

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75850

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>
37-70	WR/Decreed	05/15/1887	2 cfs	N/A		184.2	BIG WOOD RIVER
37-71B	WR/Decreed	05/01/1892	0.5 cfs	N/A	40.0	184.2	BIG WOOD RIVER
37-69B	WR/Decreed	10/26/1886	3 cfs	N/A		184.2	BIG WOOD 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>
37-70	NO	NO	YES	NO	NO	YES
37-71B	NO	NO	YES	NO	NO	YES
37-69B	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>
37-70	37-70	2 cfs	N/A	171.2	171.2		N/A	N/A	N/A	N/A
37-71B	37-71B	0.5 cfs	N/A	37.2	171.2		N/A	N/A	N/A	N/A
37-69B	37-69B	3 cfs	N/A	171.2	171.2		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.5 cfs		171.2	171.2		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 # 37-69B

WATER RIGHT NO. 37-69B
As Modified by Transfer No. 75850

In accordance with the approval of Transfer No. 75850, Water Right No. 37-69B is now described as follows.

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

Priority Date: October 26, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
AESTHETIC	04/15 to	10/31	0.21 CFS
RECREATION	04/15 to	10/31	0.21 CFS
WILDLIFE	04/15 to	10/31	0.21 CFS
IRRIGATION	04/15 to	10/31	2.79 CFS
			3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESWNE Sec. 10 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 15						X											
01S 18E 16	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 10									19.0	40.0	39.0	2.2					100.2
01S 18E 15						18.5	12.0										30.5
01S 18E 16	15.5			25.0													40.5

Total Acres: 171.2

WATER RIGHT NO. 37-69B
As Modified by Transfer No. 75850

CONDITIONS OF APPROVAL

1. Rights 37-69B, 37-70 and 37-71B when combined shall not exceed the irrigation of 171.2 acres.
2. 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.
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, 37-310A, 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.
4. 13 total combined acres were agreed upon to be dried up under water rights 37-69B, 37-70 and 37-71B to account for consumptive use associated with the storage components of water right 37-22459.
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 diversions.
6. 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.
7. Surface water from this right shall be used as the primary water source for irrigation, aesthetic, wildlife and recreation uses within the above-described places of use.
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 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.
10. The right holder shall accomplish the change authorized by this transfer within five years 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 12th day of April, 20 11


Southern Region Manager

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

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESWNE Sec. 10 Twp 01S Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Total Acres: 171.2

PLACE OF USE: AESTHETIC, RECREATION & WILDLIFE

[illegible]

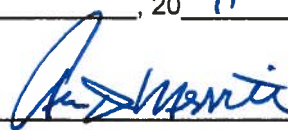
WATER RIGHT NO. 37-70
As Modified by Transfer No. 75850

CONDITIONS OF APPROVAL

1. Rights 37-69B, 37-70 and 37-71B when combined shall not exceed the irrigation of 171.2 acres.
2. 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.
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, 37-310A, 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.
4. 13 total combined acres were agreed upon to be dried up under water rights 37-69B, 37-70 and 37-71B to account for consumptive use associated with the storage components of water right 37-22459.
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 diversions.
6. 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.
7. Surface water from this right shall be used as the primary water source for irrigation, aesthetic, wildlife and recreation uses within the above-described places of use.
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 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.
10. The right holder shall accomplish the change authorized by this transfer within five years 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 12th day of April, 2011



Southern Region Manager

WATER RIGHT NO. 37-71B
As Modified by Transfer No. 75850

In accordance with the approval of Transfer No. 75850, Water Right No. 37-71B is now described as follows.

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

Priority Date: May 01, 1892

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.46 CFS
AESTHETIC	04/15 to	10/31	0.04 CFS
RECREATION	04/15 to	10/31	0.04 CFS
WILDLIFE	04/15 to	10/31	0.04 CFS
			0.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESWNE Sec. 10 Twp 01S Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</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>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01S 18E 10									19.0	40.0	39.0	2.2					100.2
01S 18E 15						18.5	12.0										30.5
01S 18E 16	15.5			25.0													40.5

Total Acres: 171.2

PLACE OF USE: AESTHETIC, RECREATION & WILDLIFE

Twp Rge Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</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>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01S 18E 15						X											
01S 18E 16	X			X													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37.2 acres within the authorized place of use in a single irrigation season.
2. Rights 37-69B, 37-70 and 37-71B when combined shall not exceed the irrigation of 171.2 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.

