

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75856

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>
37-2764	WR/Decreed	11/19/1963	1.98 cfs	501 af	167.0	175.1	GROUND WATER
37-2597	WR/Decreed	07/09/1957	1.36 cfs	357 af	102.0	175.1	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>
37-2764	NO	NO	YES	NO	NO	YES
37-2597	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>
37-2764	37-2764	1.98 cfs	501 af	158.0	166.1		N/A	N/A	N/A	N/A
37-2597	37-2597	1.36 cfs	357 af	93.0	166.1		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.34 cfs	576 af	166.1	166.1		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

SUPPORT DATA

IN FILE # 37-2597

WATER RIGHT NO. 37-2597
As Modified by Transfer No. 75856

In accordance with the approval of Transfer No. 75856, Water Right No. 37-2597 is now described as follows.

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

Priority Date: July 09, 1957

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	0.13 CFS	34.1 AF
RECREATION	04/15	to 10/31	0.13 CFS	34.1 AF
WILDLIFE	04/15	to 10/31	0.13 CFS	34.1 AF
IRRIGATION	04/15	to 10/31	1.23 CFS	322.9 AF
DOMESTIC	01/01	to 12/31	0.04 CFS	
			1.36 CFS	357.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESE	Sec. 15 Twp 01S	Rge 18E	BLAINE County
GROUND WATER	NENESE	Sec. 15 Twp 01S	Rge 18E	BLAINE County
GROUND WATER	SENESE	Sec. 15 Twp 01S	Rge 18E	BLAINE County
GROUND WATER	SESWSE	Sec. 15 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 15													X	X	X	X	

PLACE OF USE: DOMESTIC

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 15															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 15													29.5	4.4	25.0	36.2	95.1
01S 18E 22	15.0	25.0			26.0		5.0										71.0

Total Acres: 166.1

WATER RIGHT NO. 37-2597
As Modified by Transfer No. 75856

CONDITIONS OF APPROVAL

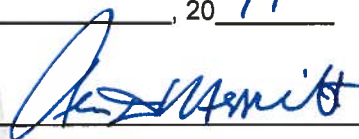
1. This right is limited to the irrigation of 93 acres within the authorized place of use in a single irrigation season.
2. Rights 37-2597 and 37-2764 when combined shall not exceed a total annual maximum diversion volume of 576.0 af at the field headgate and the irrigation of 166.1 acres.
3. Rights 37-139, 37-1187, 37-2597 and 37-2764 when combined shall not exceed the irrigation of 183.2 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. 9.0 acres were agreed upon to be dried up under water rights 37-2597 and 37-2764 to account for consumptive use associated with the storage components of water right 37-22459.
7. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
8. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
9. 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.
10. 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.
11. 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.
12. The rights in Transfers #75854 (37-139), #75855 (37-1187), and #75856 (37-2597, 37-2764), when combined are limited to the irrigation of a specific 186.9 acres within the 188.2 acre combined place of use in Sections 15 and 22 authorized by these rights in a single irrigation season. The specific 186.9 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 186.9 acres to be irrigated within the 188.2 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.

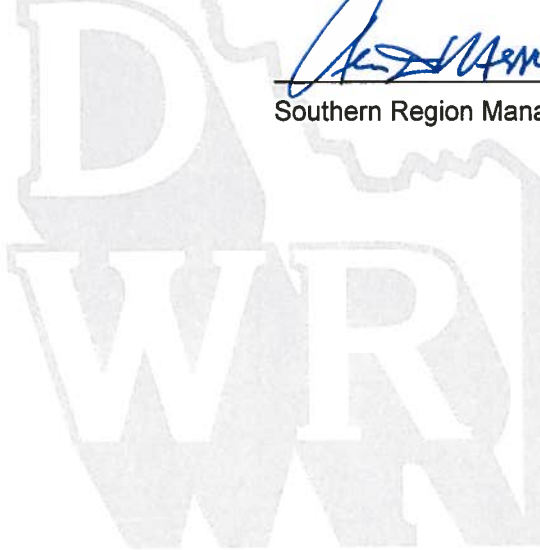
WATER RIGHT NO. 37-2597
As Modified by Transfer No. 75856

13. 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.
14. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 37-2764
As Modified by Transfer No. 75856

In accordance with the approval of Transfer No. 75856, Water Right No. 37-2764 is now described as follows.

