

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83914**

This is to certify that: **BIG CREEK RANCH LLC**
PO BOX 5987
KETCHUM, ID 83340-5987

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
73-10100	WR/DECREED	2/18/1926	1.650 cfs	N/A	N/A	213.4	PAHSIMEROI RIVER
73-12252	WR/DECREED	2/18/1926	1.550 cfs	N/A	N/A	200.6	PAHSIMEROI RIVER
73-152A	WR/DECREED	5/1/1886	3.200 cfs	N/A	160.0	213.4	PAHSIMEROI RIVER
73-153A	WR/DECREED	5/1/1888	1.540 cfs	N/A	160.0	213.4	BIG CREEK
73-2151	WR/DECREED	6/23/1959	2.000 cfs	N/A	95.0	200.6	PATTERSON CREEK
73-33	WR/DECREED	8/16/1910	2.400 cfs	N/A	120.0	200.6	BIG 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>
73-10100	NO	NO	YES	NO	NO	NO
73-12252	YES	NO	YES	NO	NO	NO
73-152A	NO	NO	YES	NO	NO	NO
73-153A	NO	NO	YES	NO	NO	NO
73-2151	YES	NO	YES	NO	NO	NO
73-33	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

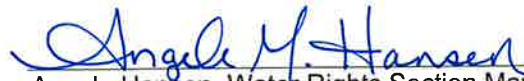
<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
73-10100	73-10100	1.650 cfs	N/A	213.4	248.4	N/A	N/A	N/A	N/A	N/A
73-12252	73-12276	0.270 cfs	N/A	35.0	248.4	73-12252	1.280 cfs	N/A	N/A	165.6
73-152A	73-152A	3.200 cfs	N/A	160.0	248.4	N/A	N/A	N/A	N/A	N/A
73-153A	73-153A	1.540 cfs	N/A	160.0	248.4	N/A	N/A	N/A	N/A	N/A
73-2151	73-12277	0.350 cfs	N/A	16.5	248.4	73-2151	1.650 cfs	N/A	78.5	165.6
73-33	73-12275	0.420 cfs	N/A	20.9	248.4	73-33	1.980 cfs	N/A	99.1	165.6
COMBINED TOTALS		5.890 cfs	N/A	N/A	248.4		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83914

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 5th day of OCTOBER, 2021.


Angela Hansen, Water Rights Section Manager

WATER RIGHT NO. 73-33**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-33 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 8/16/1910

Source: BIG CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1.980 cfs
1.980 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG CREEK

NWSW

Sec 12 Twp 13N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22															39.0	39.0	78.0
14N	22E	23											7.6						7.6
14N	22E	26					40	40											80

Right Acre Limit: 99.1
POU Total Acres: 165.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99.1 acres within the authorized place of use in a single irrigation season.
2. Rights 73-33, 73-2151 and 73-12252 when combined shall not exceed the irrigation of 165.6 acres.
3. 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 place of use.
4. Use of water under this right may 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. 73, Pahsimeroi River.
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 does not grant any right-of-way or easement across the land of another.

Transfer No. 83914

WATER RIGHT NO. 73-33
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-12275**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-12275 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 8/16/1910

Source: BIG CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
0.420 cfs
0.420 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG CREEK NWSW Sec 12 Twp 13N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22			30.0	30.0									29.0	30.0		0.4	119.4
14N	22E	23									31.0	34.0	33.0	31.0					129.0

Right Acre Limit: 20.9
POU Total Acres: 248.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.9 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12275, 73-12276, 73-12277, 73-152A, 73-153A and 73-10100 when combined shall not exceed the irrigation of 248.4 acres.
3. 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 place of use.
4. Use of water under this right may 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. 73, Pahsimeroi River.
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).

Transfer No. 83914

WATER RIGHT NO. 73-12275
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-12252**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-12252 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 2/18/1926

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.280 cfs

1.280 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER

NESW

Sec 35 Twp 14N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22															39.0	39.0	78.0
14N	22E	23											7.6						7.6
14N	22E	26					40.0	40.0											80.0

POU Total Acres: 165.6

CONDITIONS OF APPROVAL

1. Rights 73-33, 73-2151 and 73-12252 when combined shall not exceed the irrigation of 165.6 acres.
2. 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 place of use.
3. Use of water under this right may 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. 73, Pahsimeroi River.
4. 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).
5. This right does not grant any right-of-way or easement across the land of another.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Transfer No. 83914

WATER RIGHT NO. 73-12252
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-12276**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-12276 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 2/18/1926

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
0.270 cfs
0.270 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER

NESW

Sec 35 Twp 14N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22			30.0	30.0									29.0	30.0		0.4	119.4
14N	22E	23									31.0	34.0	33.0	31.0					129.0

Right Acre Limit: 35.0
POU Total Acres: 248.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35.0 acres within the authorized place of use in a single irrigation season.
2. Rights 73-152A, 73-153B, 73-10100, 73-12275, 73-12276, and 73-12277 when combined shall not exceed the irrigation of 248.4 acres.
3. 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 place of use.
4. Use of water under this right may 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. 73, Pahsimeroi River.
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).

Transfer No. 83914

WATER RIGHT NO. 73-12276
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-2151**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-2151 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 6/23/1959

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1.650 cfs
1.650 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK

NWNE

Sec 23 Twp 14N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22															39.0	39.0	78.0
14N	22E	23											7.6						7.6
14N	22E	26					40	40											80

Right Acre Limit: 78.5

POU Total Acres: 165.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 78.5 acres within the authorized place of use in a single irrigation season.
2. Rights 73-33, 73-2151 and 73-12252 when combined shall not exceed the irrigation of 165.6 acres.
3. 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 place of use.
4. Use of water under this right may 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. 73, Pahsimeroi River.
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).

Transfer No. 83914

WATER RIGHT NO. 73-2151
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-12277**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-12277 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 6/23/1959

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.350 cfs

0.350 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK

NWNE

Sec 23 Twp 14N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22			30.0	30.0									29.0	30.0		0.4	119.4
14N	22E	23									31.0	34.0	33.0	31.0					129.0

Right Acre Limit: 16.5

POU Total Acres: 248.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.5 acres within the authorized place of use in a single irrigation season.
2. Rights 73-152A, 73-153A, 73-10100, 73-12275, 73-12276, and 73-12277 when combined shall not exceed the irrigation of 248.4 acres.
3. 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 place of use.
4. Use of water under this right may 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. 73, Pahsimeroi River.
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).

Transfer No. 83914

WATER RIGHT NO. 73-12277

As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-152A**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-152A is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 5/1/1886

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
3.200 cfs
3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER

NESW

Sec 35 Twp 14N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22			30.0	30.0									29.0	30.0		0.4	119.4
14N	22E	23									31.0	34.0	33.0	31.0					129.0

Right Acre Limit: 160.0

POU Total Acres: 248.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 73-152A and 73-153A when combined shall not exceed a total diversion rate of 3.20 cfs and the irrigation of 160.0 acres.
3. Rights 73-152A, 73-153A and 73-10100 when combined shall not exceed the irrigation of 213.4 acres.
4. Rights 73-152A, 73-153A, 73-10100, 73-12275, 73-12276, and 73-12277 when combined shall not exceed the irrigation of 248.4 acres.
5. 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 place of use.

WATER RIGHT NO. 73-152A
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

6. 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. 73, Pahsimeroi River.
7. 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).
8. This right does not grant any right-of-way or easement across the land of another.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-10100**As Modified by Transfer No. 83914**

In accordance with the approval of Transfer No. 83914, Water Right No. 73-10100 is now described as follows:

Right Holder: BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM, ID 83340-5987

Priority Date: 2/18/1926

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1.650 cfs
1.650 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER

NESW

Sec 35 Twp 14N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22			30.0	30.0									29.0	30.0		0.4	119.4
14N	22E	23									31.0	34.0	33.0	31.0					129.0

Right Acre Limit: 213.4

POU Total Acres: 248.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 213.4 acres within the authorized place of use in a single irrigation season.
2. Rights 73-152A, 73-153A and 73-10100 when combined shall not exceed the irrigation of 213.4 acres.
3. Rights 73-152A, 73-153A, 73-10100, 73-12275, 73-12276, and 73-12277 when combined shall not exceed the irrigation of 248.4 acres.
4. 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 place of use.
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. 73, Pahsimeroi River.

Transfer No. 83914

WATER RIGHT NO. 73-10100
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

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. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-153A
As Modified by Transfer No. 83914

In accordance with the approval of Transfer No. 83914, Water Right No. 73-153A is now described as follows:

Right Holder: BIG CREEK RANCH LLC
 PO BOX 5987
 KETCHUM, ID 83340-5987

Priority Date: 5/1/1888

Source: BIG CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 1.540 cfs
 1.540 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG CREEK NWSW Sec 12 Twp 13N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	22			30.0	30.0									29.0	30.0		0.4	119.4
14N	22E	23									31.0	34.0	33.0	31.0					129.0

Right Acre Limit: 160.0

POU Total Acres: 248.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 73-152A and 73-153A when combined shall not exceed a total diversion rate of 3.20 cfs and the irrigation of 160.0 acres.
3. Rights 73-152A, 73-153A and 73-10100 when combined shall not exceed the irrigation of 213.4 acres.
4. Rights 73-152A, 73-153A, 73-10100, 73-12275, 73-12276, and 73-12277 when combined shall not exceed the irrigation of 248.4 acres.
5. 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 place of use.

