

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75854

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>
37-139	WR/Decreed	06/01/1883	3 cfs	N/A		96.0	CRYSTAL CREEK

Purpose of Transfer (Changes Proposed)

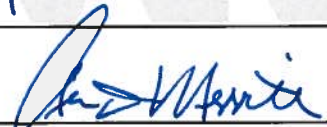
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-139	NO	NO	YES	NO	NO	YES

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>
37-139	37-139	3 cfs	N/A	83.9	87.4		N/A	N/A	N/A	N/A
COMBINED TOTALS		3 cfs		83.9	87.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of April, 2011


Southern Region Manager

WATER RIGHT NO. 37-139
As Modified by Transfer No. 75854

In accordance with the approval of Transfer No. 75854, Water Right No. 37-139 is now described as follows.

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

Priority Date: June 01, 1883

Source: CRYSTAL CREEK

Tributary: WILLOW CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
AESTHETIC	04/15	to 10/31	0.38 CFS
RECREATION	04/15	to 10/31	0.38 CFS
WILDLIFE	04/15	to 10/31	0.38 CFS
IRRIGATION	04/15	to 10/31	2.62 CFS
			3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CRYSTAL CREEK NWNESE 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	

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													35.0			36.4	71.4
01S 18E 22	16.0																16.0

Total Acres: 87.4

WATER RIGHT NO. 37-139
As Modified by Transfer No. 75854

CONDITIONS OF APPROVAL

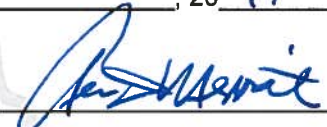
1. This right is limited to the irrigation of 83.9 acres within the authorized place of use in a single irrigation season.
2. Rights 37-139, 37-1187, 37-2597 and 37-2764 when combined shall not exceed the irrigation of 183.2 acres.
3. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 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.
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, 37-310A, 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.
5. 12.1 acres were agreed upon to be dried up under water right 37-139 to account for consumptive use associated with the storage components of water right 37-22459.
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. 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.
8. 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.
9. The right in Transfer #75854 is limited to the irrigation of a specific 83.9 acres within the 87.4 acre place of use authorized by the transfer in a single irrigation season. The specific 83.9 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 this right in the geographic information system component of the water rights database maintained by the department. Before changing the 83.9 acres to be irrigated within the 87.4 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.
10. 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. 37-139
As Modified by Transfer No. 75854

11. 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.
12. The right holder shall accomplish the change authorized by this transfer within five years 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.

