

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70926

This is to certify that: NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WEST LAKE VILLAGE CA 91362
(805)379-0188

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>
34-443	WR/Decreed	06/01/1882	3.20 cfs	N/A	160.0	310.0	PARSONS CREEK
34-444	WR/Decreed	06/01/1884	1.60 cfs	N/A	80.0	310.0	PARSONS CREEK
34-445	WR/Decreed	06/01/1887	1.60 cfs	N/A	N/A	310.0	PARSONS 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>
34-443	NO	YES	NO	YES	NO	NO
34-444	NO	YES	NO	YES	NO	NO
34-445	NO	YES	NO	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>
34-443	34-443	3.20 cfs	N/A	160.0	310.0		N/A	N/A	N/A	N/A
34-444	34-444	1.60 cfs	N/A	80.0	310.0		N/A	N/A	N/A	N/A
34-445	34-445	1.60 cfs	N/A	N/A	310.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		6.40 cfs	N/A	310.0	310.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-443
As Modified by Transfer No. 70926

In accordance with the approval of Transfer No. 70926, Water Right No. 34-443 is now described as follows.

Right Holder: NO TELLUM CREEK RANCH LLC
 4550 E THOUSAND OAKS BLVD #202
 WEST LAKE VILLAGE CA 91362

Priority Date: June 01, 1882

Source: POLE STACKYARD CREEK **Tributary:** PARSONS CREEK
 PARSONS CREEK BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.13 CFS	
IRRIGATION	05/01 to	10/15	3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PARSONS CREEK	L3 (NWSW)	Sec. 30 Twp 08N	Rge 23E	CUSTER County
PARSONS CREEK	L4 (SWSW)	Sec. 30 Twp 08N	Rge 23E	CUSTER County
PARSONS CREEK	NENW	Sec. 31 Twp 08N	Rge 23E	CUSTER County
POLE STACKYARD CREEK	SENW	Sec. 31 Twp 08N	Rge 23E	CUSTER County
POLE STACKYARD CREEK	SENW	Sec. 31 Twp 08N	Rge 23E	CUSTER 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	
08N	23E	30															40.0	32.0	72.0
08N	23E	31	40.0	40.0	40.0		38.0			40.0					40.0				238.0

Total Acres: 310

CONDITIONS OF APPROVAL

1. Rights 34-443, 34-444 and 34-445 when combined shall not exceed a total irrigation of 310 acres.
2. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 34-443, 34-444 and 34-445 shall not exceed 6.40 cfs.
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. 34.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 34-443
As Modified by Transfer No. 70926

CONDITIONS OF APPROVAL

6. 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.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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 16th day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-444
As Modified by Transfer No. 70926

In accordance with the approval of Transfer No. 70926, Water Right No. 34-444 is now described as follows.

Right Holder: NO TELLUM CREEK RANCH LLC
 4550 E THOUSAND OAKS BLVD #202
 WEST LAKE VILLAGE CA 91362

Priority Date: June 01, 1884

Source: POLE STACKYARD CREEK **Tributary:** PARSONS CREEK
 PARSONS CREEK BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PARSONS CREEK	L3 (NWSW)	Sec. 30 Twp 08N	Rge 23E	CUSTER County
PARSONS CREEK	L4 (SWSW)	Sec. 30 Twp 08N	Rge 23E	CUSTER County
PARSONS CREEK	NENW	Sec. 31 Twp 08N	Rge 23E	CUSTER County
POLE STACKYARD CREEK	SENW	Sec. 31 Twp 08N	Rge 23E	CUSTER County
POLE STACKYARD CREEK	SENW	Sec. 31 Twp 08N	Rge 23E	CUSTER 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	
08N	23E	30															40.0	32.0	72.0
08N	23E	31	40.0	40.0	40.0		38.0		40.0						40.0				238.0

Total Acres: 310

CONDITIONS OF APPROVAL

1. Rights 34-443, 34-444 and 34-445 when combined shall not exceed a total irrigation of 310 acres.
2. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 34-443, 34-444 and 34-445 shall not exceed 6.40 cfs.
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. 34.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

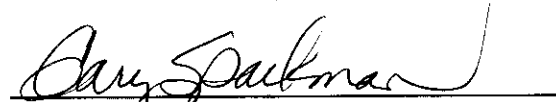
WATER RIGHT NO. 34-444
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CONDITIONS OF APPROVAL

6. 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.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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.

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 16th day of March, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 34-445
As Modified by Transfer No. 70926

In accordance with the approval of Transfer No. 70926, Water Right No. 34-445 is now described as follows.

Right Holder: NO TELLUM CREEK RANCH LLC
 4550 E THOUSAND OAKS BLVD #202
 WEST LAKE VILLAGE CA 91362

Priority Date: June 01, 1887

Source: POLE STACKYARD CREEK **Tributary:** PARSONS CREEK
 PARSONS CREEK BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PARSONS CREEK	L3 (NWSW)	Sec. 30 Twp 08N	Rge 23E	CUSTER County
PARSONS CREEK	L4 (SWSW)	Sec. 30 Twp 08N	Rge 23E	CUSTER County
PARSONS CREEK	NENW	Sec. 31 Twp 08N	Rge 23E	CUSTER County
POLE STACKYARD CREEK	SENW	Sec. 31 Twp 08N	Rge 23E	CUSTER County
POLE STACKYARD CREEK	SENW	Sec. 31 Twp 08N	Rge 23E	CUSTER 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	
08N	23E	30															40.0	32.0	72.0
08N	23E	31	40.0	40.0	40.0		38.0		40.0						40.0				238.0

Total Acres: 310

CONDITIONS OF APPROVAL

1. Rights 34-443, 34-444 and 34-445 when combined shall not exceed a total irrigation of 310 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 34-443, 34-444 and 34-445 shall not exceed 6.40 cfs.
3. 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. 34.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. 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.

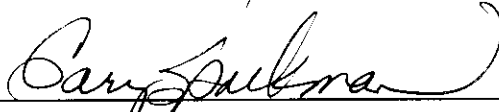
WATER RIGHT NO. 34-445
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CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
9. 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.

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 16th day of March, 2004



Chief, Water Allocation Bureau