Transfer No. 83914

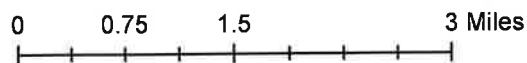
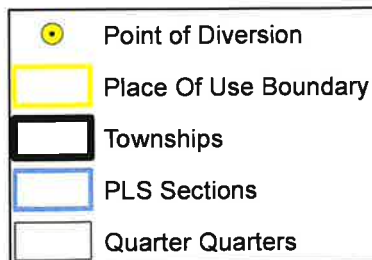
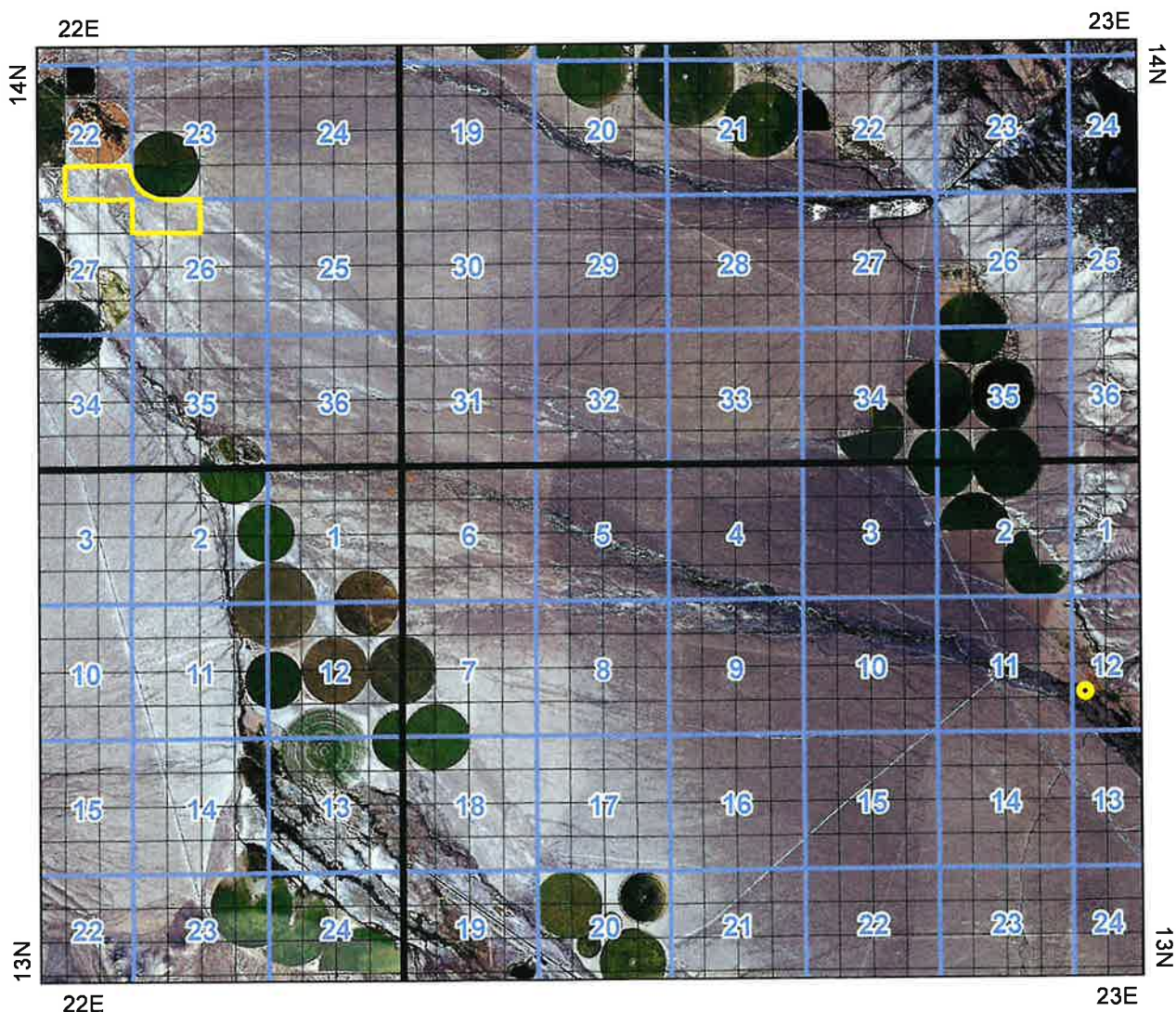
WATER RIGHT NO. 73-153A
As Modified by Transfer No. 83914

CONDITIONS OF APPROVAL

6. 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. 73, Pahsimeroi River.
7. Water under this right shall only be delivered when there is insufficient water in the Pahsimeroi River to deliver water right 73-152A.
8. 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).
9. The appropriator is entitled to the quantity of water described above at the point of measurement in T14N, R22E, S26, SWSW.
10. This right does not grant any right-of-way or easement across the land of another.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

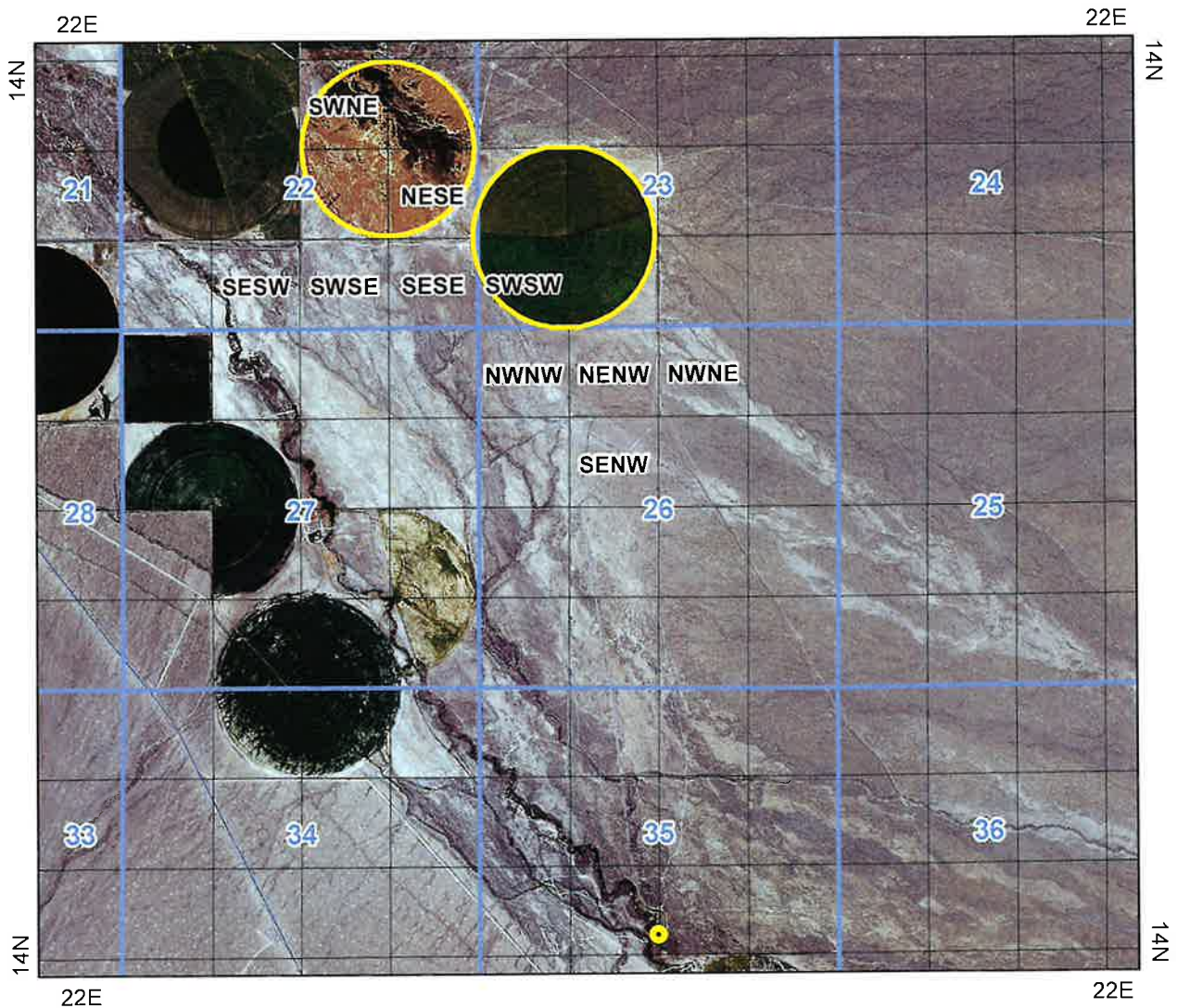
State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-33

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

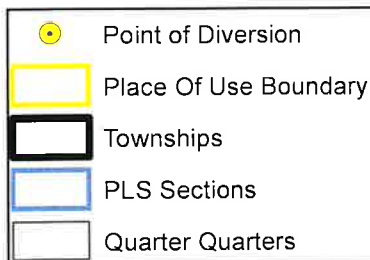


State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-152A

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

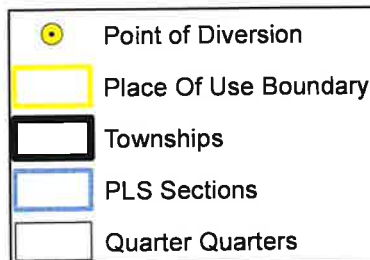
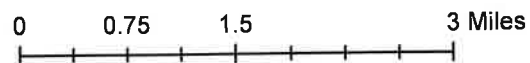
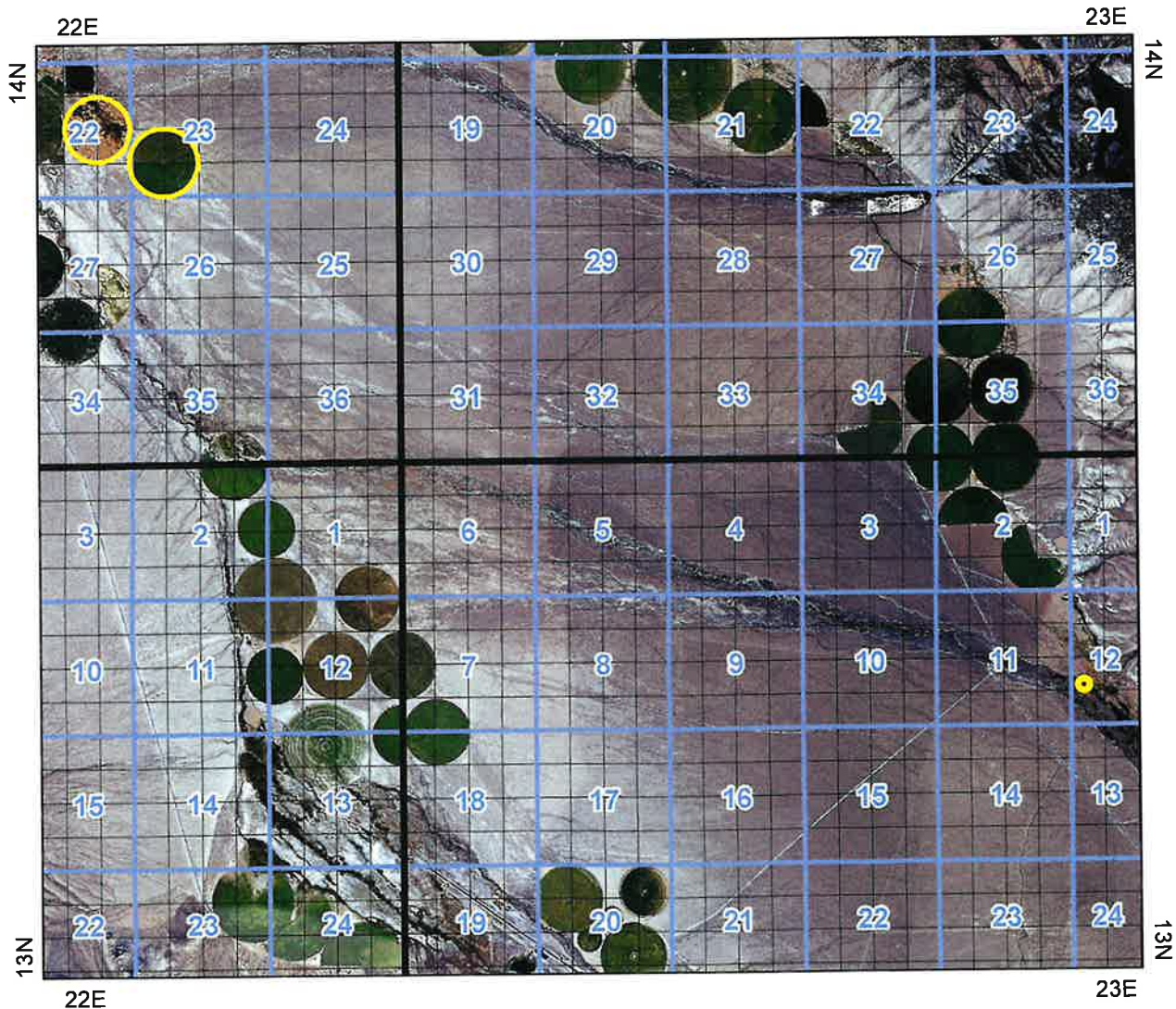


