



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 26, 2010

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 27 2010	
By _____	Clerk
_____	Deputy Clerk

Clerk of the Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Subcase No. 73-2164 (Big Creek Ranch LLC)

Dear Clerk of the Court:

The above-referenced subcase was partially decreed on October 20, 2009. This subcase is one of several containing overlapping rights which listed federal lands in the Place of Use element. Removing the federal lands from the overlapping claims has resulted in the need to change an overlapping condition of 73-2164. Specifically, the removal of BLM acres correspondingly reduced the total combined Place of Use from 961.5 to 951.1 acres. While updating the combined Place of Use, the Department discovered a clerical error in the remark in Period of Use element, more commonly known as the shoulder remark. The remark should have allowed a period extending until October 31.

The Department requests the Court set aside and amend the partial decree for water right subcase no. 73-2164 as depicted in the enclosed recommendation which corrects both the Place of Use and the Period of Use remarks.

Sincerely,

Andrea L. Courtney
Deputy Attorney General for the
Idaho Department of Water Resources

Enclosure

cc w/enc: Big Creek Ranch LLC
David Negri
Fred Price, BLM

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2164

NAME AND ADDRESS: BIG CREEK RANCH LLC
280 CRANBROOK DR
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,281.00 AFY

Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.

PRIORITY DATE: 10/06/1966

POINT OF
DIVERSION:

T14N R21E S24 SENWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 10/01	5.000 CFS 1,281.00 AFY

The use of water for irrigation under this right ~~may begin as early as March 1~~ may continue to as late as October 31 provided other elements of the right are not exceeded. The use of water ~~before April 1~~ after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19 Lot 1 NWNW		39.00

366 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 951.1 ~~961.5~~ acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License