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

Priority Date: November 19, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/01	1.86 CFS	471.8 AF
DOMESTIC	01/01	to 12/31	0.04 CFS	
AESTHETIC	05/01	to 10/01	0.12 CFS	29.2 AF
RECREATION	05/01	to 10/01	0.12 CFS	29.2 AF
WILDLIFE	05/01	to 10/01	0.12 CFS	29.2 AF
			1.98 CFS	501.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESE	Sec. 15 Twp 01S	Rge 18E	BLAINE County
GROUND WATER	NENESE	Sec. 15 Twp 01S	Rge 18E	BLAINE County
GROUND WATER	SENESE	Sec. 15 Twp 01S	Rge 18E	BLAINE County
GROUND WATER	SESWSE	Sec. 15 Twp 01S	Rge 18E	BLAINE County

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 15													29.5	4.4	25.0	36.2	95.1
01S 18E 22	15.0	25.0			26.0		5.0										71.0

Total Acres: 166.1

PLACE OF USE: DOMESTIC

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 15															X		

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 15													X	X	X	X	

WATER RIGHT NO. 37-2764
As Modified by Transfer No. 75856

CONDITIONS OF APPROVAL

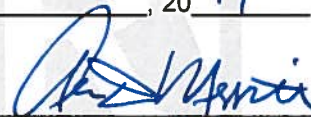
1. This right is limited to the irrigation of 158 acres within the authorized place of use in a single irrigation season.
2. Rights 37-2597 and 37-2764 when combined shall not exceed a total annual maximum diversion volume of 576.0 af at the field headgate and the irrigation of 166.1 acres.
3. Rights 37-139, 37-1187, 37-2597 and 37-2764 when combined shall not exceed the irrigation of 183.2 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. 9.0 acres were agreed upon to be dried up under water rights 37-2597 and 37-2764 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 No. 37.
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 the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/26/2010, the partial decree date.
12. 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.

WATER RIGHT NO. 37-2764
As Modified by Transfer No. 75856

13. The rights in Transfers #75854 (37-139), #75855 (37-1187), and #75856 (37-2597, 37-2764), when combined are limited to the irrigation of a specific 186.9 acres within the 188.2 acre combined place of use in Sections 15 and 22 authorized by these rights in a single irrigation season. The specific 186.9 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 186.9 acres to be irrigated within the 188.2 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.
14. 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.
15. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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.