0 0.3 0.6 1.2 Miles



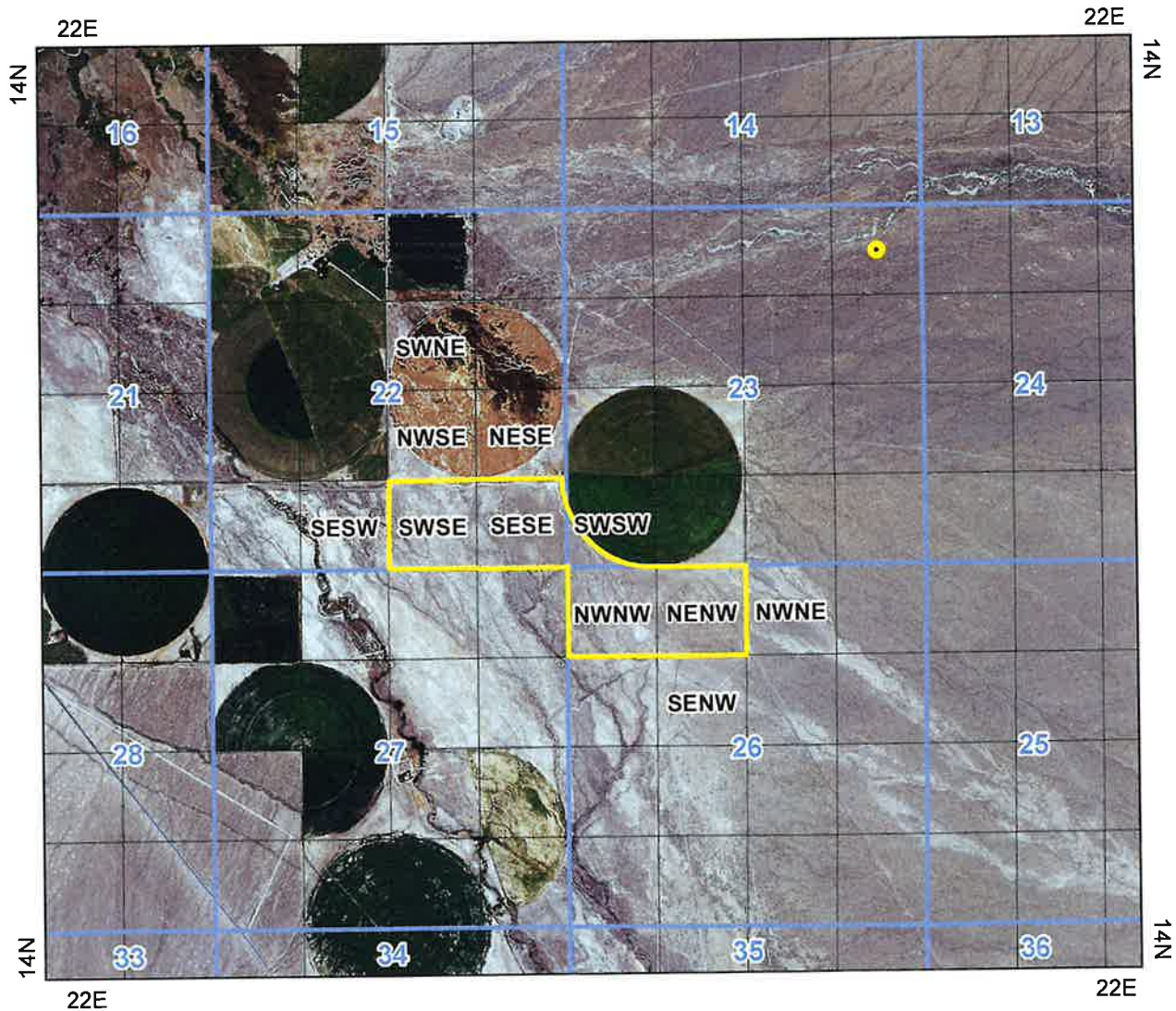
State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-153A

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-2151

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



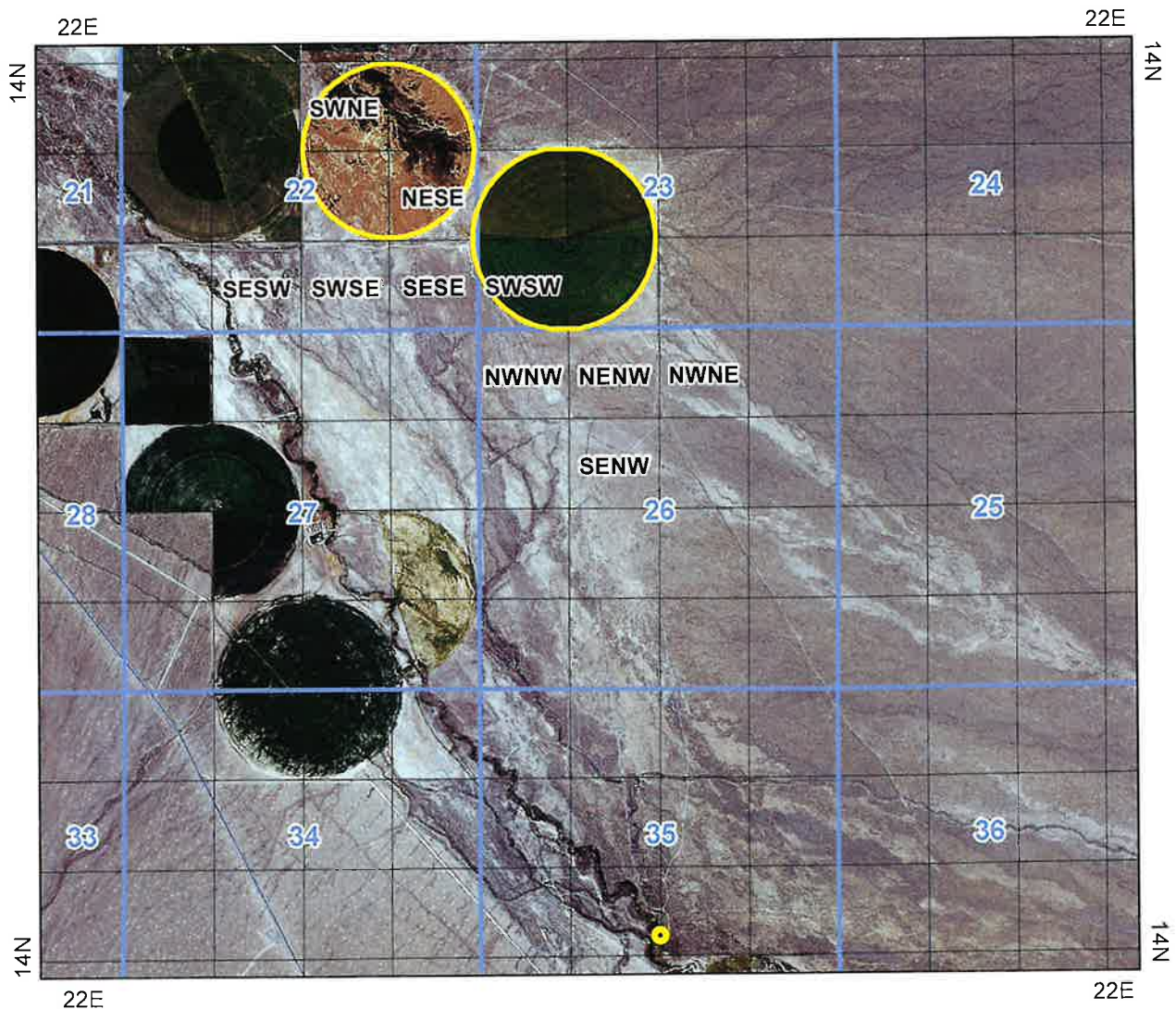
0 0.3 0.6 1.2 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