WATER RIGHT NO. 37-71B
As Modified by Transfer No. 75850

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. 13 total combined acres were agreed upon to be dried up under water rights 37-69B, 37-70 and 37-71B 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. Surface water from this right shall be used as the primary water source for irrigation, aesthetic, wildlife and recreation uses within the above-described places of use.
9. 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.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

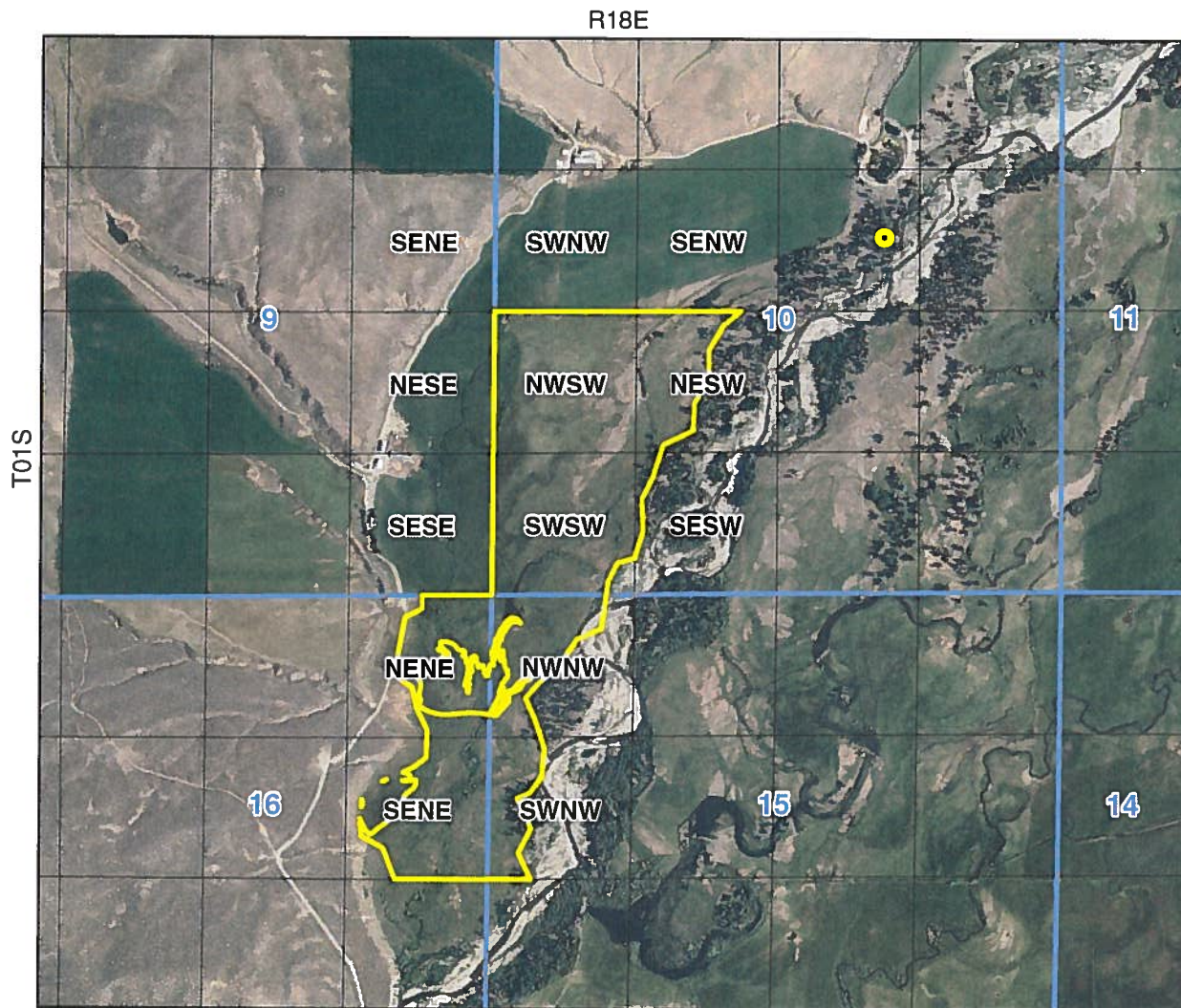
Dated this 12th day of April, 20 11



Southern Region Manager

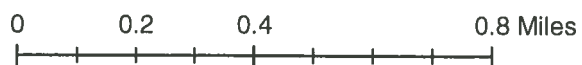
State of Idaho
Department of Water Resources