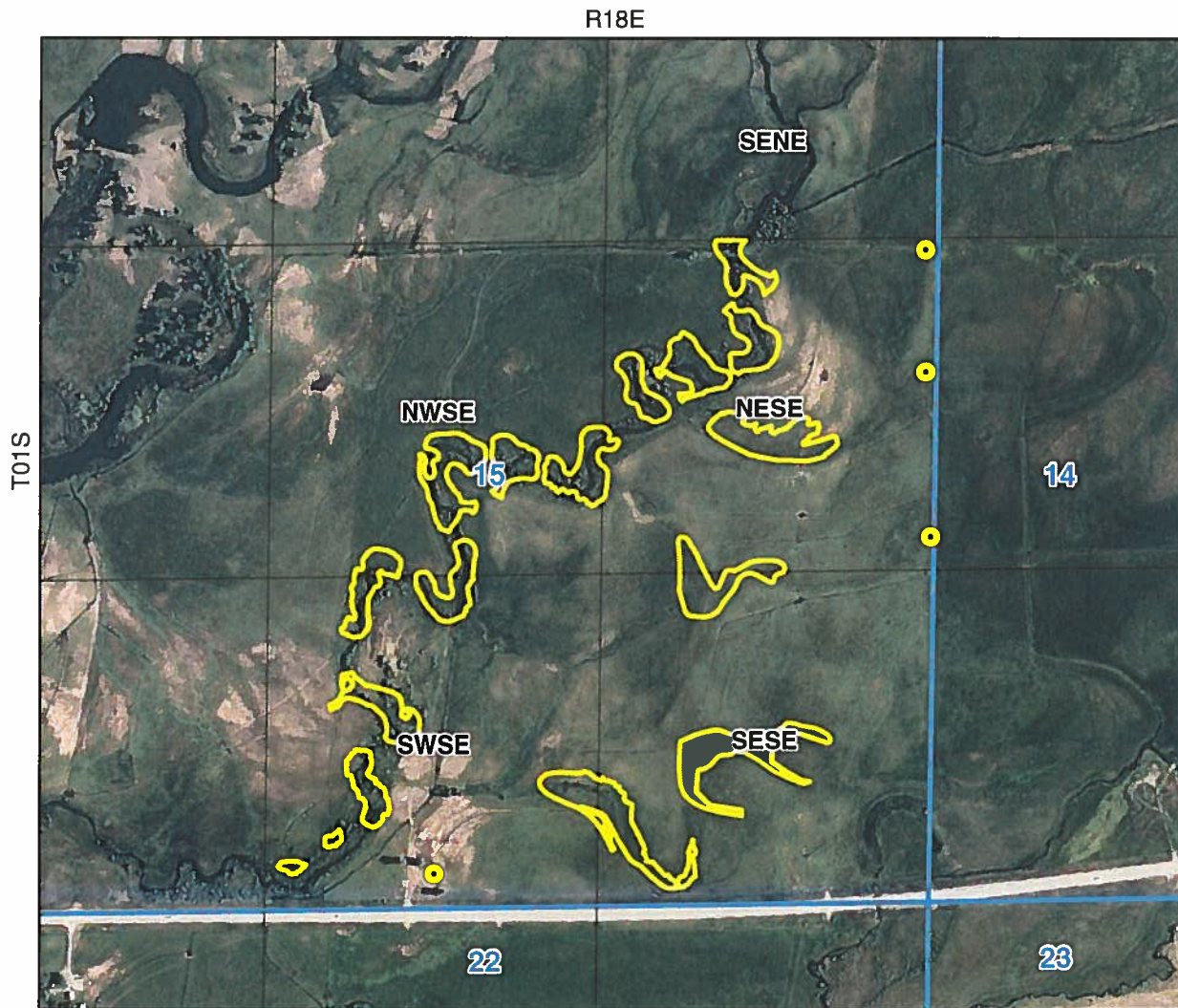
Dated this 12th day of April, 2011


Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75856

Rights: 37-2597, 37-2764

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.



Legend

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

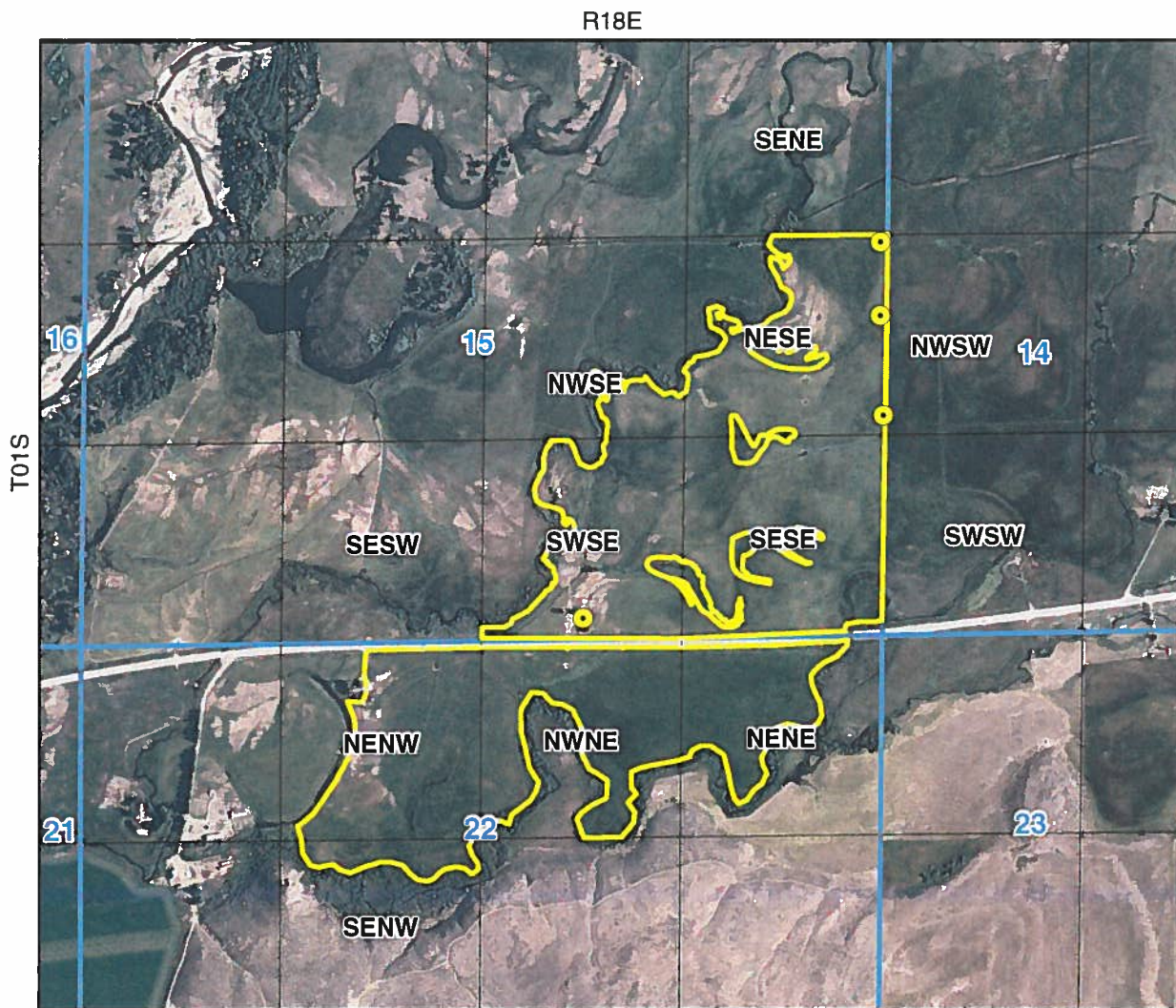
0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75856

Rights: 37-2597, 37-2764

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 0.15 0.3 0.6 Miles

