

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75853**

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>
37-2492	WR/Decreed	09/16/1948	2.75 cfs	414.8 af		118.5	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>
37-22051	WR/Decreed	09/16/1948	2.75 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

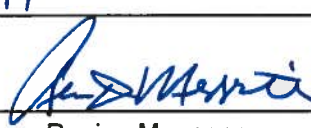
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2492	NO	NO	YES	NO	NO	YES

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>
37-2492	37-2492	2.75 cfs	414.8 af	116.1	122.5		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.75 cfs	414.8 af	116.1	122.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of April, 20 11


Southern Region Manager

WATER RIGHT NO. 37-2492
As Modified by Transfer No. 75853

In accordance with the approval of Transfer No. 75853, Water Right No. 37-2492 is now described as follows.

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

Priority Date: September 16, 1948

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	0.05 CFS	8.4 AF
RECREATION	04/15	to 10/31	0.05 CFS	8.4 AF
WILDLIFE	04/15	to 10/31	0.05 CFS	8.4 AF
IRRIGATION	04/15	to 10/31	2.70 CFS	406.4 AF
			2.75 CFS	414.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 14 Twp 01S Rge 18E BLAINE County

PLACE OF USE: AESTHETIC, RECREATION & WILDLIFE

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>	
01S 18E 14		X	X					X									

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>	
01S 18E 14	31.0	13.6	37.9	27.0	.5			12.5									122.5

Total Acres: 122.5

WATER RIGHT NO. 37-2492
As Modified by Transfer No. 75853

CONDITIONS OF APPROVAL

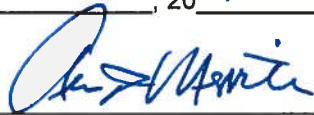
1. This right is limited to the irrigation of 116.1 acres within the authorized place of use in a single irrigation season.
2. Rights 37-2492 and 37-22051 are limited to a total combined diversion rate of 2.75 cfs.
3. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492 and 37-22050 when combined shall not exceed the irrigation of 1063.5 acres.
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, 37-22052, 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. 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.
7. This right is the primary right for the irrigation of 84.5 acres within the place of use described above.
8. This right is the supplemental right for the irrigation of 31.6 acres within the place of use described above.
9. 2.4 acres were agreed upon to be dried up under water right 37-2492 to account for consumptive use associated with the storage components of water right 37-22459.
10. 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.
11. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. 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. 37.
13. 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.

WATER RIGHT NO. 37-2492
As Modified by Transfer No. 75853

14. 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.
15. This right is limited to the irrigation of a specific 116.1 acres within the 122.5 acre place of use authorized by this right in a single irrigation season. The specific 116.1 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. Before changing the 116.1 acres to be irrigated within the 122.5 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.
16. The rights in Transfers #75849 (37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-230, 37-231B, 37-232, and 37-577AZ), #75852 (37-22050), and #75853 (37-2492), when combined are limited to the irrigation of a specific 1063.5 acres within the 1160.5 acre combined place of use in Sections 10, 11, 12, 14, and 15 authorized by these rights in a single irrigation season. The specific 1063.5 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 these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1063.5 acres to be irrigated within the 1160.5 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.
17. 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.
18. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
19. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
20. 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, 20 11


Southern Region Manager

WATER RIGHT NO. 37-22051
As Modified by Transfer No. 75853

In accordance with the approval of Transfer No. 75853, Water Right No. 37-22051 is now described as follows.

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

Priority: September 16, 1948

Source: GROUND WATER

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENE Sec. 14 Twp 01S Rge 18E BLAINE County

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
WILDLIFE	01/01 to 12/31	2.75 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
AESTHETIC	01/01 to 12/31	2.75 CFS
		2.75 CFS

PLACE OF USE: STOCKWATER, AESTHETIC & 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	14	X	X	X	X	X			X									

CONDITIONS OF APPROVAL

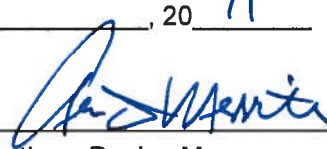
1. Right Nos. 37-2492 and 37-22051 are limited to a total combined diversion rate of 2.75 cfs.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. 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.
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, 37-577AZ, 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.
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, 37-310A, 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.