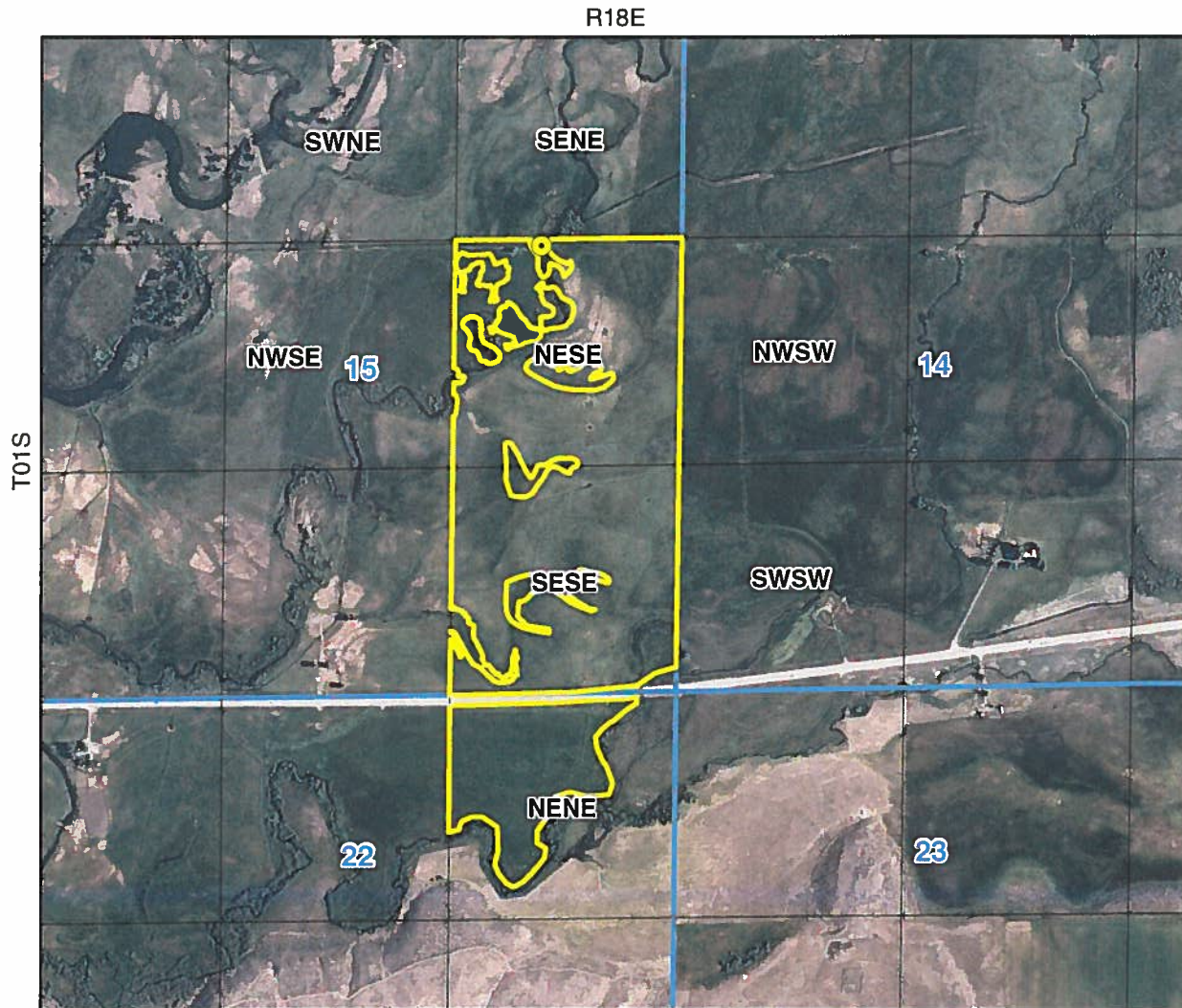
Dated this 12th day of April, 2011


Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75854

Rights: 37-139

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

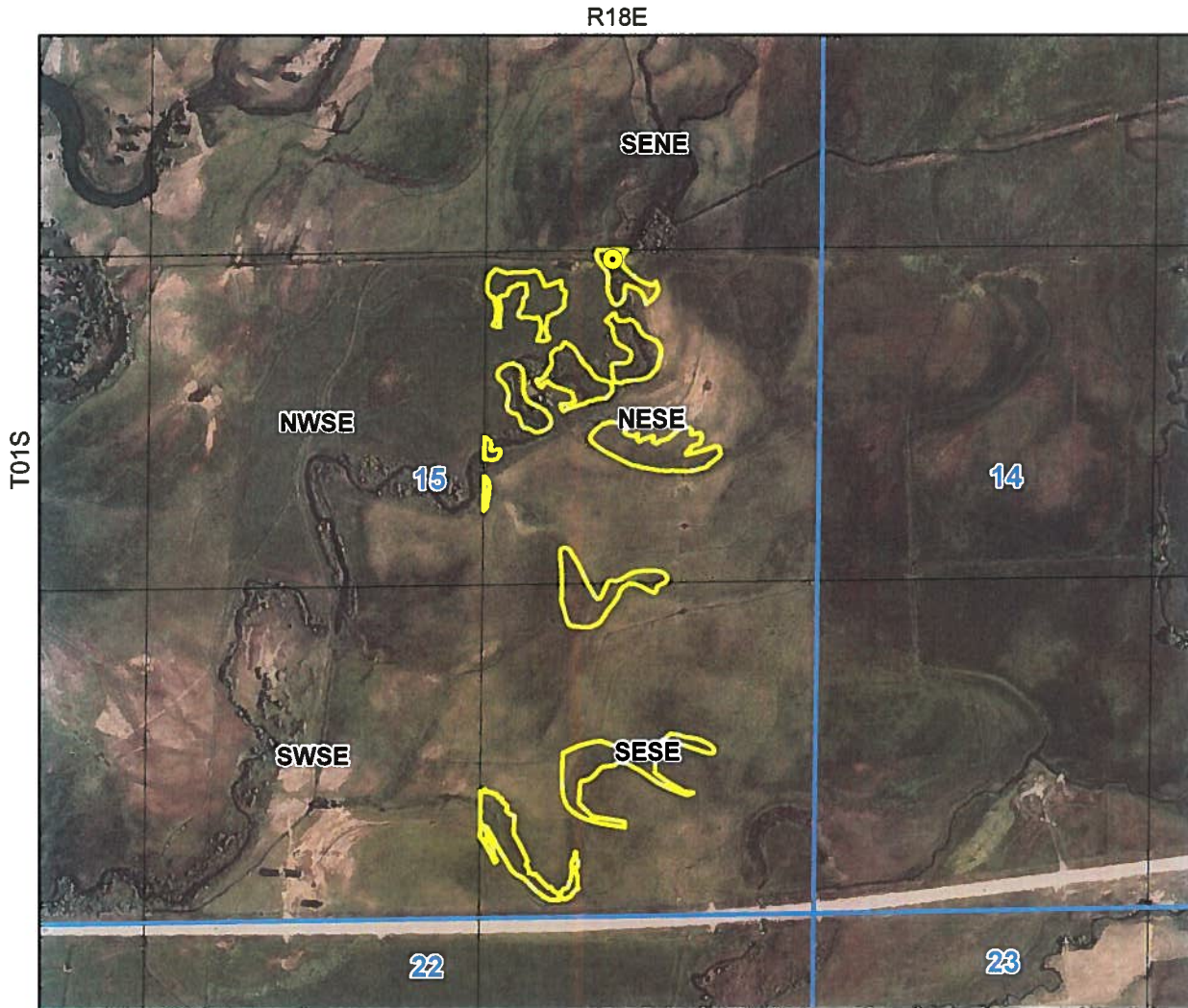
0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75854

Rights: 37-139

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

