

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75851

This is to certify that: HEART ROCK RANCH LLC
196 ALBION AVE
WOODSIDE CA 94602
(650)851-0993

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>
37-2538	WR/Decreed	06/20/1953	1.65 cfs	289.1 af		82.5	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<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>
37-22052	WR/Decreed	04/15/1950	1.65 cfs	N/A	N/A	N/A	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>
37-2538	NO	NO	YES	NO	NO	YES

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>
37-2538	37-2538	1.65 cfs	289.1 af	67.2	151.1		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.65 cfs	289.1 af	67.2	151.1		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of April, 20 11

SUPPORT DATA

IN FILE # 37-2538


Southern Region Manager

SCANNED
APR 20 2011

all 6 pg + map

WATER RIGHT NO. 37-2538
As Modified by Transfer No. 75851

In accordance with the approval of Transfer No. 75851, Water Right No. 37-2538 is now described as follows.

Right Holder: HEART ROCK RANCH LLC
 196 ALBION AVE
 WOODSIDE CA 94602

Priority Date: June 20, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC	04/15	to 10/31	0.30 CFS	53.4 AF
RECREATION	04/15	to 10/31	0.30 CFS	53.4 AF
WILDLIFE	04/15	to 10/31	0.30 CFS	53.4 AF
IRRIGATION	04/15	to 10/31	1.35 CFS	235.7 AF
			1.65 CFS	289.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENW Sec. 13 Twp 01S Rge 18E BLAINE County

GROUND WATER NENENW Sec. 13 Twp 01S Rge 18E BLAINE County

PLACE OF USE: AESTHETIC, RECREATION & WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 18E 13					X	X	X	X									
01S 18E 14	X			X													

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	
01S 18E 13					27.1	35.8	34.7	38.3									135.9
01S 18E 14	4.1			11.1													15.2

Total Acres: 151.1

**WATER RIGHT NO. 37-2538
As Modified by Transfer No. 75851**

CONDITIONS OF APPROVAL

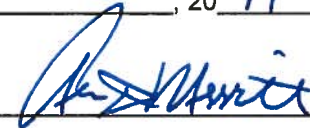
1. This right is limited to the irrigation of 67.2 acres within the authorized place of use in a single irrigation season.
2. This right is the primary right for the irrigation of 67.2 acres within the place of use described above.
3. Rights 37-2538 and 37-22052 when combined shall not exceed a total diversion rate of 1.65 cfs.
4. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-22050, 37-22051, 37-22459 and 37-22533 when combined shall not exceed a total diversion rate of 76.74 cfs.
5. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-310A, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-19831, 37-22050, 37-22051, 37-22052, 37-22459 and 37-22533 when combined shall not exceed a total diversion rate of 78.1 cfs.
6. 15.3 acres were agreed upon to be dried up under water right 37-2538 to account for consumptive use associated with the storage components of water right 37-22459.
7. 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 diversions.
8. 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 Nos. 37.
9. The right holder shall be able to pump from any ground water right point of diversion during the irrigation season to the extent permitted by law, but shall not pump from any ground water right during the non-irrigation season. The right holder is free to maintain any ground water point of diversion in any lawful fashion during any time of year in order to maintain diversion rates under this right.
10. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
11. The rights in Transfer 75851 are limited to the irrigation of a specific 67.2 acres within the 151.1 acre place of use authorized by the transfer in a single irrigation season. The specific 67.2 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 67.2 acres to be irrigated within the 151.1 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
12. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under the Stipulation to Resolve Protests dated January 20, 2011 to which the Department is not a party and which may be enforceable by a court of law.

