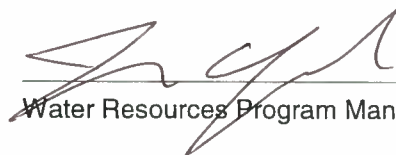
WATER RIGHT NO. 34-528
As Modified by Transfer No. 77935

CONDITIONS OF APPROVAL

8. The following rights are diverted through point of diversion described above: 34-00527, 34-00528, and 34-13564.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
10. The right holder shall accomplish the change authorized by this transfer within 1 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.

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 7th day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 34-13564
As Modified by Transfer No. 77935

In accordance with the approval of Transfer No. 77935, Water Right No. 34-13564 is now described as follows.

Right Holder: RAINBOW TROUT RANCH LLC
451 JACKSON ST
SAN FRANCISCO CA 94111

Priority Date: May 01, 1975

Source: WARM SPRINGS CREEK **Tributary:** BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	5/01 to	10/15	1.78 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK NWSENW Sec. 28 Twp 08N Rge 22E CUSTER 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	22E	20				23.8											14.8		2.9	41.5
08N	22E	21							32.6			32.5	37.0	37.9	38.8					178.8
08N	22E	28					37.5	8.7	4.7	32.7	33.5									117.1

Total Acres: 337.4

CONDITIONS OF APPROVAL

1. Rights 34-527, 34-528, and 34-13564 when combined shall not exceed a total diversion rate of 5.60 cfs
2. Rights 34-527, 34-528, 34-742, 34-13564, and 34-13944 when combined shall not exceed a total diversion rate of 10.12 cfs, and the irrigation of 337.4 acres.
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. 34.
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. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. The following rights are diverted through point of diversion described above: 34-00527, 34-00528, and 34-13564.

WATER RIGHT NO. 34-13564
As Modified by Transfer No. 77935

CONDITIONS OF APPROVAL

8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. This right is based upon an enlargement of Right Nos. 34-527 and 34-528 pursuant to Section 42-1426, Idaho Code.
10. This right is for an enlargement of 177.4 acres within the place of use described for this right.
11. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
12. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

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 7th day of June, 2012


Water Resources Program Manager