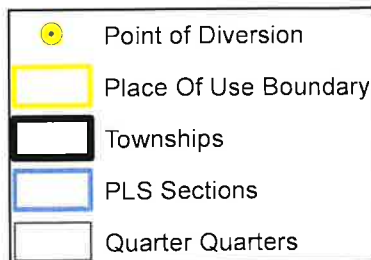


State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-10100

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

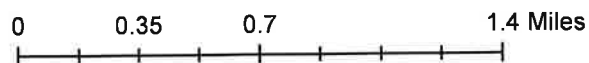
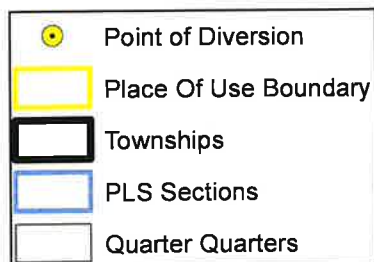
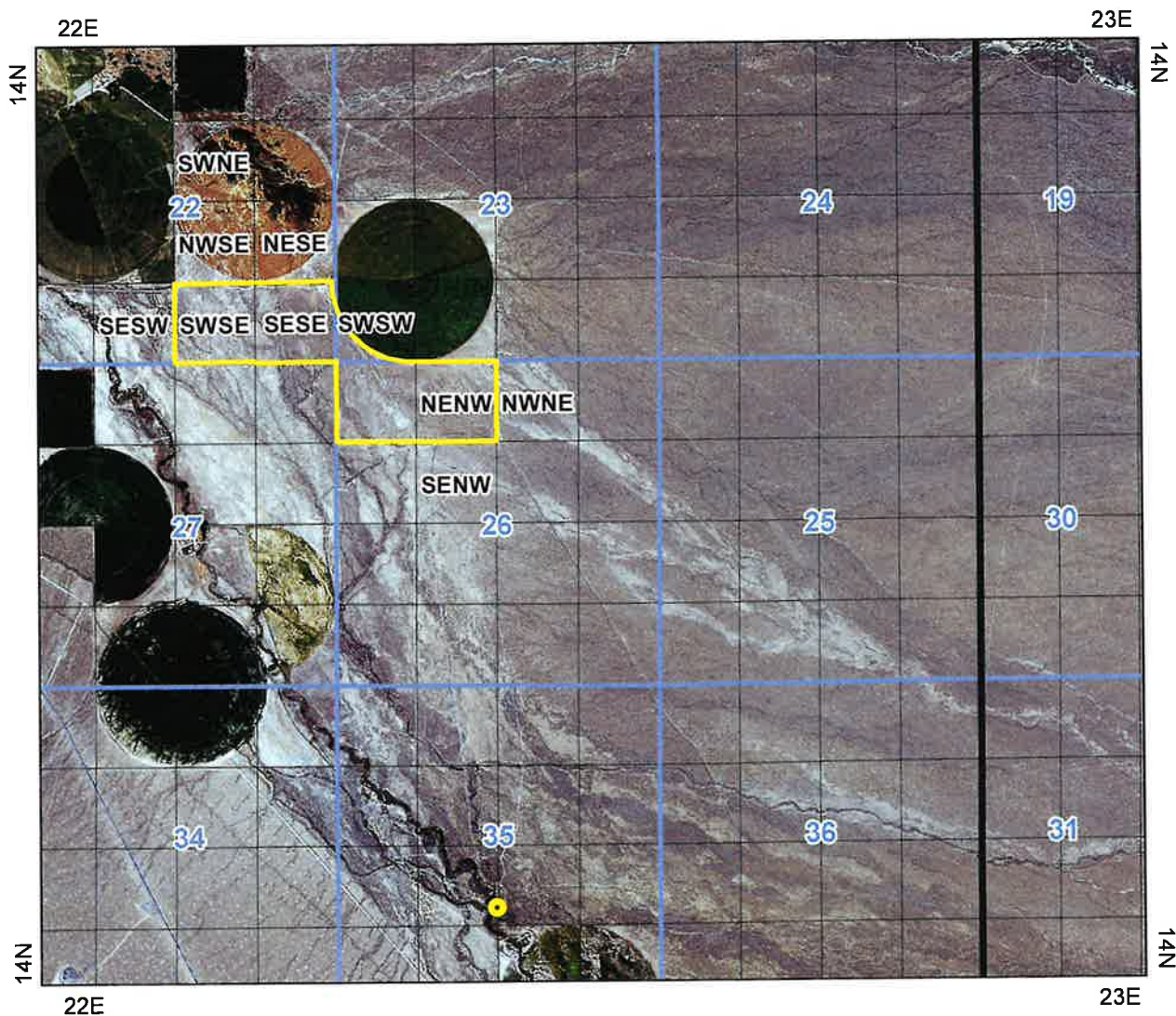


0 0.3 0.6 1.2 Miles



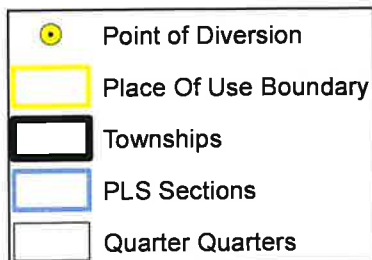
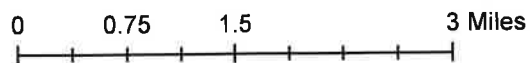
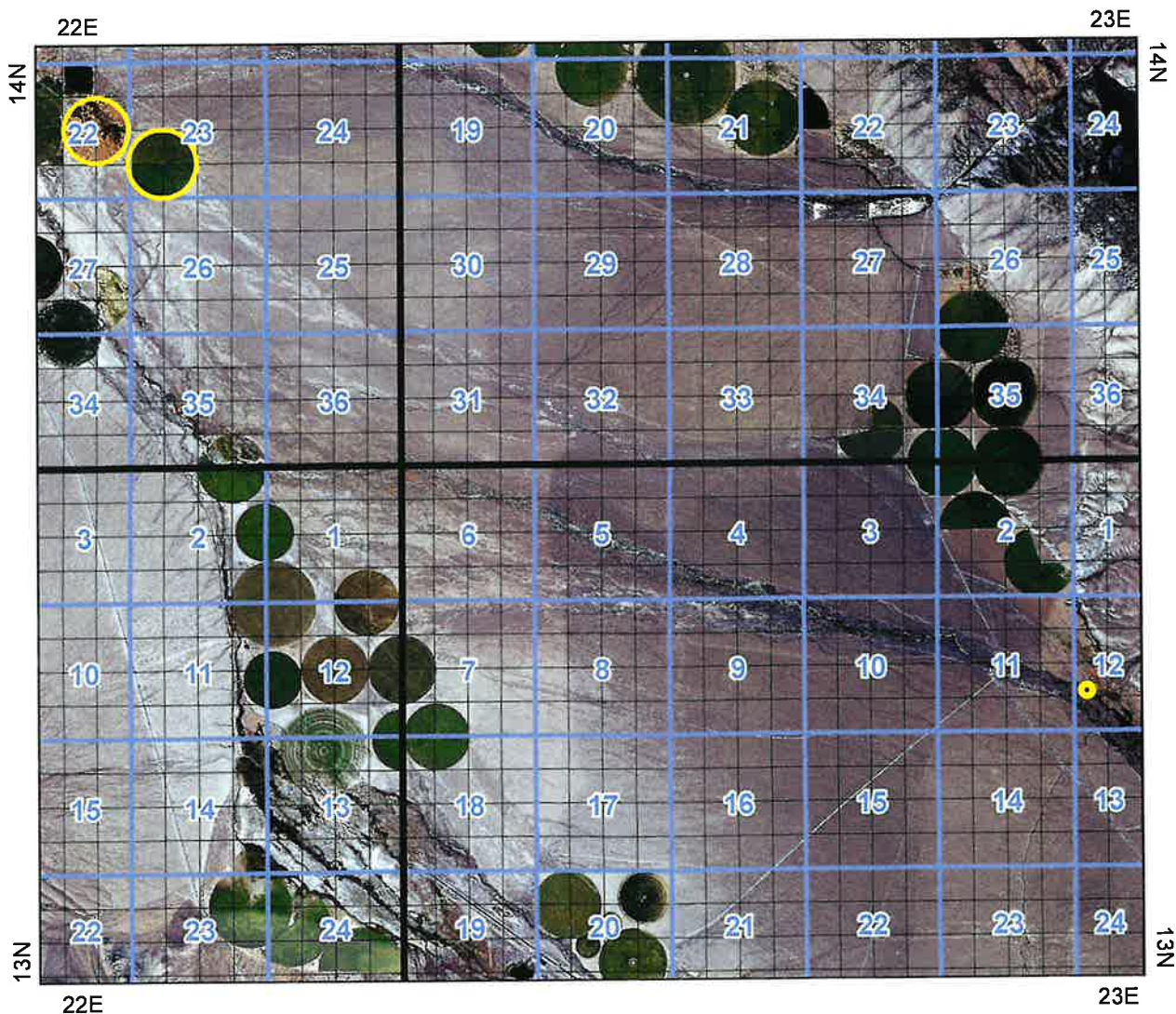
State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-12252