WATER RIGHT NO. 37-2538
As Modified by Transfer No. 75851

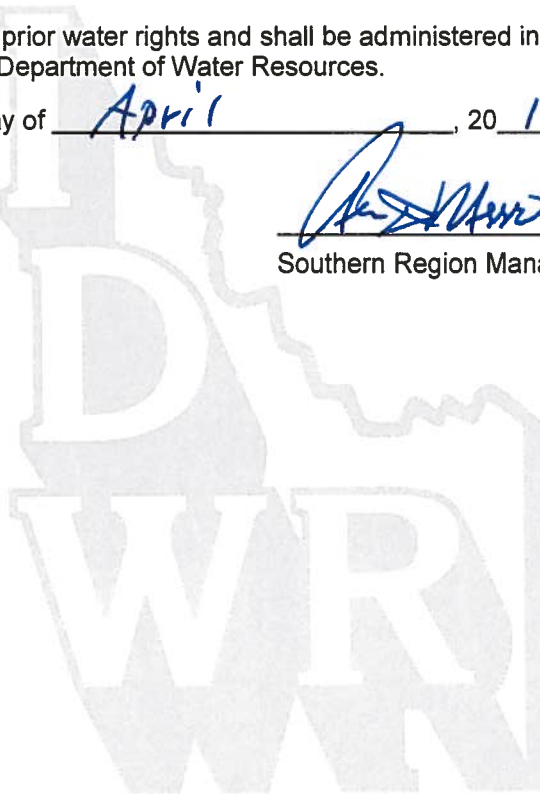
13. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), 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 12th day of April, 2011



Southern Region Manager



WATER RIGHT NO. 37-22052
As Modified by Transfer No. 75851

In accordance with the approval of Transfer No. 75851, Water Right No. 37-22052 is now described as follows.

Right Holder: HEART ROCK RANCH LLC
 196 ALBION AVE
 WOODSIDE CA 94602

Priority: April 15, 1950

Maximum Diversion Rate: 1.65 CFS

SOURCE

GROUND WATER

BENEFICIAL USE

STOCKWATER

WILDLIFE

AESTHETIC

PERIOD OF USE

01/01 to 12/31

01/01 to 12/31

01/01 to 12/31

DIVERSION RATE

0.04 CFS

1.65 CFS

1.65 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENW Sec. 13 Twp 01S Rge 18E BLAINE County

GROUND WATER NENW Sec. 13 Twp 01S Rge 18E BLAINE County

PLACE OF USE: STOCKWATER, WILDLIFE & AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	13					X	X	X	X									
01S	18E	14	X																

CONDITIONS OF APPROVAL

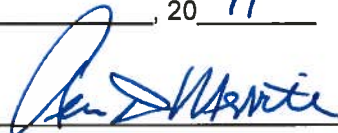
1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. Right Nos. 37-2538 and 37-22052 are limited to a total combined diversion rate of 1.65 cfs.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

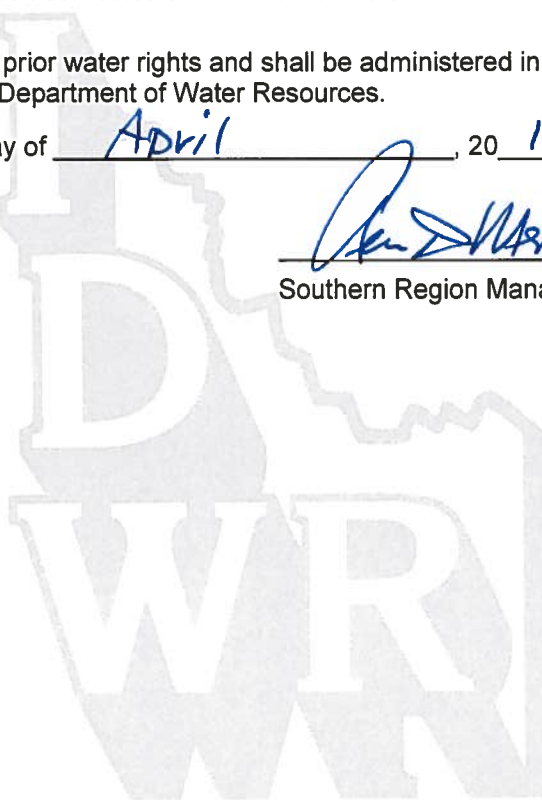
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5. The wildlife and aesthetic uses described for this water right are subordinated to all existing and future consumptive use water rights from surface and ground water sources in Basin 37.
6. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-22050, 37-22051, 37-22052, 37-22459 and 37-22533 when combined shall not exceed a total diversion rate of 76.74 cfs.
7. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-310A, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-19831, 37-22050, 37-22051, 37-22052, 37-22459 and 37-22533 when combined shall not exceed a total diversion rate of 78.1 cfs.

