

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75669

This is to certify that: SOUTH LEIGH CREEK LLC
 1325 JOHNSON ST
 MENLO PARK CA 94025
 (650)868-3708

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>
22-611A	WR/Decreed	01/22/1916	1.2 cfs	N/A	60.0	78.4	SOUTH LEIGH CREEK
22-366B	WR/Decreed	05/01/1898	0.25 cfs	N/A	N/A	78.4	SOUTH LEIGH CREEK
22-367B	WR/Decreed	05/01/1899	0.75 cfs	N/A	N/A	78.4	SOUTH LEIGH CREEK
22-13588	WR/Decreed	01/22/1916	0.4 cfs	N/A	20.0	78.4	SOUTH LEIGH 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>
22-611A	NO	NO	NO	NO	YES	YES
22-366B	NO	NO	NO	NO	YES	YES
22-367B	NO	NO	NO	NO	YES	YES
22-13588	NO	NO	NO	NO	YES	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>
22-611A	22-611A	1.2 cfs	N/A	56.2	73.4		N/A	N/A	N/A	N/A
22-366B	22-366B	0.25 cfs	N/A	N/A	73.4		N/A	N/A	N/A	N/A
22-367B	22-367B	0.75 cfs	N/A	N/A	73.4		N/A	N/A	N/A	N/A
22-13588	22-13588	0.4 cfs	N/A	18.8	73.4		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.6 cfs	N/A	73.4	73.4		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 22-366B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75669

Detailed Water Right Description(s) attached

Dated this 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-366B
As Modified by Transfer No. 75669

In accordance with the approval of Transfer No. 75669, Water Right No. 22-366B is now described as follows.

Right Holder: SOUTH LEIGH CREEK LLC
 1325 JOHNSON ST
 MENLO PARK CA 94025

Priority Date: May 01, 1898

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.23 CFS	
DIVERSION TO STORAGE	04/15 to	10/31	0.02 CFS	
FIRE PROTECTION STORAGE	01/01 to	12/31		7.9 AF
AESTHETIC STORAGE	01/01 to	12/31		7.9 AF
RECREATION STORAGE	01/01 to	12/31		7.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK	SENW	Sec. 36 Twp 06N	Rge 45E	TETON County
SOUTH LEIGH CREEK	L2 (SWNW)	Sec. 31 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	L1 (NWNE)	Sec. 32 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	NWNWSW	Sec. 32 Twp 06N	Rge 46E	TETON 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	
06N	45E	35			8.4	25.0									24.2	15.8			73.4

Total Acres: 73.4

PLACE OF USE: FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	35													X	X			

CONDITIONS OF APPROVAL

1. Rights 22-366B, 22-367B, 22-611A and 22-13588 when combined shall not exceed the irrigation of 73.4 acres.
2. The two ponds established by the storage of water under rights 22-366B, 22-367B, 22-611A, 22-13588 and 22-13957 shall not exceed a total capacity of 11.0 acre feet or a total surface area of 1.8 acres.
3. Rights 22-366B, 22-367B, 22-611A and 22-13588 authorizes the diversion of an annual total of 11.0 af to be used for the annual fill of the two ponds.
4. 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. 01.

WATER RIGHT NO. 22-366B
As Modified by Transfer No. 75669

CONDITIONS OF APPROVAL

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 diversion(s).
6. 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.
7. 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.
8. Place of use is located within South Leigh Creek Ranch Subdivision.
9. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
10. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
11. Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.
12. One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.
13. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 31 day of August, 2009


for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-367B
As Modified by Transfer No. 75669

In accordance with the approval of Transfer No. 75669, Water Right No. 22-367B is now described as follows.

Right Holder: SOUTH LEIGH CREEK LLC
 1325 JOHNSON ST
 MENLO PARK CA 94025

Priority Date: May 01, 1899

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.70 CFS	
DIVERSION TO STORAGE	04/15	to 10/31	0.05 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		11.0 AF
AESTHETIC STORAGE	01/01	to 12/31		11.0 AF
RECREATION STORAGE	01/01	to 12/31		11.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK	SENW	Sec. 36 Twp 06N	Rge 45E	TETON County
SOUTH LEIGH CREEK	L2 (SWNW)	Sec. 31 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	L1 (NWNE)	Sec. 32 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	NWNWSW	Sec. 32 Twp 06N	Rge 46E	TETON 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	
06N	45E	35			8.4	25.0									24.2	15.8			73.4

Total Acres: 73.4

PLACE OF USE: FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	35													X	X			

CONDITIONS OF APPROVAL

1. Rights 22-366B, 22-367B, 22-611A and 22-13588 when combined shall not exceed the irrigation of 73.4 acres.
2. The two ponds established by the storage of water under rights 22-366B, 22-367B, 22-611A, 22-13588 and 22-13957 shall not exceed a total capacity of 11.0 acre feet or a total surface area of 1.8 acres.
3. Rights 22-366B, 22-367B, 22-611A and 22-13588 authorizes the diversion of an annual total of 11.0 af to be used for the annual fill of the two ponds.
4. 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. 01.

