STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 76754

This is to certify that: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105
(415)284-8704

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-21940	WR/Decreed	05/31/1890	1.18 cfs	261.3 af	72.0	215.2	SILVER CREEK
37-21936	WR/Decreed	03/31/1877	2.36 cfs	412.7 af	112.7	215.2	SILVER CREEK
37-21942	WR/Decreed	03/29/1979	5.54 cfs	1188.0 af	N/A	392.7	GROUND WATER
37-21937	WR/Decreed	03/31/1877	0.04 cfs	7.3 af	N/A	4.0	SILVER CREEK
37-21938	WR/Decreed	11/01/1889	0.79 cfs	261.3 af	72.0	215.2	SILVER CREEK
37-21939	WR/Decreed	11/01/1889	0.01 cfs	4.7 af	N/A	4.0	SILVER CREEK
37-21941	WR/Decreed	05/31/1890	0.02 cfs	4.7 af	N/A	4.0	SILVER CREEK
37-21943	WR/Decreed	03/29/1979	0.06 cfs	12.0 af	N/A	4.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-21940	NO	NO	YES	NO	NO	NO
37-21936	NO	NO	YES	NO	NO	NO
37-21942	NO	NO	YES	NO	NO	NO
37-21937	NO	NO	YES	NO	NO	NO
37-21938	NO	NO	YES	NO	NO	NO
37-21939	NO	NO	YES	NO	NO	NO
37-21941	NO	NO	YES	NO	NO	NO
37-21943	NO	NO	YES	NO	NO	NO

Other Actions Resulting From Transfer (Combine same priority rights to single right)

37-21936 combined with 37-21937 renumbered to 37-22583
37-21938 combined with 37-21939 renumbered to 37-22584
37-21940 combined with 37-21941 renumbered to 37-22585
37-21942 combined with 37-21943 renumbered to 37-22586

SUPPORT DATA
IN FILE # 37-22583

SCANNED
JAN 25 2011

all 12 pg

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 76754

Summary of Water Rights After the Approved Change

Existing Rights	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-21936 & 37-21937	**37-22583**	2.40 cfs	420 af	116.7	219.2		N/A	N/A	N/A	N/A
37-21938 & 37-21939	**37-22584**	0.80 cfs	266 af	72.7	219.2		N/A	N/A	N/A	N/A
37-21940 & 37-21941	**37-22585**	1.20 cfs	266 af	72.7	219.2		N/A	N/A	N/A	N/A
37-21942 & 37-21943	**37-22586**	5.60 cfs	1200 af	396.7	396.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		**10.00 cfs**	**1298 af**	**396.7**	**396.7**		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of January, 2011

Southern Region Manager

WATER RIGHT NO. 37-22583
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22583 is now described as follows.

Right Holder: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105

Priority Date: March 31, 1877

Source: SILVER CREEK **Tributary:** LITTLE WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
MITIGATION	04/15	to 10/31	0.07 CFS	11.5 AF
IRRIGATION	04/15	to 10/31	2.33 CFS	408.5 AF
			2.40 CFS	420.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NESWSE	Sec. 26 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	NENENE	Sec. 35 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNWNW	Sec. 36 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWSENW	Sec. 36 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: MITIGATION

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 20E 26															3.3		3.3

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 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3

Total Acres: 219.2

CONDITIONS OF APPROVAL

1. As long as the dike situated in the SE1/4SE1/4NE1/4, Section 27, T.1S., R.20E., B.M., Blaine County, Idaho, located approximately at Latitude N 43° 18.586' and Longitude W 114° 03.483', is maintained so as to prevent the waters of Silver Creek from wasting through sink holes, Water Rights 37-215G and 37-215D, and all splits therefrom, are for saved or salvaged water and shall therefore have the prior and exclusive right to the delivery of 6.4 cfs of the waters of Silver Creek, as established by, controlled by, and subject to the provisions within the Frost v. Alturas Water Company decree (Lincoln County District Court, December 13, 1909). Accordingly, they shall not be subject to the priority system during calls in times of scarcity. The above described dike was first constructed on 6-1-1899. This date is listed solely for purpose of documenting when the saved and salvaged water was first put to beneficial use, and not for purpose of subjecting this right (or any splits therefrom) to priority calls based upon this date.

WATER RIGHT NO. 37-22583
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

2. Rights 37-22583, 37-22584, and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 674.5 af at the field headgate, and the irrigation of 192.7 acres.

3. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.07 cfs of this right from Silver Creek.

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. 37M.

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. Place of use does not include federal public lands.

9. This right does not grant any right-of-way or easement across the land of another.

10. The right holder shall accomplish the change authorized by this transfer within one year 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 13th day of January, 2011

Southern Region Manager

WATER RIGHT NO. 37-22584
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22584 is now described as follows.

Right Holder: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105

Priority Date: November 01, 1889

Source: SILVER CREEK **Tributary:** LITTLE WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
MITIGATION	04/15 to	10/31	0.03 CFS	11.5 AF
IRRIGATION	04/15 to	10/31	0.77 CFS	254.5 AF
			0.80 CFS	266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NESWSE	Sec. 26 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	NENENE	Sec. 35 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNWNW	Sec. 36 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWSENW	Sec. 36 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: MITIGATION

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 20E 26															3.3		3.3

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 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3

Total Acres: 219.2

CONDITIONS OF APPROVAL

1. Rights 37-22584 and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 254.5 af at the field headgate, and the irrigation of 72.7 acres.

2. Rights 37-22583, 37-22584, and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 674.5 af at the field headgate, and the irrigation of 192.7 acres.

3. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 37-22584
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.03 cfs of this right from Silver Creek.

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. 37M.

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. Place of use does not include federal public lands.

9. This right does not grant any right-of-way or easement across the land of another.

10. The right holder shall accomplish the change authorized by this transfer within one year 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 13th day of January, 2011

Southern Region Manager

WATER RIGHT NO. 37-22585
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22585 is now described as follows.

Right Holder: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105

Priority Date: May 31, 1890

Source: SILVER CREEK **Tributary:** LITTLE WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
MITIGATION	04/15 to	10/31	0.05 CFS	11.5 AF
IRRIGATION	04/15 to	10/31	1.15 CFS	254.5 AF
			1.20 CFS	266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NESWSE	Sec. 26 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	NENENE	Sec. 35 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNWNW	Sec. 36 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWSENW	Sec. 36 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: MITIGATION

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 20E 26															3.3		3.3

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 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3

Total Acres: 219.2

CONDITIONS OF APPROVAL

1. Rights 37-22584 and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 254.5 af at the field headgate, and the irrigation of 72.7 acres.

2. Rights 37-22583, 37-22584, and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 674.5 af at the field headgate, and the irrigation of 192.7 acres.

3. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.

WATER RIGHT NO. 37-22585
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.05 cfs of this right from Silver Creek.

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. 37M.

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. Place of use does not include federal public lands.

9. This right does not grant any right-of-way or easement across the land of another.

10. The right holder shall accomplish the change authorized by this transfer within one year 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 13th day of January, 2011

Southern Region Manager

WATER RIGHT NO. 37-22586
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22586 is now described as follows.

Right Holder: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105

Priority Date: March 29, 1979

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	04/01	to 11/01	5.55 CFS	1,190.1 AF
MITIGATION	04/01	to 11/01	0.05 CFS	9.9 AF
			5.60 CFS	1,200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNENW	Sec. 20 Twp 01S Rge 20E	BLAINE County
GROUND WATER (Injection)	SWSWNE	Sec. 20 Twp 01S Rge 20E	BLAINE County
GROUND WATER (Rediversion)	NESWSE	Sec. 26 Twp 01S Rge 20E	BLAINE County
GROUND WATER (Rediversion)	NENENE	Sec. 35 Twp 01S Rge 20E	BLAINE County
GROUND WATER (Rediversion)	SWNWNW	Sec. 36 Twp 01S Rge 20E	BLAINE County
GROUND WATER (Rediversion)	SWSENW	Sec. 36 Twp 01S Rge 20E	BLAINE County
GROUND WATER (Rediversion)	L3 (NWNENW)	Sec. 1 Twp 02S Rge 20E	BLAINE County

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 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4			10.1						173.4
02S 20E 1					5.1	34.6	35.9	15.7									91.3
					L 3	L 4											
02S 20E 2	42.7			33.4													76.1
	L 1			L 5													

Total Acres: 396.7

PLACE OF USE: MITIGATION

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 20E 26															3.3		3.3

CONDITIONS OF APPROVAL

1. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.