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Dated this 12th day of April, 20 11

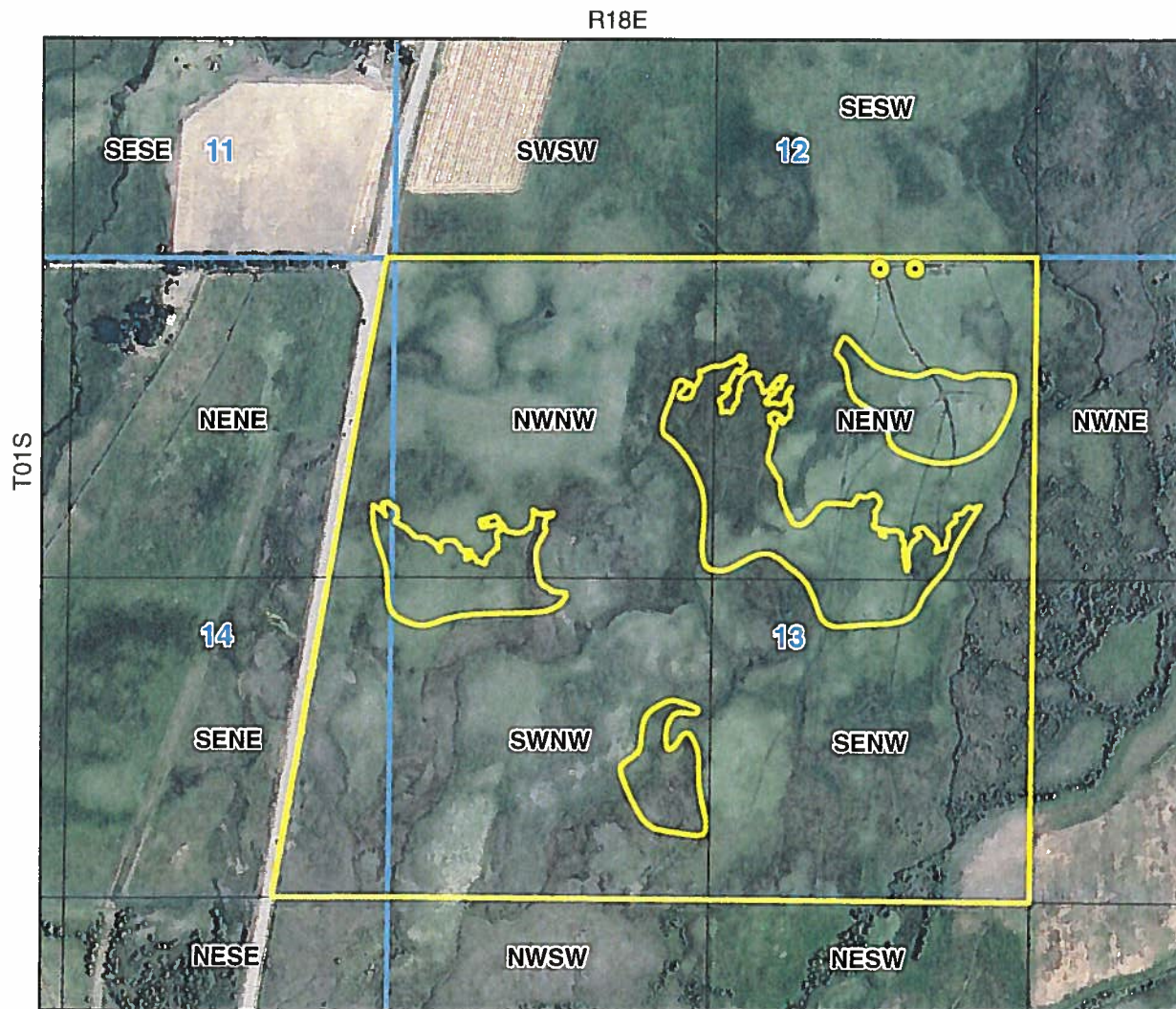

Southern Region Manager



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75851

Rights: 37-2538

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