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

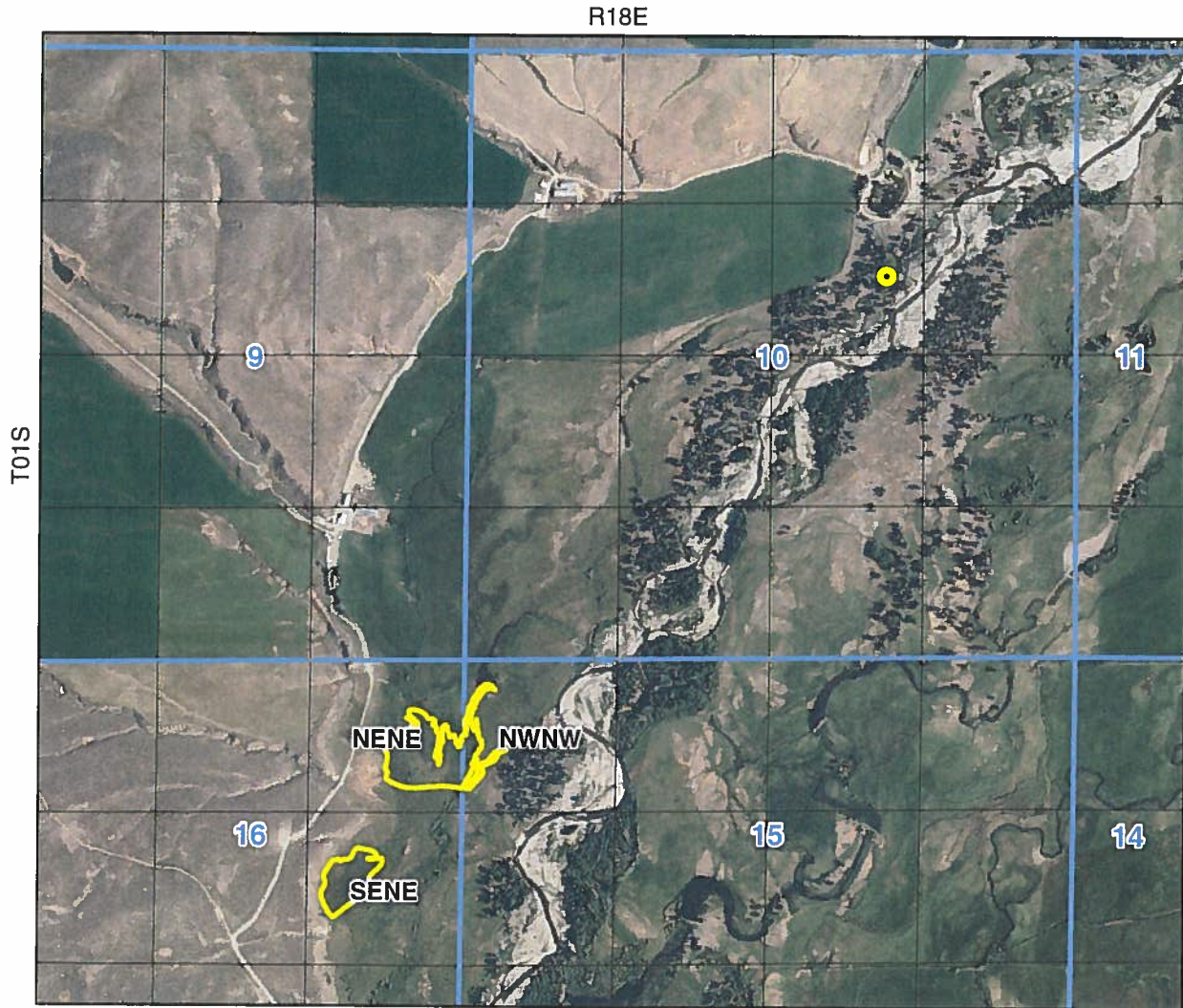
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75850

Rights: 37-69B, 37-70, 37-71B

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 0.2 0.4 0.8 Miles

