

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75840

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>
37-180	WR/Decreed	06/01/1881	4.8 cfs	N/A	215.0	412.5	BLACK SLOUGH, WILLOW CREEK
37-181	WR/Decreed	05/15/1883	3.2 cfs	N/A	215.0	412.5	BLACK SLOUGH, WILLOW CREEK
37-231A	WR/Decreed	05/15/1883	2 cfs	N/A	145.0	362.0	BLACK SLOUGH, WILLOW CREEK
37-233	WR/Decreed	05/15/1888	1.6 cfs	N/A	145.0	362.0	BLACK SLOUGH, WILLOW 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>
37-180	NO	NO	YES	NO	NO	YES
37-181	NO	NO	YES	NO	NO	YES
37-231A	NO	NO	YES	NO	NO	YES
37-233	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>
37-180	37-180	4.8 cfs	N/A	198.7	701.1		N/A	N/A	N/A	N/A
37-181	37-181	3.2 cfs	N/A	198.7	701.1		N/A	N/A	N/A	N/A
37-231A	37-231A	2 cfs	N/A	137.1	701.1		N/A	N/A	N/A	N/A
37-233	37-233	1.6 cfs	N/A	137.1	701.1		N/A	N/A	N/A	N/A
COMBINED TOTALS		11.6 cfs		335.8	701.1		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 # 37-180


Southern Region Manager

WATER RIGHT NO. 37-180
As Modified by Transfer No. 75840

In accordance with the approval of Transfer No. 75840, Water Right No. 37-180 is now described as follows.

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

Priority Date: June 01, 1881

Source: BLACK SLOUGH
 WILLOW CREEK

Tributary: BIG WOOD RIVER
 BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
RECREATION	04/15 to	10/31	0.20 CFS
AESTHETIC	04/15 to	10/31	0.20 CFS
WILDLIFE	04/15 to	10/31	0.20 CFS
IRRIGATION	04/15 to	10/31	4.60 CFS
			4.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

BLACK SLOUGH	SWNESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	SWSESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
(Injection)				
WILLOW CREEK	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
(Rediversion)				

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				X		
01S 18E 21	X			X													
01S 18E 22						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 15											8.6				9.5		18.1
01S 18E 21	25.3			38.3									16.3	6.5			86.4
01S 18E 22						19.6	18.4										38.0
01S 18E 26							39.8	20.1	2.2	36.8	17.7						116.6
01S 18E 27			40.4	40.4			40.0	40.0	40.2	40.2			40.4	40.5		40.3	362.4
01S 18E 28	39.7			39.9													79.6

Total Acres: 701.1

WATER RIGHT NO. 37-180
As Modified by Transfer No. 75840

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 198.7 acres within the place of use described above in a single irrigation season.
2. This right is limited to the irrigation of 134.5 acres within Sections 26, 27 and 28 in the place of use described above in a single irrigation season.
3. Rights 37-180 and 37-181 are limited to the irrigation of a combined total of 198.7 acres in a single irrigation season.
4. Rights 37-180 and 37-181 are limited to the irrigation of a combined total of 134.5 acres in Sec 26, 27 & 28 in a single irrigation season.
5. Rights 37-180, 37-181, 37-231A, 37-233, 37-310A, 37-1207 and 37-19831 when combined shall not exceed the irrigation of 332 acres within Sections 26, 27 and 28 in a single irrigation season.
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.
8. 16.3 total combined acres were agreed upon to be dried up under water rights 37-180 and 37-181 to account for consumptive use associated with the storage components of water right 37-22459.
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. 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.
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.
13. The rights in Transfer #75840 are limited to the irrigation of a specific 335.8 acres within the 701.1 acre place of use authorized by the transfer in a single irrigation season. The specific 335.8 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 335.8 acres to be irrigated within the 701.1 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.

WATER RIGHT NO. 37-180
As Modified by Transfer No. 75840

14. The rights in Transfers #75838 (37-1207), #75839 (37-310A, 37-19831), and #75840 (37-180, 37-181, 37-231A, 37-233), when combined are limited to the irrigation of a specific 547.6 acres within the 766.3 acre combined place of use in Sections 15, 21, 22, 26, 27, and 28 authorized by these rights in a single irrigation season. The specific 547.6 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 547.6 acres to be irrigated within the 766.3 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.
15. Water from Black Slough is injected into and rediverted from Willow Creek.
16. 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.
17. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. 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. 37-181
As Modified by Transfer No. 75840

In accordance with the approval of Transfer No. 75840, Water Right No. 37-181 is now described as follows.