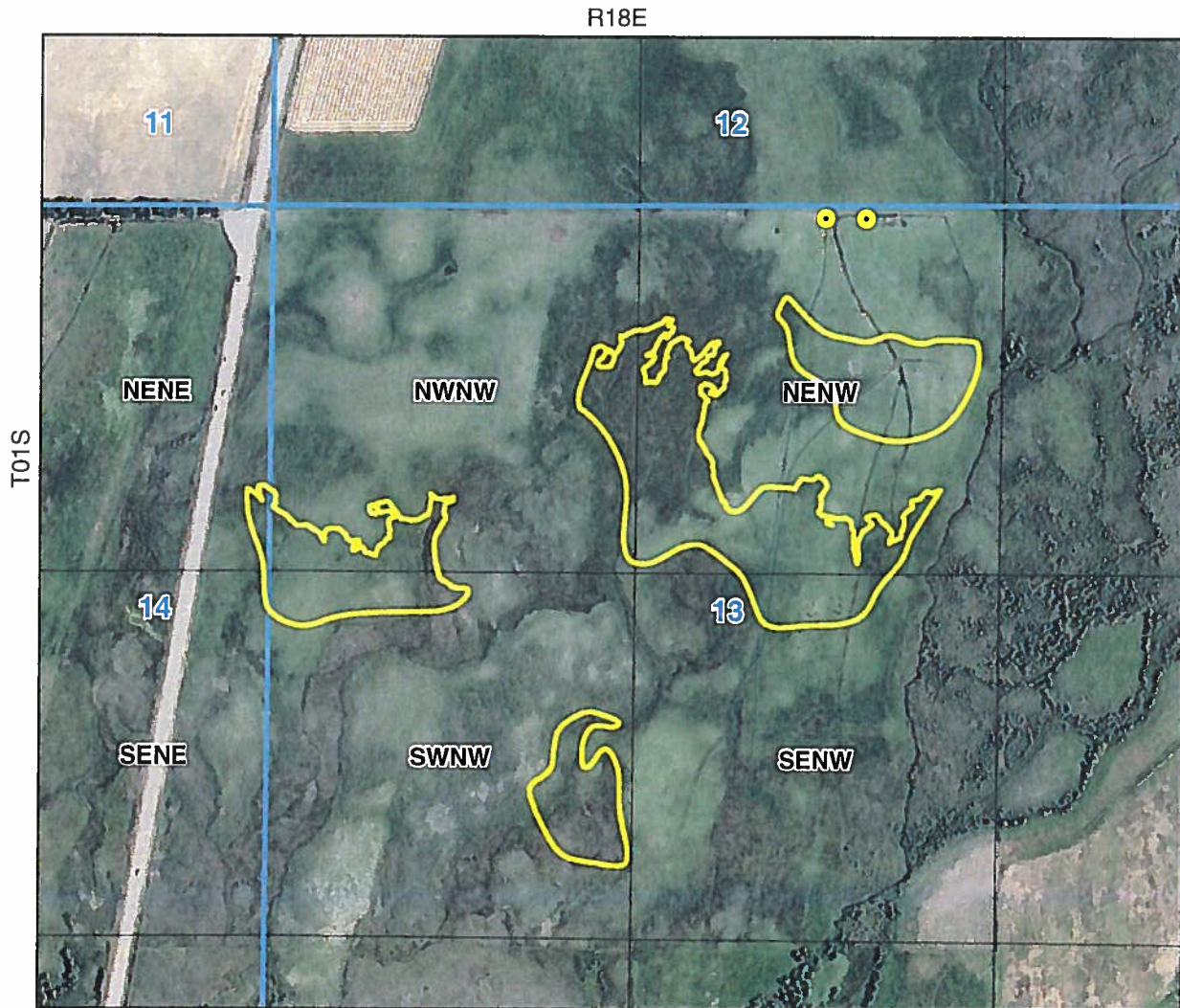
0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75851

Rights: 37-2538

This map depicts the AESTHETIC, RECREATION & WILDLIFE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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