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



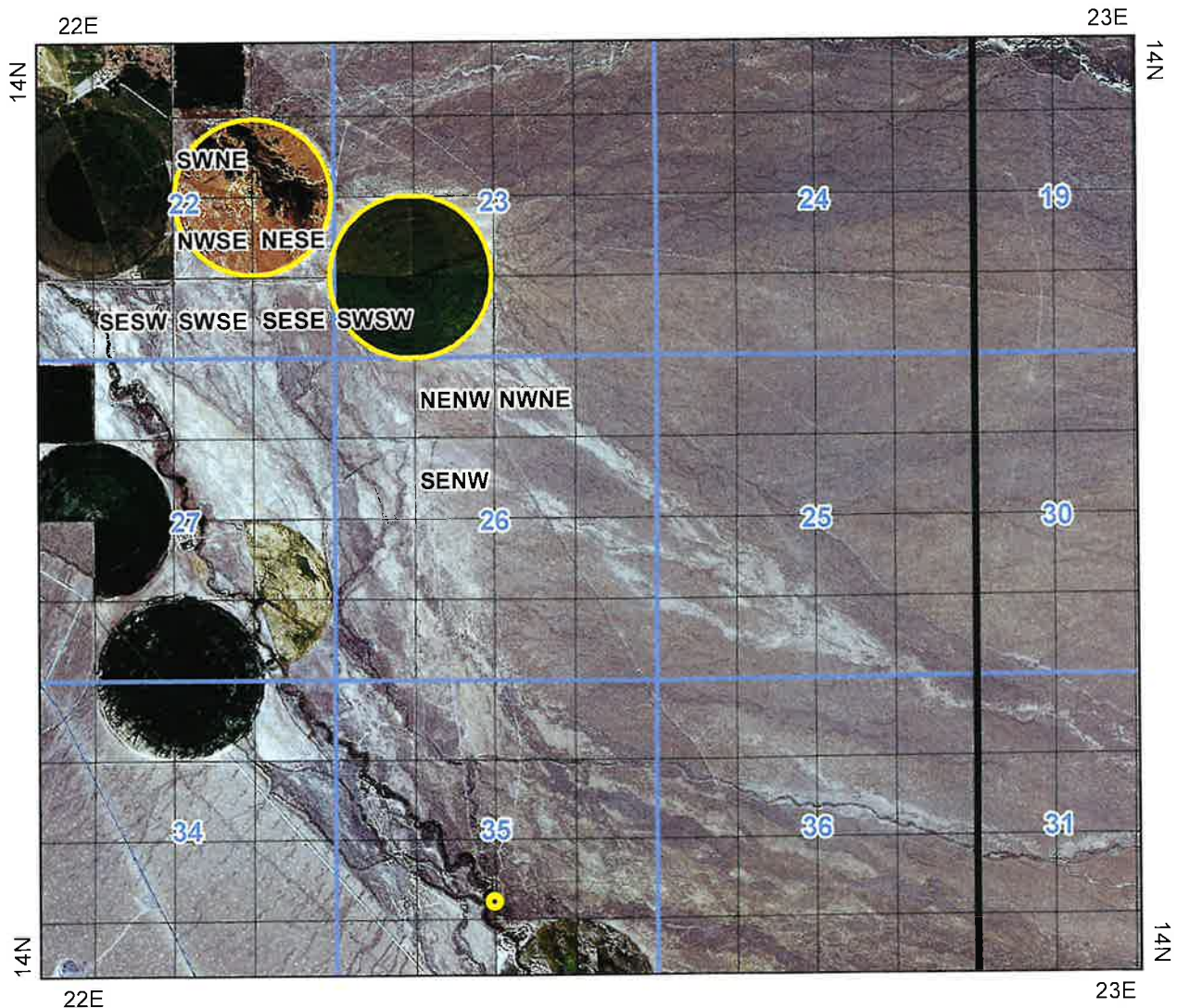
State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-12275

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

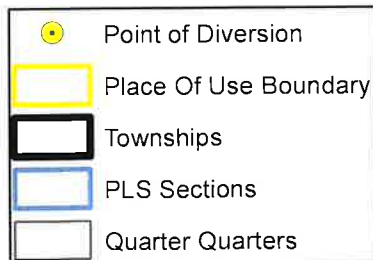


State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-12276

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

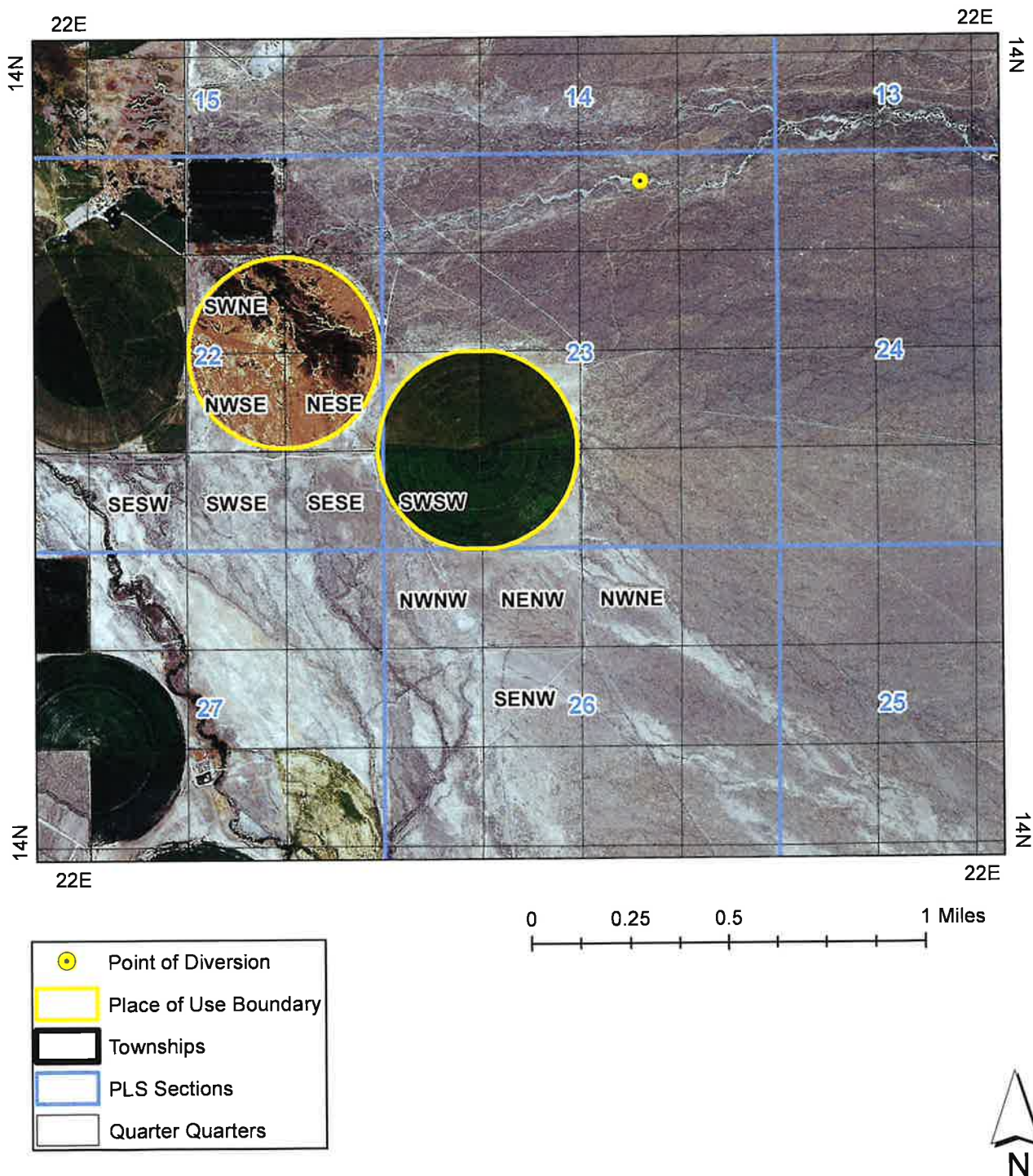


0 0.35 0.7 1.4 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 83914
Water Right 73-12277

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 6, 2021

BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM ID 83340-5987

Re: Transfer No: 83914
Water Right Nos.: 73-33, 73-152A, 73-153A, 73-2151, 73-10100, & 73-12252

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right is a PRELIMINARY ORDER issued by the Department pursuant to Idaho Code § 67-5243. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to Idaho Code § 42-1701A(3). A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office

of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,

A handwritten signature in blue ink that reads "Angela M. Hansen". The signature is fluid and cursive, with the first name "Angela" being more prominent than the last name "Hansen".

Angela Hansen

Water Rights Section Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83914

Water Right Nos.: 73-33, 73-152A, 73-153A, 73-2151, 73-10100, & 73-12252

**BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM ID 83340-5987**



**Debbi Judd
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: February 9, 2021
To: Transfer 83914
From: Alex Dalglish
Re: Review & Evaluation of Sufficiency of Information

Purpose:

On February 25, 2020, the State office received a transfer application from Big Creek Ranch LLC proposing to move the point of diversion (POD) for right 73-33 and originally requesting to split off partial amounts of rights 73-33 and 73-12252 to add onto an existing permissible place of use (PPU) with rights 73-152A, 73-153A and 73-10100. Before the transfer, rights 73-152A, 73-153A and 73-10100 have a 213.4 acre PPU over one full circular pivot and another $\frac{3}{4}$ pivot. Through the transfer, the $\frac{3}{4}$ pivot would be completed with 35 acres of rights 73-33 and 73-12252 to create two full circular pivots that total 248.4 acres. Also prior to the transfer, rights 73-12252 and 73-33 are limited to a 200.6 acres PPU with right 73-2151.

The full amounts of the rights 73-33, 73-12252 and 73-2151 are currently leased to the Water Supply Bank through the end of 2020.

The application was advertised in June of 2020 and no protests were received. At advertising, comments were requested from various parties, including Cindy Yenter, Watermaster of Water District 170. She expressed concerns in an email on June 25th about the possibility of enlargement through the unstacking of portions of rights 73-33 and 73-12252 with right 73-2151. She was also concerned that right 73-2151 was not included in the transfer application since it is used at the PPU with rights 73-33 and 73-12252.

There was consideration that right 73-2151 could simply be added to the transfer as an associated right since it is junior to the other rights at the shared PPU. However, upon further review and discussion with other water right staff, it was determined that right 73-2151 needed to be included in the transfer proposal. Initially, Roxanne Brown of SPF Water Engineering was the representative for Big Creek Ranch LLC. On August 31, 2020, I sent a letter to Roxanne and Big Creek Ranch requesting an amendment to add right 73-2151 and it was received on October 8, 2020. At the time of the amendment, the representative for Big Creek Ranch LLC was changed from Roxanne Brown to Lori Graves of SPF Water Engineering. This change in representative is confirmed in an email from Roxanne dated September 21, 2020. By adding right 73-2151 to the transfer, the total rate was increased from 5.82 cfs to 6.56 cfs (the addition of .74 cfs from right 73-2151). As a result, an additional fee of \$80 was required and it was recorded under receipt No. C109344. After a discussion with water right supervisory staff, it was decided that the amended application would not re-advertised since adding right 73-2151 did not change the nature of the transfer request.

With the newly amended application, comments were requested by email from Cindy Yenter on October 30, 2020. She responded on November 4th and still had concerns of enlargement, which are discussed later in the enlargement section of the memo. The amended application may have added right 73-2151 but the proposed rate and acres to be transferred from rights 73-33 and 73-2151 were disproportionate. In order to avoid enlargement concerns, the transfer application was once again amended to transfer proportionate rate and acre amounts from rights 73-33 and 73-2151. I emailed Lori Graves on November 10, 2020 informing her of the changes needed to the transfer application. She responded on November 19th confirming that she and the

applicant agreed to transfer proportionate amounts of rights 73-33, 73-12252 and 73-2151. On November 23, 2020, I emailed Lori Graves Part 1B of the application so that the appropriate amendments could be made. The amended page was received on November 25, 2020.