WATER RIGHT NO. 37-22051
As Modified by Transfer No. 75853

7. 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.

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



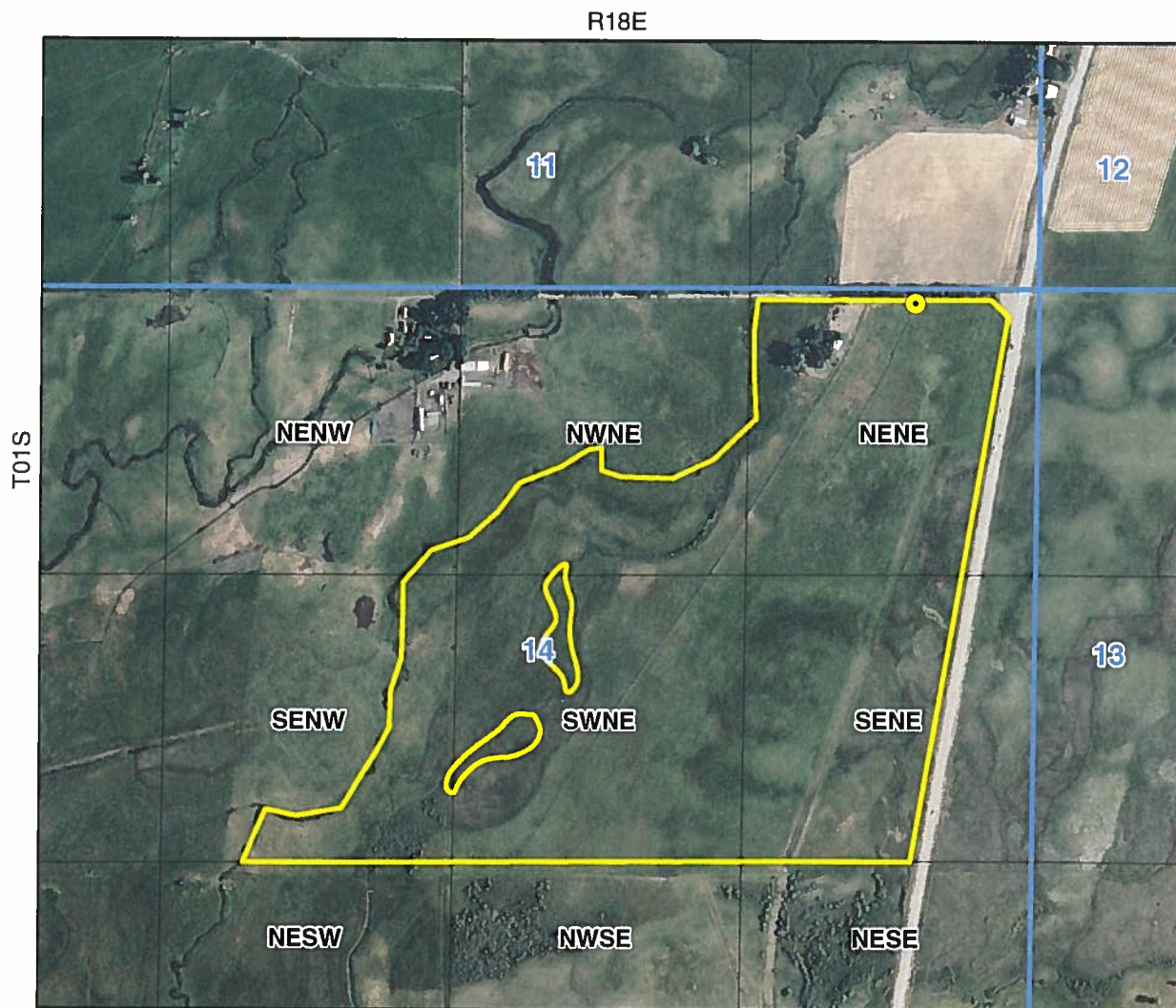
Southern Region Manager



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75853

Rights: 37-2492

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 0.1 0.2 0.4 Miles



Rights: 37-2492

R18E