WATER RIGHT NO. 37-22586
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

3. The portion of Right 37-22586 used for conveyance losses is 0.56 cfs.

4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.05 cfs of this right from Ground water.

5. 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.

6. If the surface water right(s) 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 without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

7. Right No. 37-2739 is also diverted through point of diversion described above.

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. 37M.

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. Place of use does not include federal public lands.

11. This right does not grant any right-of-way or easement across the land of another.

12. The right holder shall accomplish the change authorized by this transfer within one year 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 13th day of January, 2011

Southern Region Manager

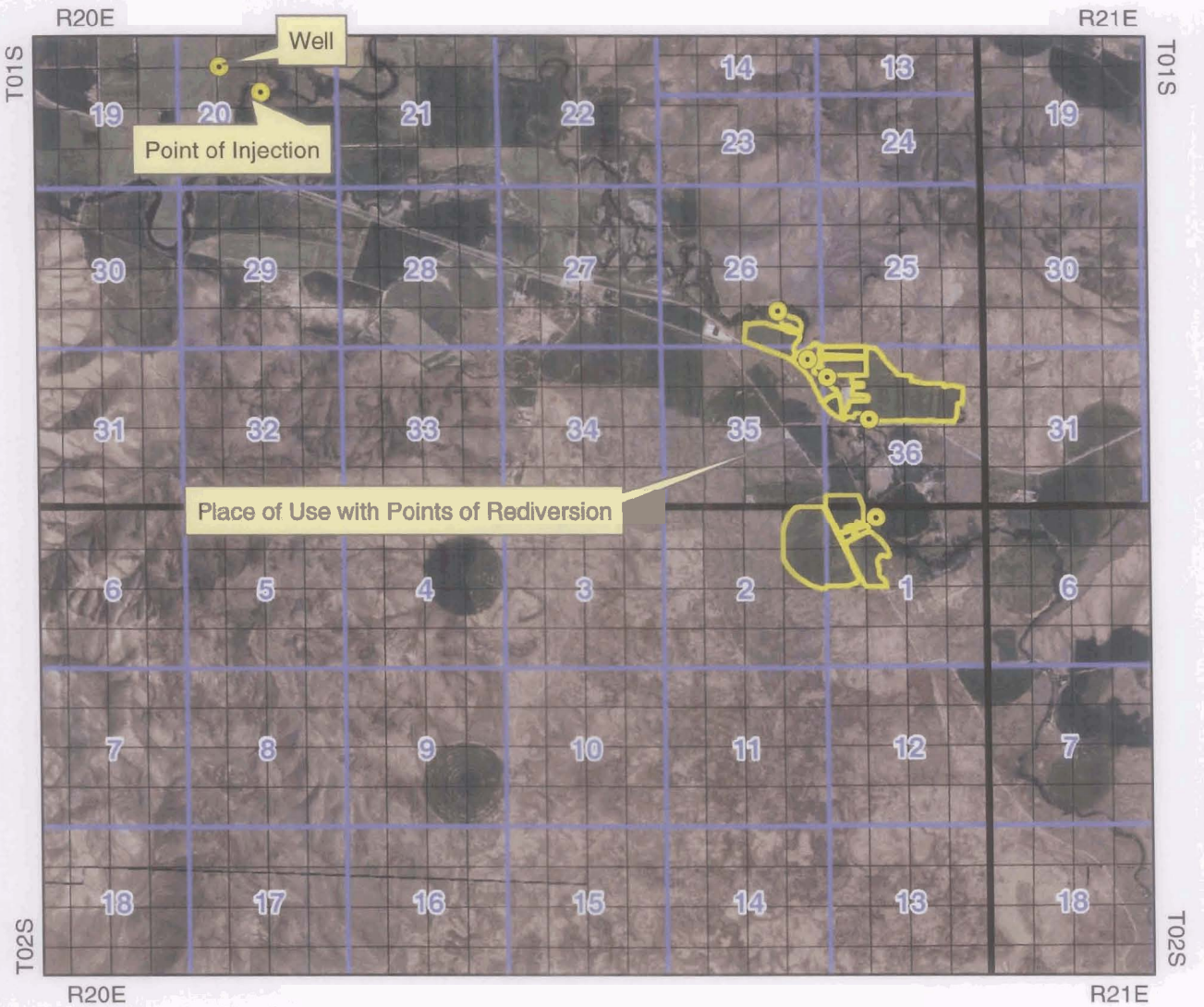
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 76754

Right: 37-22586 from ground water to irrigated 396.7 acres

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 soley for illustrative purposes.