After the amendments, the total rate authorized under the rights in the transfer is 7.43 cfs and the total transfer rate proposed to be reconfigured is 5.89 cfs. The difference in these totals is 1.54 cfs, which is equivalent to the rate authorized under right 73-153A. An existing combined limit exists on right 73-153A when used with 73-153A. Right 73-152A authorizes a diversion rate of 3.2 cfs for 160 acres, so in calculating the proposed rate to be transferred, the 1.54 cfs authorized under right 73-153A was not included since it is limited when used with right 73-152A.

Because the latest amendment reduced the total transfer rate, \$80 was requested to be refunded back to the applicant. I sent a memo to Fiscal detailing this item on November 19, 2020.

POUs:

Rights 73-33, 73-12252 and 73-2151 are currently limited to a 200.6 acre PPU in Sections 22, 23 and 26 of Twp. 14N, Rge 22E. After the most recent amendment, the proposed amounts to be reconfigured are .42 cfs/20.9 acres of right 73-33 and .35 cfs/16.5 acres from 73-2151. Right 73-12252 did not undergo any changes to the proposed rate and acre, so it will remain at .27 cfs/35 acres to be moved.

The 200.6 acre PPU will be reduced by a total of 35 acres in order to complete a $\frac{3}{4}$ pivot into a full circle. Before the transfer, rights 73-33, 73-12252 and 73-2151 authorize the irrigation of 1.2 acres in the SWNE, 32.9 acres in the NWSE QQ, 39.7 acres in the SWSE QQ and 39.6 acres in the SESE QQ of Sec. 22, 7.2 acres in the SWSW QQ of Sec. 23 and 40 acres in the NENW and NWNW QQ's of Sec. 26. If approved, the transfer will reconfigure the full 1.2 acres in the SWNE, the full 32.9 acres in the NWSE and 0.9 acres from the 39.7 acres in the SWSE from rights 73-33, 73-12252 and 73-2151. The remainder of the transfer rights will be unchanged. The application proposes remaining irrigation acreage of 38.8 acres in the SWSE QQ and 39.6 acre in the SESE QQ of Section 22. However, it is Department's policy to not issue approvals with tenths of acres in QQ's that have more than 10 acres of irrigation. To account for the Department's standard, the 38.8 acres in the SWSE will be rounded to 39 acres and the 39.6 acres in the SESE QQ will be adjusted to 39 acres for rights 73-33, 73-12252 and 73-2151. By adjusting the acreages in these two QQ's, the total acres amount to 165.2 acres instead of 165.6 acres. Although this produces a difference of 0.4 acres, the 165.6 PPU acre limit will be listed within the water right conditions.

New water right numbers were created from the split portions of rights 73-33, 73-12252 and 73-2151 in the transfer. Below is a table showing new child rights that were created through the transfer.

Parent rights	Child Rights
73-33	73-12275
73-12252	73-12276
73-2151	73-12277

The child rights will be added to an existing 213.4 acre PPU irrigated under rights 73-152A, 73-153A and 73-10100 in the SWNE, SENE and NESE QQ's of Sec. 22, Twp. 14N. Rge. 22E. The 213.4 acre PPU will be increased by the transfer of 35 acres from the child rights and limited to a new 248.4 acre PPU ($213.4+35=248.4$).

Rights 73-152A, 73-153A and 73-10100 irrigate a full circular pivot in the SW Q of Sec. 23, Twp. 14N, Rge as well as a $\frac{3}{4}$ pivot in the SWNE, SENE and NESE QQ's of Section 22, same Township and Range.

PODs:

The only requested POD change is to right 73-33. This right currently has a single POD on Big Creek in the NENSW QQQ, Sec. 11, Twp. 13N, Rge 23E. The transfer would maintain the source from Big Creek, but move the POD approximately 0.7 miles upstream to the NWSW QQ of Sec. 12 same Twp. and Rge. At the new POD,

water from Big Creek is diverted into the (BGC1A) Hamilton Ditch where it flows NW and eventually connects into a pipeline. From the pipeline, water is carried to the PPU with rights 73-12252 and 73-2151. According to the transfer application, there is an existing diversion structure which includes an approved measuring device and lockable controlling works. Through the transfer of the POD, Big Creek Ranch does not appear to be installing a new pivot, or moving any irrigation infrastructure from where it is now.

Before the transfer, the POD for right 73-33 is shared with rights 73-2153 and 73-171. Right 73-2153 is owned by D & J Holdings LLC for 11.94 cfs for irrigation use and right 73-171 is owned by George Miller authorizing 2.8 cfs for irrigation and stockwater use.

According to the application, the BLM owns the property at the current point of diversion and Big Creek Ranch is authorized to access it through the Federal Land Policy and Management Act (FLPMA).

After the transfer, the proposed POD would be shared with rights 73-158, 73-153A and 73-156A. Rights 73-158 and 73-153A are also owned by Big Creek Ranch. Right 73-156A is owned by Ted and Debbie O Neal for irrigation use. This right has a PPU directly next to the separate PPU where 73-33 exists. Because rights 73-156A and 73-33 are used in proximity to one another and share the same source, there does not appear to be a concern with moving the POD for right 73-33.

Only one water right authorizes diversions from Big Creek between the current and new POD for right 73-33. This right is 73-11503 and a discussion of this right is included in the injury section below.

Because this transfer requests to move the POD for right 73-33 and also split off a portion of the right (creating child right 73-12275), this new child right will also share the new POD location in Section 12.

Authority to File:

The application was signed by Michael Page. A search of the IDSOS website for Big Creek Ranch LLC lists Michael Page as the registered agent and manager on the most recent annual report. According to Department records, Big Creek Ranch LLC is the current owner of the rights in the transfer as well as the associated rights at the circular pivots (73-152A, 73-153A, 73-10100). Lori Graves at SPF Water Engineering is the current representative for Big Creek Ranch LLC.

According to the application, the BLM owns the property at the point of diversion and the Big Creek Ranch is authorized to access it through the Federal Land Policy and Management Act (FLPMA). There are no concerns with the authority to file.

Water Right Validity:

Rights 73-33, 73-12252 and 73-2151 were all decreed in the SRBA on 3/12/2010. Prior transfers 79791 and 79792 were approved in 2015, splitting a gravity surface water system into two separate irrigation systems serving overlapping acres. Transfer 79791 created a PPU of 200.6 acres for rights 73-33, 73-2151 and a portion of right 73-10100. Right 73-12252 was created from the remaining amounts after the partial split of right 73-10100 in transfer 79791. Water rights 73-152A, 73-153A and the remainder of right 73-10100 were under transfer 79792 which created the 213.4 acre PPU.

The full amounts of rights 73-33, 73-12252 and 73-2151 have been leased to the Bank since 2016 under contract No. 309. Aerial imagery from the last 5 years indicates there has been no irrigation at the POU and the lessor is clearly in compliance with their lease contract. Review of aerial imagery from 2017 at the PPU for rights 73-10100, 73-152A and 73-153A at the shows full irrigation. There are no concerns with forfeiture or the validity of the water rights in the transfer or associated rights.

Injury to Other Water Rights:

After the transfer, the water right record will more accurately reflect irrigation use. These water rights are regulated by water master in water district 73 (Pahsimeroi River). The proposed new location of the POD for right 73-33 is on property owned by Big Creek Ranch LLC. A single water right, 73-11503, diverts out of Big Creek between the current POD and new POD location. This right authorizes the diversion of 0.02 cfs for stockwater use by the Bureau of Land Management. Injury to right 73-11503 is not likely due to the minimal diversion rate and nature of stockwater usage. Moving the POD approximately 0.7 miles upstream on Big Creek should not cause insignificant impacts to other surrounding users.

The acreages proposed to be reconfigured from rights 73-33, 73-12252 and 73-2151 will be moved from neighboring quarter-quarters and there will be no increase in irrigated acres. Big Creek Ranch owns all rights at the location where the 35 acres will be reconfigured. No injury is anticipated through this transfer request.

Enlargement of Use:

The transfer proposal does not appear to propose any additional overall diversion of water nor any increase in beneficial use from the water rights. As referenced earlier in the memo, Cindy Yenter (Watermaster of WD 170) expressed concerns of enlargement with the original application proposing to transfer equal amounts (35 acres) from rights 73-33, 73-12252 and 73-2151.

To avoid enlargement, the transferred rights needed to maintain their proportionate worth. The table below summarizes the proportionate amount of each right before the transfer. Right 73-12252 does not have an acre limit but authorizes irrigation within the entire 200.6 acres PPU with rights 73-33 and 73-2151.

Before the transfer:				
Right		Rate	Acre Limit	Proportionate Worth
73	33	2.40	120.0	59.8%
73	12252	1.55	200.6	100.0%
73	2151	2.0	95	47.4%

The transfer requests a total of 35 acres to be moved. Based on 35 acres and the worth of each right, the transferred acres for each right were calculated as follows:

Right		Transferred Acres	Proportionate Worth	Acres to be transferred
73	33	35	59.8%	$35 * 59.8\% = 20.9$ acres
73	12252	35	100.0%	$35 * 100\% = 35$ acres
73	2151	35	47.4%	$35 * 47.4\% = 16.5$ acres

Next, the rate for each right was determined using the proportionate acres multiplied by the rate/acre authorized under each right. The table below summarizes the transfer rates:

Right		Transferred Acres	Proportionate Worth	Rate to be transferred	Rate/acre authorized under each right
73	33	20.9	59.8%	$20.9 * .02 = 0.42$	0.020
73	12252	35	100%	$35 * 0.0077 = 0.27$	0.0077
73	2151	16.5	47.4%	$16.5 * .021 = 0.35$	0.021

Before the transfer, right 73-33 is limited to 120 acres, right 73-12252 does not have an acre limit but authorizes the irrigation of the full 200.6 acre PPU and right 73-2151 is limited to 95 acres within the PPU. The table below summarizes the remaining rates and acres that will exist under the rights if the transfer is approved:

After the transfer:					
		Rate	Remaining Rate (cfs)	Acre Limits	Remaining acre limit
73	33	2.4	$2.4 - .42 = 1.98$	120	$120 - 20.9 = 99.1$ acres
73	12252	1.55	$1.55 - .27 = 1.28$	200.6	$200.6 - 35 = 165.6$ acres
73	2151	2.00	$2.0 - .35 = 1.65$	95	$95 - 16.5 = 78.5$ acres

To accomplish the transfer, only 35 acres are needed from right 73-12252. The proportionate amounts of 0.42 cfs/20.9 acres from 73-33 and the .35 cfs/16.5 acres from 73-2151 need to be reconfigured as well in order to maintain the balance of the rights before and after the transfer. By transferring proportionate amounts, the rate/acre of the rights before and after the transfer should remain the same. Additionally, the rate/acre for each new child right should be consistent with the parent rights. To illustrate, the table below represents the parent rights as they exist before the transfer, the remaining parent amounts after the reconfiguration and the individual amounts under the new child rights.