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

Priority Date: May 15, 1883

Source: BLACK SLOUGH
 WILLOW CREEK

Tributary: BIG WOOD RIVER
 BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
AESTHETIC	04/15 to	10/31	0.14 CFS
WILDLIFE	04/15 to	10/31	0.14 CFS
RECREATION	04/15 to	10/31	0.14 CFS
IRRIGATION	04/15 to	10/31	3.06 CFS
			3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BLACK SLOUGH	SWNESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	SWSESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
(Injection)				
WILLOW CREEK	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
(Rediversion)				

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		
01S 18E 21	X			X													
01S 18E 22							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											8.6				9.5		18.1
01S 18E 21	25.3			38.3									16.3	6.5			86.4
01S 18E 22							19.6	18.4									38.0
01S 18E 26							39.8	20.1	2.2	36.8	17.7						116.6
01S 18E 27			40.4	40.4			40.0	40.0	40.2	40.2			40.4	40.5		40.3	362.4
01S 18E 28	39.7			39.9													79.6

Total Acres: 701.1

WATER RIGHT NO. 37-181
As Modified by Transfer No. 75840

CONDITIONS OF APPROVAL

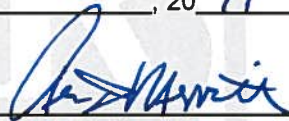
1. This right is limited to the irrigation of 198.7 acres within the place of use described above in a single irrigation season.
2. This right is limited to the irrigation of 134.5 acres within Sections 26, 27 and 28 in the place of use described above in a single irrigation season.
3. Rights 37-180 and 37-181 are limited to the irrigation of a combined total of 134.5 acres in Sec 26, 27 & 28 in a single irrigation season.
4. Rights 37-180 and 37-181 are limited to the irrigation of a combined total of 198.7 acres in a single irrigation season.
5. Rights 37-180, 37-181, 37-231A, 37-233, 37-310A, 37-1207 and 37-19831 when combined shall not exceed the irrigation of 332 acres within Sections 26, 27 and 28 in a single irrigation season.
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.
8. 16.3 total combined acres were agreed upon to be dried up under water rights 37-180 and 37-181 to account for consumptive use associated with the storage components of water right 37-22459.
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. 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.
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.
13. The rights in Transfer #75840 are limited to the irrigation of a specific 335.8 acres within the 701.1 acre place of use authorized by the transfer in a single irrigation season. The specific 335.8 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 335.8 acres to be irrigated within the 701.1 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.

WATER RIGHT NO. 37-181
As Modified by Transfer No. 75840

14. The rights in Transfers #75838 (37-1207), #75839 (37-310A, 37-19831), and #75840 (37-180, 37-181, 37-231A, 37-233), when combined are limited to the irrigation of a specific 547.6 acres within the 766.3 acre combined place of use in Sections 15, 21, 22, 26, 27, and 28 authorized by these rights in a single irrigation season. The specific 547.6 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 547.6 acres to be irrigated within the 766.3 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.
15. Water from Black Slough is injected into and rediverted from Willow Creek.
16. 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.
17. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. 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. 37-231A
As Modified by Transfer No. 75840

In accordance with the approval of Transfer No. 75840, Water Right No. 37-231A is now described as follows.

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

Priority Date: May 15, 1883

Source: BLACK SLOUGH
 WILLOW CREEK

Tributary: BIG WOOD RIVER
 BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
AESTHETIC	04/15 to	10/31	0.11 CFS
RECREATION	04/15 to	10/31	0.11 CFS
IRRIGATION	04/15 to	10/31	1.89 CFS
WILDLIFE	04/15 to	10/31	0.11 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BLACK SLOUGH	SWNESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	SWSESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
(Injection)				
WILLOW CREEK	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
(Rediversion)				

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				X		
01S 18E 21	X			X													
01S 18E 22						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 15											8.6				9.5		18.1
01S 18E 21	25.3			38.3									16.3	6.5			86.4
01S 18E 22						19.6	18.4										38.0
01S 18E 26							39.8	20.1	2.2	36.8	17.7						116.6
01S 18E 27			40.4	40.4			40.0	40.0	40.2	40.2			40.4	40.5		40.3	362.4
01S 18E 28	39.7			39.9													79.6