Legend

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

0 0.5 1 2 Miles

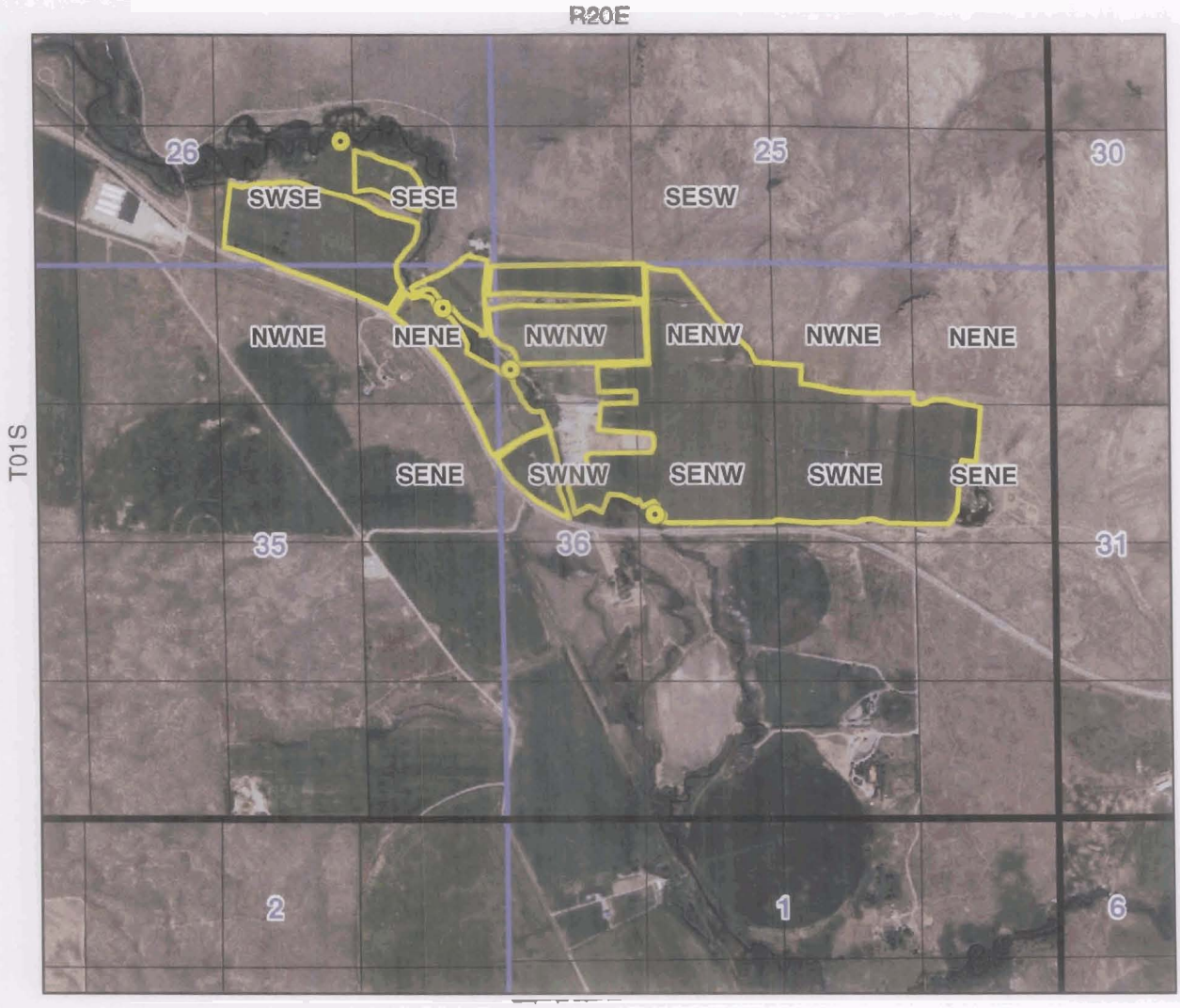
N

State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 76754

Rights: 37-22583, 37-22584, 37-22585 from Silver Creek for irrigation of 219.2 acres
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 soley for illustrative purposes.



Legend

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

0 0.2 0.4 0.8 Miles

N