WATER RIGHT NO. 22-367B
As Modified by Transfer No. 75669

CONDITIONS OF APPROVAL

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 diversion(s).
6. 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.
7. 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.
8. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
9. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
10. Place of use is located within South Leigh Creek Ranch Subdivision.
11. Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.
12. One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.
13. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-611A
As Modified by Transfer No. 75669

In accordance with the approval of Transfer No. 75669, Water Right No. 22-611A is now described as follows.

Right Holder: SOUTH LEIGH CREEK LLC
 1325 JOHNSON ST
 MENLO PARK CA 94025

Priority Date: January 22, 1916

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.12 CFS	
DIVERSION TO STORAGE	04/15	to 10/31	0.08 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		11.0 AF
AESTHETIC STORAGE	01/01	to 12/31		11.0 AF
RECREATION STORAGE	01/01	to 12/31		11.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK	SENW	Sec. 36 Twp 06N	Rge 45E	TETON County
SOUTH LEIGH CREEK	L2 (SWNW)	Sec. 31 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	L1 (NWNE)	Sec. 32 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	NWNWSW	Sec. 32 Twp 06N	Rge 46E	TETON 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	
06N	45E	35			8.4	25.0									24.2	15.8			73.4

Total Acres: 73.4

PLACE OF USE: FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	35													X	X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 56.2 acres within the place of use described above in a single irrigation season.
2. Rights 22-366B, 22-367B, 22-611A and 22-13588 when combined shall not exceed the irrigation of 73.4 acres.
3. The two ponds established by the storage of water under rights 22-366B, 22-367B, 22-611A, 22-13588 and 22-13957 shall not exceed a total capacity of 11.0 acre feet or a total surface area of 1.8 acres.
4. Rights 22-366B, 22-367B, 22-611A and 22-13588 authorizes the diversion of an annual total of 11.0 af to be used for the annual fill of the two ponds.

WATER RIGHT NO. 22-611A
As Modified by Transfer No. 75669

CONDITIONS OF APPROVAL

5. 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. 01.
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 diversion(s).
7. 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.
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. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
10. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
11. Place of use is located within South Leigh Creek Ranch Subdivision.
12. Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.
13. One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.
14. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
15. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 31 day of August, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13588
As Modified by Transfer No. 75669

In accordance with the approval of Transfer No. 75669, Water Right No. 22-13588 is now described as follows.

Right Holder: SOUTH LEIGH CREEK LLC
 1325 JOHNSON ST
 MENLO PARK CA 94025

Priority Date: January 22, 1916

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.38 CFS	
DIVERSION TO STORAGE	04/15	to 10/31	0.02 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		7.9 AF
AESTHETIC STORAGE	01/01	to 12/31		7.9 AF
RECREATION STORAGE	01/01	to 12/31		7.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK	SENW	Sec. 36 Twp 06N	Rge 45E	TETON County
SOUTH LEIGH CREEK	L2 (SWNW)	Sec. 31 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	L1 (NWNE)	Sec. 32 Twp 06N	Rge 46E	TETON County
SOUTH LEIGH CREEK	NWNWSW	Sec. 32 Twp 06N	Rge 46E	TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	45E	35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	73.4
					8.4	25.0									24.2	15.8			

Total Acres: 73.4

PLACE OF USE: FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	45E	35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X	X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 18.8 acres within the place of use described above in a single irrigation season.
2. Rights 22-366B, 22-367B, 22-611A and 22-13588 when combined shall not exceed the irrigation of 73.4 acres.
3. The two ponds established by the storage of water under rights 22-366B, 22-367B, 22-611A, 22-13588 and 22-13957 shall not exceed a total capacity of 11.0 acre feet or a total surface area of 1.8 acres.
4. Rights 22-366B, 22-367B, 22-611A and 22-13588 authorizes the diversion of an annual total of 11 af to be used for the annual fill of the two ponds.

WATER RIGHT NO. 22-13588
As Modified by Transfer No. 75669

CONDITIONS OF APPROVAL

5. 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. 01.
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 diversion(s).
7. 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.
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. Water shall not be diverted from the fire protection storage pond authorized under this right except to fight or repel an existing fire.
10. The right holder shall install and maintain an impermeable liner in pond to eliminate seepage losses.
11. Place of use is located within South Leigh Creek Ranch Subdivision.
12. Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and Desert Ditch.
13. One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho.
14. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
15. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 31 day of August, 2009

Ernst Carlson
for Chief, Water Allocation Bureau