Parent rights	Parent Rates	Parent Acre limit	Parent rate/acre
73-33	2.4	120	0.02
73-12252	1.55	200.6	0.01
73-2151	2	95	0.02
Remaining Amounts	Rate	Acre limit	Rate/acre
73-33	1.98	99.1	0.02
73-12252	1.28	165.6	0.01
73-2151	1.65	78.5	0.02
Child Rights	Child Rates	Child acres	Child rate/acre
73-12275	0.42	20.9	0.02
73-12276	0.27	35	0.01
73-12277	0.35	16.5	0.02

Local Public interest:

There are no apparent concerns with local public interest. Comments were requested from the Watermaster of District 73 (Ted O Neal), DEQ, IDFG, and IDWR Planning to identify any local public interest concerns. After advertising and submitting comment requests, there were no apparent concerns relating to the local public interest from the individuals and agencies listed above.

Beneficial Use/Conservation of Water Resources:

This transfer appears to be consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No adverse impacts are anticipated.

Effect on Agricultural Base of the Local Area:

Based on the information available, no negative impacts on the local agriculture are apparent.

Dalgleish, Alex

From: Lori Graves <LGraves@spfwater.com>
Sent: Wednesday, November 25, 2020 3:32 PM
To: Dalgleish, Alex
Cc: Tom Page
Subject: RE: Transfer Proportionate Amounts
Attachments: Big Creek Transfer Proportionate Amounts.pdf

Per our discussion, attached is Amended Part 1 with my signature. Thanks Alex.

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Monday, November 23, 2020 2:27 PM
To: Lori Graves <LGraves@spfwater.com>
Cc: Tom Page <pageshouse@msn.com>
Subject: Transfer Proportionate Amounts

Lori,

The attached page has the updated and proportionate transfer amounts for the rights 73-33, 73-12252 and 73-2151.

Thanks,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Monday, November 23, 2020 11:51 AM
To: Lori Graves <LGraves@spfwater.com>
Cc: Tom Page <pageshouse@msn.com>
Subject: Big Creek LLC Transfer

Good morning Lori,

It occurred to me that with changing the transfer rates and acres to be proportionate to rights 73-33, 73-12252 and 73-2151, I need to know what actual acreages will be reduced in each $\frac{1}{4}$ $\frac{1}{4}$ under the rights. Right 73-12252 did not require any adjustment to the rate of .27 cfs and 35 acres, so no changes are necessary to the application.

However, right 73-33 was reduced from and 0.70 cfs and 35 acres to .42 cfs and 20.9 acres while 73-2151 was reduced from .74 cfs and 35 acres to .35 cfs and 16.5 acres.

While specifying changes to the $\frac{1}{4}$ $\frac{1}{4}$'s under rights 73-33 and 73-2151, I thought it would be good to also amend the application to reflect the new rates under each right and the total rate on Page 3. I have attached 3 pages from the Transfer application. In Part 1 can you please amend the transfer rates for rights 73-33 and 73-2151 as well as to total rate from 6.56 cfs to 5.89 cfs?

For Part 2, can you amend the transfer rates as well as specify the acreages in the ¼'s will be reduced. Currently, they still show 35 acres under 73-33 and 73-2151 and they need to total 20.9 acres and 16.5 acres respectively.

If you have questions feel free to give me a call.

Thank you,

Alex Dagleish

Water Resource Agent

Phone (208) 287-4913

alex.dagleish@idwr.idaho.gov

MEMORANDUM

TO: Sascha Marston
FROM: Alex Dalglish
DATE: 11/19/2020
RE: Refund

Thomas and Molly Page on behalf of Big Creek Ranch LLC paid \$80.0 for an amendment to Transfer application 83533 on October 8, 2020. Through the amendment, the total rate proposed to be transferred was increased. The change in total diversion rate bumped the fee up to the next tier, from \$900 to \$980. However, upon further review of the application, it was determined that the rate needed to be changed but not enough to cause the payment of an additional fee. A full refund should be issued.

Please issue an \$80.00 refund as follows:

TO

BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM ID 83340-5987

TEL. 208-788-1771

RECEIPT

Receipt no. C109344

Copy: app # 83533

Dalgleish, Alex

From: Lori Graves <LGraves@spfwater.com>
Sent: Thursday, November 19, 2020 10:17 AM
To: Dalgleish, Alex
Subject: RE: Big Creek Ranch Transfer 83914

Thanks Alex.

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Thursday, November 19, 2020 10:07 AM
To: Lori Graves <LGraves@spfwater.com>
Subject: RE: Big Creek Ranch Transfer 83914

Lori,

Thank you for getting back to me. I will adjust the transfer amounts and continue processing the request.

Also, as noted in my initial email, I will submit a request to our fiscal section for a refund of \$80.

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Thursday, November 19, 2020 9:54 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Cc: Tom Page <pageshouse@msn.com>
Subject: RE: Big Creek Ranch Transfer 83914

Alex,

Yes, we (client and SPF) agree with the Department's analysis and discussion below. Please proceed with transfer approval. Thank you.

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Tuesday, November 10, 2020 3:52 PM
To: Lori Graves <LGraves@spfwater.com>
Cc: Tom Page <pageshouse@msn.com>
Subject: Big Creek Ranch Transfer 83914

Lori,

As discussed in Cindy Yenter's prior email on 11/4/2020, there are enlargement issues with the current transfer proposal from Big Creek Ranch. During my initial enlargement review, I missed the issues described below, which are from Cindy's analysis.

Presently, the transfer requests to split off the following rates and acres:

73-12252: .27 cfs and 35 acres
 73-2151: .74 cfs and 35 acres
 73-33: .70 cfs and 35 acres

Meanwhile, the rights currently authorize the following:

Basin	Sequence	Priority	Rate	Acres	Acre Limit	Rate/acre	Proportion of PPU
73	12252	2/18/1926	1.550	200.6		0.0077	100%
73	33	8/16/1910	2.400	200.6	120.0	0.0120	120/200.6=59.8%
73	2151	6/23/1959	2.000	200.6	95.0	0.0100	95/200.6=47.4%

Because rights 73-33 and 73-2151 make up proportional amounts of the PPU, transferring 35 acres could result in enlargement of these rights.

Based on the rate/acre authorized under the rights in the table above, and moving 35 acres to the 213.4 PPU with rights 73-152A, 73-153A and 73-10100, the acres to be transferred should be amended as follows:

73-12252, 35 ac X 100% = 35 ac (no change)
 73-2151 35 ac X 47.4% = 16.5 ac
 73-33 35 ac X 59.8% = 20.93 ac
 Limited to 35 acres total.

Using these new respective acreages for each right, the transfer rates should be changed as follows:

73-12252, 35 ac X .007 cfs/ac = 0.27 cfs (no change)
 73-2151, 16.5 ac X 0.21 cfs/ac = 0.35 cfs
 73-33, 20.9 ac X 0.02 cfs/ac = 0.42 cfs

The new partial transfer rate from rights 73-12252, 73-2151 and 73-33 would be 1.04 cfs. When 1.04 cfs is combined with the total rates from 73-152A, 73-153A and 73-10100 at the new PPU, the new total transfer rate would appear to be 7.43 cfs. However right 73-152A authorizes 3.2 cfs and 73-153A authorizes 1.54 cfs. When used together, they are limited to 3.2 cfs. So taking 7.43 cfs and subtracting 1.54 cfs under 73-153A would produce a total transfer rate of **5.89 cfs**.

Splitting of rates and acres to proportionately reflect the value of the rights 73-12252, 73-33 and 73-2151 will help reduce the possibility of enlargement.

In addition to the enlargement issue is the fee's associated with transfers. The application was amended recently and the total transfer rate was increased from 5.82 cfs to 6.56 cfs. Based on the increased rate, an additional fee of \$80 was requested and received by the Department. If the rate is reduced to 5.89 cfs through the enlargement analysis, Big Creek Ranch will be refunded that \$80. Also, if the total transferred rate is reduced, I don't believe the application needs to be amended since it would not result in an increased rate.

Can you please provide feedback on your analysis of enlargement through the transfer? If you agree with the analysis and discussion above, please clearly state so. Furthermore, if you agree, the Department will recognize your affirmation and the changes to the transfer can be approved.

Thank you,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

Dalgleish, Alex

From: Yenter, Cindy
Sent: Tuesday, November 10, 2020 2:55 PM
To: Dalgleish, Alex
Subject: FW: Transfer 83914 Big Creek Ranch LLC

Categories: Print in Future for File

I do think Lori will be on board, but she'll have to explain it to her client. Even though she got a copy of my message, she may be waiting for you to confirm that's what you need, before she can go to the water user again and get started on the amendments. Plus if there's a fee reduction you'll get to give her the good news!

From: Yenter, Cindy
Sent: Tuesday, November 10, 2020 1:17 PM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: RE: Transfer 83914 Big Creek Ranch LLC

Even better! Good catch, I had missed that.

From: Dalgleish, Alex
Sent: Tuesday, November 10, 2020 1:09 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Transfer 83914 Big Creek Ranch LLC

Phill and I discussed the transfer and enlargement concerns this morning. I believe I have a good understanding of what you described in your analysis. We agree that splitting off proportional amounts of the proposed rights will help avoid the possibility of enlargement and anticipate that Lori will agree.

After looking at your analysis, the only minor change would be to the total transfer rate. You had a new rate of 7.43 cfs, which was the total rates from rights at the new PPU (73-152A, 73-153A and 73-10100) as well as the new proportional amounts from 73-33, 73-12252 and 73-2151. Rights 73-152A and 73-153A currently have a combined rate limit of 3.2 cfs. (Right 73-152A authorizes 3.2 cfs and 73-153A authorizes 1.54 cfs). So, due to the rate limit of 3.2 cfs, the 7.43 cfs would not include 1.54 cfs and the result would be 5.89 cfs.

From: Yenter, Cindy
Sent: Tuesday, November 10, 2020 12:52 PM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: RE: Transfer 83914 Big Creek Ranch LLC

Whatever I can do to help – if Lori's client is willing to split all 3 rights proportionately, there is no enlargement issue. If you want to talk through the splits as I've described please let me know.

