

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74856

This is to certify that: DEER CREEK RANCH INC
 ATTN JOHN FLYNN
 PO BOX 3090
 NEWPORT BEACH CA 92658
 (949)720-3400

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>
37-466	AJC/Decreed	04/01/1880	9.77 cfs	N/A	N/A	489.0	DEER CREEK, GROUND WATER

Purpose of Transfer (Changes Proposed)

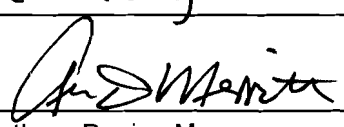
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-466	NO	NO	YES	YES	NO	NO

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>
37-466	37-466	9.77 cfs	N/A	489.0	672.4	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		9.77 cfs	N/A	489.0	672.4	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of February, 20 10


 Southern Region Manager

WATER RIGHT NO. 37-466
As Modified by Transfer No. 74856

In accordance with the approval of Transfer No. 74856, Water Right No. 37-466 is now described as follows.

Right Holder: DEER CREEK RANCH INC
 ATTN JOHN FLYNN
 PO BOX 3090
 NEWPORT BEACH CA 92658

Priority Date: April 01, 1880

Source: GROUND WATER
 DEER CREEK

Tributary: DEER CREEK
 BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to 10/31	9.77 CFS
		9.77 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESE	Sec. 26 Twp 03N Rge 17E	BLAINE County
GROUND WATER	NWNESW	Sec. 30 Twp 03N Rge 18E	BLAINE County
GROUND WATER	SESESW	Sec. 30 Twp 03N Rge 18E	BLAINE County
DEER CREEK	NESESE	Sec. 30 Twp 03N Rge 18E	BLAINE County
GROUND WATER	NESESE	Sec. 30 Twp 03N Rge 18E	BLAINE County
GROUND WATER	SESESE	Sec. 30 Twp 03N Rge 18E	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	
03N	17E	25			21.2	22.8			11.6	19.9			26.9	30.5			38.6	33.7	205.2
03N	17E	26				2.0						11.5		35.4	24.3	37.0	24.5	11.4	146.1
03N	18E	29											12.2	10.9					23.1
03N	18E	30	.6		5.4	12.8	4.9		12.9	5.7	39.6	43.7	1.5	27.4	38.5	36.7	32.6	35.7	298.0
									L 2			L 3	L 4						

Total Acres: 672.4

WATER RIGHT NO. 37-466
As Modified by Transfer No. 74856

CONDITIONS OF APPROVAL

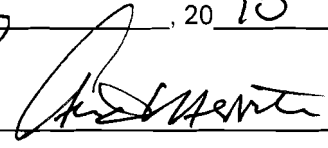
1. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Deer Creek.
2. This right is limited to the irrigation of a specific 489 acres within the 672.4 acre place of use authorized by this right in a single irrigation season. The specific 489 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 489 acres to be irrigated within the 672.4 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.
3. A measuring device or stream gage of a type acceptable to the department and watermaster shall be permanently installed and maintained in Deer Creek within the SESW, S26, T3N, R17E.
4. The diversion of up to 9.77 cfs of ground water shall be contingent upon an equivalent amount of water being measured at a point in Deer Creek within the SESW, S26, T3N, R17E.
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 both ground water and surface water diversions.
6. If flows less than 9.77 cfs are measured, the ground water diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.
7. Any subsequent transfer of the point of diversion described under this right will require the right holder to provide evidence that the new point of diversion has a direct and immediate hydraulic connection to Deer Creek.
8. Rights 37-466 and 37-11329 when combined shall not exceed a total diversion rate of 9.78 cfs and the irrigation of 489 acres.
9. 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.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year 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.

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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 February, 20 10


Southern Region Manager