Total Acres: 701.1

WATER RIGHT NO. 37-231A
As Modified by Transfer No. 75840

CONDITIONS OF APPROVAL

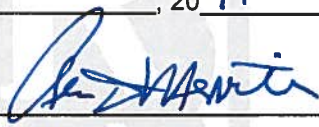
1. This right is limited to the irrigation of 137.1 acres within the place of use described above in a single irrigation season.
2. This right is limited to the irrigation of 115 acres within Sections 26 and 27 in the place of use described above in a single irrigation season.
3. Rights 37-231A and 37-233 are limited to the irrigation of a combined total of 115 acres in Sec 26 and 27 in a single irrigation season.
4. Rights 37-231A and 37-233 are limited to the irrigation of a combined total of 137.1 acres in a single irrigation season.
5. Rights 37-180, 37-181, 37-231A, 37-233, 37-310A, 37-1207 and 37-19831 when combined shall not exceed the irrigation of 332 acres within Sections 26, 27 and 28 in a single irrigation season.
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.
8. 7.9 total combined acres were agreed upon to be dried up under water rights 37-231A and 37-233 to account for consumptive use associated with the storage components of water right 37-22459.
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. 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.
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.
13. The rights in Transfer #75840 are limited to the irrigation of a specific 335.8 acres within the 701.1 acre place of use authorized by the transfer in a single irrigation season. The specific 335.8 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 335.8 acres to be irrigated within the 701.1 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.

WATER RIGHT NO. 37-231A
As Modified by Transfer No. 75840

14. The rights in Transfers #75838 (37-1207), #75839 (37-310A, 37-19831), and #75840 (37-180, 37-181, 37-231A, 37-233), when combined are limited to the irrigation of a specific 547.6 acres within the 766.3 acre combined place of use in Sections 15, 21, 22, 26, 27, and 28 authorized by these rights in a single irrigation season. The specific 547.6 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 547.6 acres to be irrigated within the 766.3 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.
15. Water from Black Slough is injected into and rediverted from Willow Creek.
16. 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.
17. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. 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. 37-233
As Modified by Transfer No. 75840

In accordance with the approval of Transfer No. 75840, Water Right No. 37-233 is now described as follows.

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

Priority Date: May 15, 1888

Source: BLACK SLOUGH
 WILLOW CREEK

Tributary: BIG WOOD RIVER
 BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
AESTHETIC	04/15 to	10/31	0.09 CFS
RECREATION	04/15 to	10/31	0.09 CFS
WILDLIFE	04/15 to	10/31	0.09 CFS
IRRIGATION	04/15 to	10/31	1.51 CFS
			1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BLACK SLOUGH	SWNESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	SWSESW	Sec. 15 Twp 01S	Rge 18E	BLAINE County
(Injection)				
WILLOW CREEK	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
BLACK SLOUGH	NWSWNW	Sec. 22 Twp 01S	Rge 18E	BLAINE County
(Rediversion)				

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				X		
01S 18E 21	X			X													
01S 18E 22						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 15											8.6				9.5		18.1
01S 18E 21	25.3			38.3									16.3	6.5			86.4
01S 18E 22						19.6	18.4										38.0
01S 18E 26							39.8	20.1	2.2	36.8	17.7						116.6
01S 18E 27			40.4	40.4			40.0	40.0	40.2	40.2			40.4	40.5		40.3	362.4
01S 18E 28	39.7			39.9													79.6

Total Acres: 701.1

WATER RIGHT NO. 37-233
As Modified by Transfer No. 75840

CONDITIONS OF APPROVAL

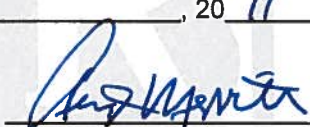
1. This right is limited to the irrigation of 137.1 acres within the place of use described above in a single irrigation season.
2. This right is limited to the irrigation of 115 acres within Sections 26 and 27 in the place of use described above in a single irrigation season.
3. Rights 37-231A and 37-233 are limited to the irrigation of a combined total of 115 acres in Sec 26 and 27 in a single irrigation season.
4. Rights 37-231A and 37-233 are limited to the irrigation of a combined total of 137.1 acres in a single irrigation season.
5. Rights 37-180, 37-181, 37-231A, 37-233, 37-310A, 37-1207 and 37-19831 when combined shall not exceed the irrigation of 332 acres within Sections 26, 27 and 28 in a single irrigation season.
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.
8. 7.9 total combined acres were agreed upon to be dried up under water rights 37-231A and 37-233 to account for consumptive use associated with the storage components of water right 37-22459.
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. 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.
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.
13. The rights in Transfer #75840 are limited to the irrigation of a specific 335.8 acres within the 701.1 acre place of use authorized by the transfer in a single irrigation season. The specific 335.8 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 335.8 acres to be irrigated within the 701.1 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.

