

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74448

This is to certify that: LEIGH CREEK LLC
 525 OAK KNOLL AVE
 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>
22-13530	WR/Decreed	06/20/1897	0.82 cfs	N/A	N/A	40.0	NORTH LEIGH CREEK
22-129J	WR/Decreed	01/22/1916	1 cfs	N/A	N/A	40.0	NORTH LEIGH CREEK
22-13555	WR/Decreed	01/20/1908	0.8 cfs	N/A	N/A	40.0	NORTH 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>
22-13530	NO	NO	NO	NO	YES	YES
22-129J	NO	NO	NO	NO	YES	YES
22-13555	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>
22-13530	22-13530	0.82 cfs	N/A	N/A	35.0		N/A	N/A	N/A	N/A
22-129J	22-129J	1 cfs	N/A	N/A	35.0		N/A	N/A	N/A	N/A
22-13555	22-13555	0.8 cfs	N/A	N/A	35.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.62 cfs	N/A	35.0	35.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of May, 2009


 for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-129J

WATER RIGHT NO. 22-129J
As Modified by Transfer No. 74448

In accordance with the approval of Transfer No. 74448, Water Right No. 22-129J is now described as follows.

Right Holder: LEIGH CREEK LLC
 525 OAK KNOLL AVE
 MENLO PARK CA 94025

Priority Date: January 22, 1916

Source: NORTH LEIGH CREEK **Tributary:** SPRING CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	04/15	to 10/31	0.13 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		10.0 AF
RECREATION STORAGE	01/01	to 12/31		10.0 AF
AESTHETIC STORAGE	01/01	to 12/31		10.0 AF
IRRIGATION	04/15	to 10/31	0.87 CFS	
			1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NORTH LEIGH CREEK L1 (NWNE) Sec. 29 Twp 06N Rge 46E TETON County

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

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>	
06N	45E	25	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>	
06N	45E	25	7.0	20.6			7.4												35.0

Total Acres: 35

WATER RIGHT NO. 22-129J
As Modified by Transfer No. 74448

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 35 acres in a single irrigation season. Combined Right Nos.: 22-129J, 22-13530, 22-13555.
2. The reservoir established by the storage of water under rights 22-13820, 22-129J, 22-13530 and 22-13555 shall not exceed a total capacity of 10 acre feet or a total surface area of 1.47 acres.
3. This right authorizes the diversion of an annual total of 10.0 af to be used for the initial filling of the reservoir and refillings during subsequent years. If the total 10.0 af is not used during the filling and refillings of the reservoir then the remainder of the volume may be used for the replacement of losses caused by seepage and evaporation from the reservoir.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. The point of diversion for this water right is in Wyoming, T45N, R118W Sec. 32 SENW (L2), 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
6. 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.
7. Water is delivered through North Leigh Canal.
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. 01.
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 diversion(s).
10. 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.
11. 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.
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.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 22-129J
As Modified by Transfer No. 74448

CONDITIONS OF APPROVAL

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 19 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13530
As Modified by Transfer No. 74448

In accordance with the approval of Transfer No. 74448, Water Right No. 22-13530 is now described as follows.

Right Holder: LEIGH CREEK LLC
 525 OAK KNOLL AVE
 MENLO PARK CA 94025

Priority Date: June 20, 1897

Source: NORTH LEIGH CREEK **Tributary:** SPRING CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FIRE PROTECTION STORAGE	01/01	to 12/31		10.0 AF
DIVERSION TO STORAGE	04/15	to 10/31	0.10 CFS	
RECREATION STORAGE	01/01	to 12/31		10.0 AF
AESTHETIC STORAGE	01/01	to 12/31		10.0 AF
IRRIGATION	04/15	to 10/31	0.72 CFS	
			0.82 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NORTH LEIGH CREEK L1 (NWNE) Sec. 29 Twp 06N Rge 46E TETON County

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

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>	
06N	45E	25	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>	
06N	45E	25	7.0	20.6			7.4												35.0

Total Acres: 35

WATER RIGHT NO. 22-13530
As Modified by Transfer No. 74448

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 35 acres in a single irrigation season. Combined Right Nos.: 22-129J, 22-13530, and 22-13555.
2. The reservoir established by the storage of water under rights 22-13820, 22-129J, 22-13530 and 22-13555 shall not exceed a total capacity of 10 acre feet or a total surface area of 1.47 acres.
3. This right authorizes the diversion of an annual total of 10.0 af to be used for the initial filling of the reservoir and refillings during subsequent years. If the total 10.0 af is not used during the filling and refillings of the reservoir then the remainder of the volume may be used for the replacement of losses caused by seepage and evaporation from the reservoir.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. This right is a split from former right 22-311.
6. 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.
7. Water is delivered through North Leigh Canal.
8. The point of diversion for this water right is in Wyoming, T45N, R118W Sec. 32 SENW (L2), 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
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. 01.
10. 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).
11. 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.
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 right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 22-13530
As Modified by Transfer No. 74448

CONDITIONS OF APPROVAL

15. 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 19 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13555
As Modified by Transfer No. 74448

In accordance with the approval of Transfer No. 74448, Water Right No. 22-13555 is now described as follows.

Right Holder: LEIGH CREEK LLC
 525 OAK KNOLL AVE
 MENLO PARK CA 94025

Priority Date: January 20, 1908

Source: NORTH LEIGH CREEK **Tributary:** SPRING CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	04/15	to 10/31	0.10 CFS	
FIRE PROTECTION STORAGE	01/01	to 12/31		10.0 AF
RECREATION STORAGE	01/01	to 12/31		10.0 AF
AESTHETIC STORAGE	01/01	to 12/31		10.0 AF
IRRIGATION	04/15	to 10/31	0.70 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NORTH LEIGH CREEK L1 (NWNE) Sec. 29 Twp 06N Rge 46E TETON County

PLACE OF USE: FIRE PROTECTION STORAGE / RECREATION STORAGE / AESTHETIC 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	25	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	
06N	45E	25	7.0	20.6			7.4												35.0

Total Acres: 35

WATER RIGHT NO. 22-13555
As Modified by Transfer No. 74448

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 35 acres in a single irrigation season. Combined Right Nos.: 22-129J, 22-13530, and 22-13555.
2. The reservoir established by the storage of water under rights 22-13820, 22-129J, 22-13530 and 22-13555 shall not exceed a total capacity of 10 acre feet or a total surface area of 1.47 acres.
3. This right is a split from former right 22-2029.
4. This right authorizes the diversion of an annual total of 10.0 af to be used for the initial filling of the reservoir and refillings during subsequent years. If the total 10.0 af is not used during the filling and refillings of the reservoir then the remainder of the volume may be used for the replacement of losses caused by seepage and evaporation from the reservoir.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. The point of diversion for this water right is in Wyoming, T45N, R118W Sec. 32 SENW (L2), 6PM. The point of diversion shown above is where the conveyance system enters Idaho.
7. 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.
8. Water is delivered through North Leigh Canal.
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. 01.
10. 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).
11. 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.
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 right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 22-13555
As Modified by Transfer No. 74448

CONDITIONS OF APPROVAL

15. 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 19 day of May, 2009

for Ernest Carlson
Chief, Water Allocation Bureau