WATER RIGHT NO. 37-233
As Modified by Transfer No. 75840

14. The rights in Transfers #75838 (37-1207), #75839 (37-310A, 37-19831), and #75840 (37-180, 37-181, 37-231A, 37-233), when combined are limited to the irrigation of a specific 547.6 acres within the 766.3 acre combined place of use in Sections 15, 21, 22, 26, 27, and 28 authorized by these rights in a single irrigation season. The specific 547.6 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 547.6 acres to be irrigated within the 766.3 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.
15. Water from Black Slough is injected into and rediverted from Willow Creek.
16. 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.
17. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. 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

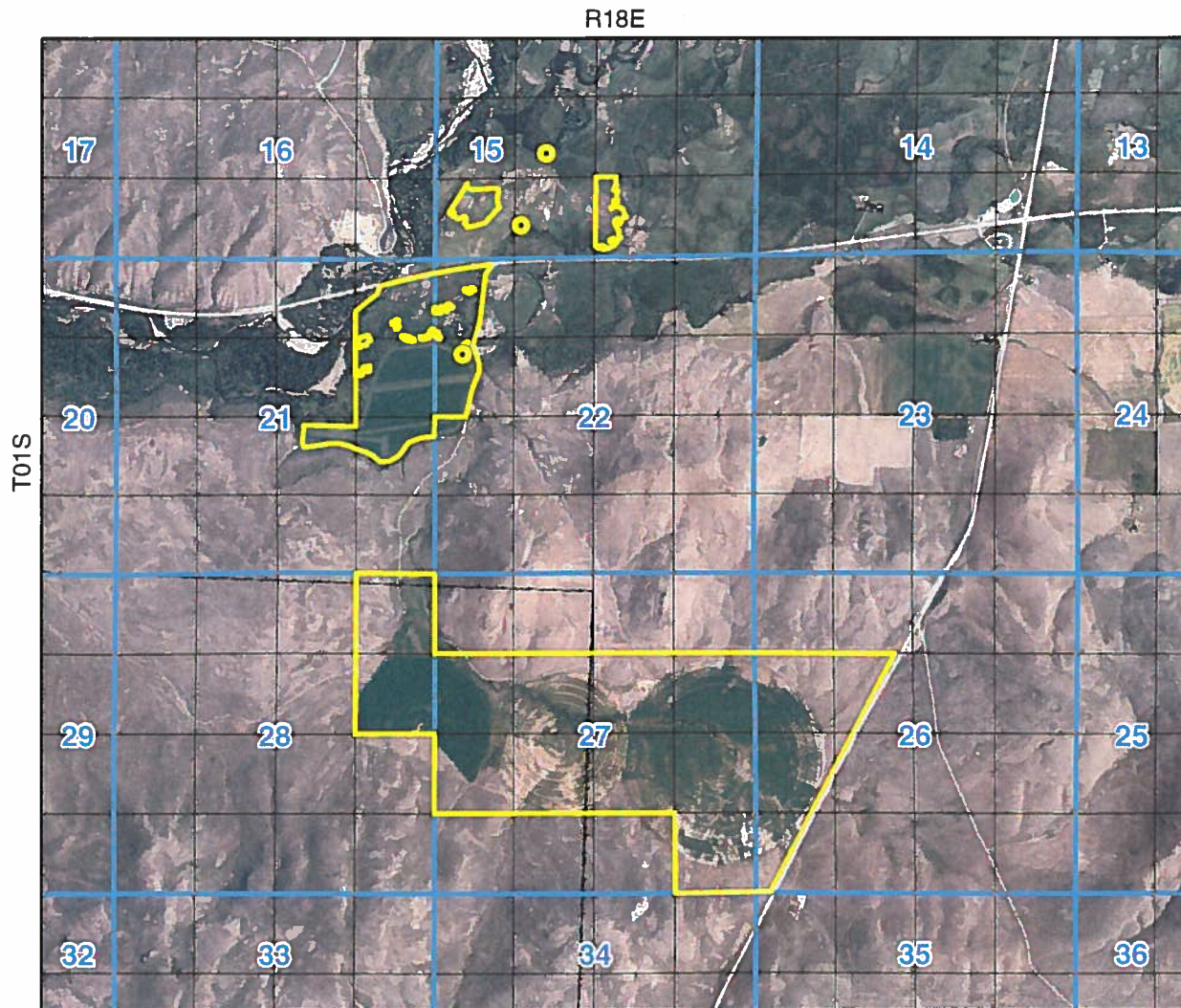


Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75840

Rights: 37-180, 37-181, 37-231A, 37-233

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

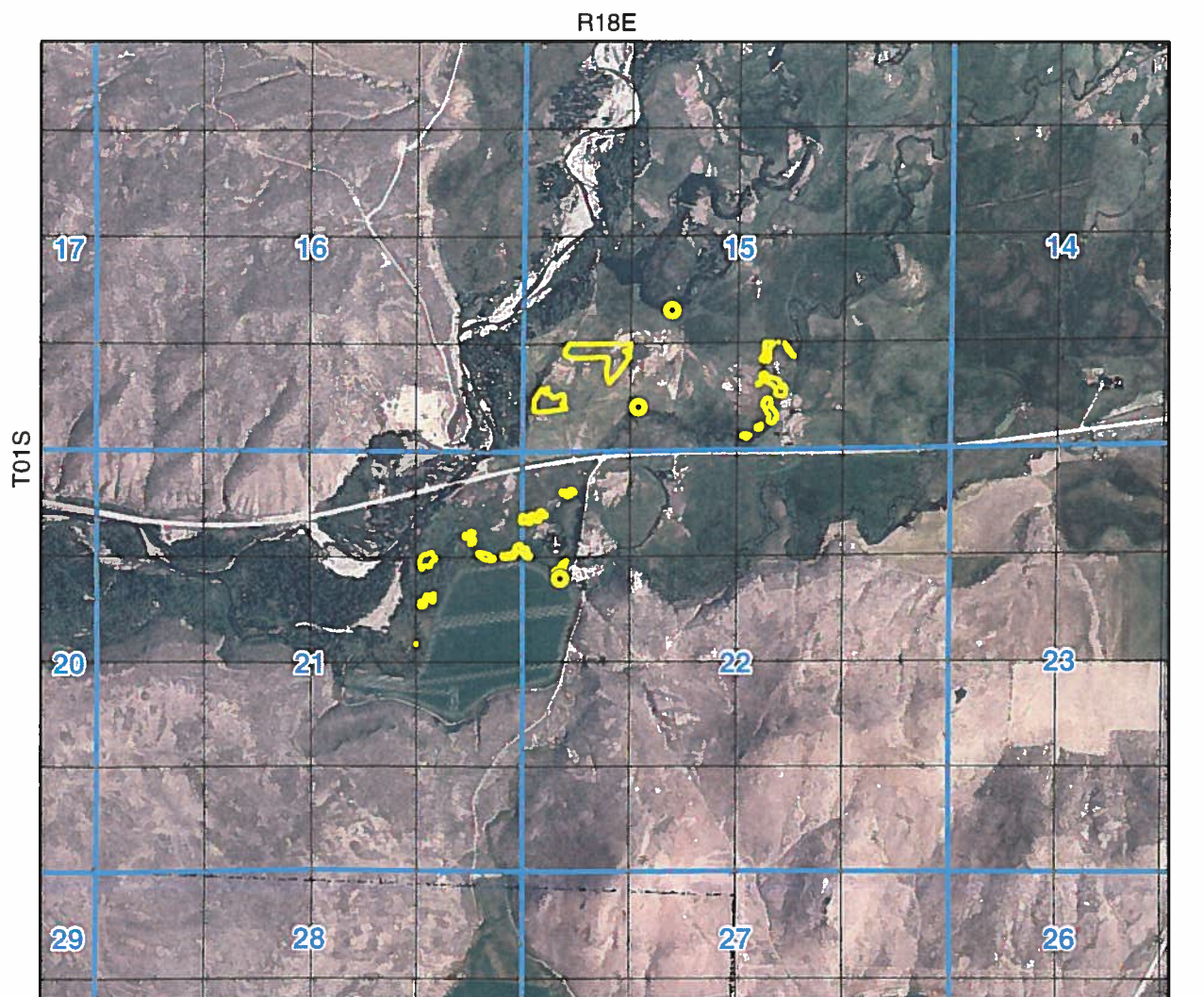
0 0.3 0.6 1.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 75840

Rights: 37-180, 37-181, 37-231A, 37-233

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 0.3 0.6 1.2 Miles