From: Dalgleish, Alex
Sent: Tuesday, November 10, 2020 12:47 PM

To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Transfer 83914 Big Creek Ranch LLC

Cindy,

Thank you for your analysis on the transfer from Big Creek Ranch. I am working with Lori so she can address the enlargement concerns.

-Alex

From: Yenter, Cindy
Sent: Wednesday, November 4, 2020 4:42 PM
To: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Graves Lori (lgraves@spfwater.com) <lgraves@spfwater.com>
Subject: RE: Transfer 83914 Big Creek Ranch LLC

Alex, the amended transfer is a good solution, but the calculations are off, and they do not address enlargement. Please bear with me and let's walk through it.....

I supported the initial argument that 73-2151 did not necessarily need to be split, just the pou adjusted. The structure of the transfer has changed with the addition of 2151, and the orphan pou is no longer a concern. I also agree that because the exact historic use relationship between the three rights (33, 2151, 12252) is not known, the safer way to divide these rights in a ppu without enlargement concerns is to take a proportional split of each. If that's not where this is headed, please let me know, as this transfer will have bigger problems.

I had requested that the *applicant* answer the enlargement question precisely because there was a proposed disproportionate partial unstacking of the rights. When rights from different sources are historically used together in a certain manner or proportion, and a portion of one or more of the senior water rights is removed from the pou, there is potentially more reliance on the remaining junior rights for irrigation of the remaining acres, than was present historically. That could constitute enlargement of use of one or more rights. If the applicant cannot satisfactorily answer to enlargement, the transfer might not be approvable.

Proportional splits within a PPU for rights used together, must be proportional to the whole, or enlargement is still an issue. I obviously don't have your entire spreadsheet, but the identified splits are calculated disproportionately for this amended transfer.

To illustrate:

In the 200.6 acre original PPU for 73-33, 2151 and 12252:
73-12252 was authorized 200.6 acres or 100% of ppu
73-2151 was authorized 95 acres or 47.3% of ppu
73-33 was authorized 120 acres or 59.8% of ppu

Taking 35 acres from 73-12252 is ok, but splitting a full 35 acres from the other 2 rights is completely disproportionate, changes the historic overlap relationship and could lead to enlargement of use. issue of enlargement is moot if the rights are proposed to be split proportionately. To avoid questions of enlargement, the acres split from each right in a ppu must be equivalent to the proportion of the right's individual acre limit to the ppu acres. Because the transfer requires a total of 35 acres from the 200.6 acres, and using the percentages from above:

73-12252, 35 ac X 100% = 35 ac
73-2151 35 ac X 47.3% = 16.5 ac
73-33 35 ac X 59.8% = 20.93 ac
Limited to 35 acres total.

Apply the rate per acre from the water right to obtain appropriate flow rates:

73-12252, 35 ac X .007 cfs/ac = 0.27 cfs

73-2151, 16.5 ac X 0.21 cfs/ac = 0.35 cfs

73-33, 20.9 ac X 0.02 cfs/ac = 0.42 cfs

The resulting total transfer flow is 7.43 cfs.

If the rights are split proportionately, the before and after transfer rate per acre will take care of itself. If you'd like to chat about this or enlargement please feel free to call me.

My support of this transfer is contingent upon the transfer being amended to correct the proportional splits. Parts 1 and 2B must reflect the correct flow rates; Part 2B must note the actual acres reduced under each right within the 35 acres identified. If a disproportionate split is truly being proposed, a full enlargement analysis will be required pursuant to Part 3C of the transfer application.

Cindy Yenter

Watermaster, Water District 170

IDWR Salmon Field Office

102 S Warpath, Salmon ID 83467

cindy.yenter@idwr.idaho.gov

208-742-0655

208-731-0901 cell

From: Dalglish, Alex

Sent: Friday, October 30, 2020 1:47 PM

To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>

Subject: Transfer 83914 Big Creek Ranch LLC

Hi Cindy,

Transfer application 83914 from Big Creek Ranch was advertised this summer with no protests. This transfer proposes moving the POD for 73-33 up Big Creek slightly and reconfiguring (splitting off) 35 acres from rights 73-33, 73-12252 and 73-2151 to create a PPU for a combined irrigation of 248.4 acres with rights 73-152A, 73-153A and 73-10100. This summer, you commented on the proposed transfer and had some concerns. Mainly, that right 73-2151 was not included in the transfer proposal. We had discussed adding 73-2151 as an associated right to the transfer in an attempt to avoid the applicant having to amend the application. However, after discussion with other water right staff here at the State Office, we determined that right 73-2151 needed to be included with the transfer. Now, right 73-2151 has been added to split off 0.74 cfs.

I received the amended application and have attached it for your reference.

You also previously expressed some concerns of enlargement. Through the transfer, rights 73-33, 73-12252 and 73-2151 are proposed to be unstacked and you requested an analysis showing how the resumed use under rights 73-33, 73-

12252 and 732151 would not be enlarged. Below is my analysis of enlargement by the resumed use of 73-33, 73-12252 and now 73-2151

Before the transfer, rights 73-33, 73-12252 and 73-2151 are limited to 200.6 acres and the 3 rights authorize a total diversion rate of 5.95 cfs over the limited 200.6 acres. This is 0.03 cfs/acre ($5.95/200.6$). The individual rates/acre for the rights are shown in the table below as well.

Before the Transfer:

		rate	acre	volume	rate/acre
73	33	2.4	120		0.02
73	2151	2	95		0.02
73	12252	1.55	200.6		0.01
sum		5.95	415.6		
limits			200.6		$5.95/200.6=0.03$
Difference of sum and limit			215		

The second table below summarizes the rights after the proposed transfer. Reconfiguring 35 total acres and 1.71 total cfs from rights 73-33 (0.70 cfs), 73-12252 (0.27 cfs) and 73-2151 (0.74 cfs) would leave 1.70 cfs under 73-33, 1.28 cfs under 73-12252 and 1.26 cfs under 73-2151 respectively. A combined acre limit of 165.6 for the three rights would also remain after transferring 35 acres from rights 73-33, 73-12252 and 73-2151. The remaining rates/acre are equivalent to the rates/acre of rights 73-33 and 73-12252 before the transfer.

After the Transfer:

		rate	acre	volume	rate/acre
73	33		1.7	85	0.02
73	2151		1.26	95	0.01
73	12252		1.28	165.6	0.01
sum			4.2	345.6	
limits				165.6	$4.2/165.6=0.03$

Let me know your thoughts.

Thanks,

Alex Dalglish
 Water Resource Agent
 Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov



SPF WATER
ENGINEERING

RECEIVED

OCT 08 2020

DEPARTMENT OF
WATER RESOURCES

October 6, 2020

Alex Dagleish
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Amended Transfer 83914, Big Creek Ranch

Dear Debbi,

Per your request, enclosed on behalf of Big Creek Ranch, is an amended transfer application that includes water right 73-2151.

Check No. 3912 is enclosed for the \$80 additional filing fee. Please let me know if there are any questions. Thanks Alex.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Tom and Mike Page, Big Creek Ranch

Enclosures

SPF file number: 790.0390

Dalglish, Alex

From: Lori Graves <LGraves@spfwater.com>
Sent: Wednesday, September 23, 2020 1:29 PM
To: Dalglish, Alex
Subject: RE: Big Creek Ranch Watson transfer

Please call me to discuss Alex. Thank you. 208-850-4601

From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Sent: Tuesday, September 22, 2020 11:29 AM
To: Lori Graves <LGraves@spfwater.com>
Cc: Tom Page <pageshouse@msn.com>
Subject: RE: Big Creek Ranch Watson transfer

Lori,

See the attached application showing the highlighted areas. Page 18 needs to include 73-2151 in the WSB attachment.

Please note, if adding 73-2151 into the transfer will increase the total diversion rate beyond 6.0 cfs, an additional fee of \$80 will be required.

Because only a portion of right 73-2151 will be transferred, I've also attached supplemental page 2B, where this right can be added separately from the original application.

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Tuesday, September 22, 2020 10:46 AM
To: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>; Roxanne Brown <rbrown.boise@gmail.com>; Tom Page <pageshouse@msn.com>
Cc: Bob Hardgrove <BHardgrove@spfwater.com>
Subject: RE: Big Creek Ranch Watson transfer

Alex,
Can you please send a copy of the highlighted application you referenced in the letter? Thank you.

From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Sent: Tuesday, September 22, 2020 10:27 AM
To: Lori Graves <LGraves@spfwater.com>; Roxanne Brown <rbrown.boise@gmail.com>; Tom Page <pageshouse@msn.com>
Cc: Bob Hardgrove <BHardgrove@spfwater.com>
Subject: RE: Big Creek Ranch Watson transfer

Lori and Tom,

I have attached the letter I sent out at the end of August requesting the amendment. Although I did not include a deadline, the amendment should be submitted to the Department within 30 days.

Tom, you or Michael Page must initial and sign the amended application since the applicant needs to authorize these changes. While amending the application to include water right 73-2151 for purposes of modifying the POU, updating the representative information from Roxanne to Lori would be beneficial as well. I have also attached the original transfer application from Big Creek Ranch LLC.

I appreciate your attention to these matters. If you have further questions, please do not hesitate to contact me. I will look for the amendment in the coming weeks.

Thank you,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Monday, September 21, 2020 1:07 PM
To: Roxanne Brown <rbrown.boise@gmail.com>; Tom Page <pageshouse@msn.com>; Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Cc: Bob Hardgrove <BHardgrove@spfwater.com>
Subject: RE: Big Creek Ranch Watson transfer

Roxanne,

Yes, I will need the background on this before I will be able to assist Tom. I also need to know if Alex has set a deadline for the amendment so that I can adjust my workload accordingly or request an deadline extension.

From: Roxanne Brown <rbrown.boise@gmail.com>
Sent: Monday, September 21, 2020 12:13 PM
To: Tom Page <pageshouse@msn.com>; Dalglish, Alex <alex.dalglish@idwr.idaho.gov>; Lori Graves <LGraves@spfwater.com>
Subject: Big Creek Ranch Watson transfer

Good Morning, All. I just received a call from Alex at IDWR inquiring about a transfer amendment the Agency needs to proceed with completing the transfer. Tom had indicated a willingness to work with Lori now that I will not be available.

Tom please notify IDWR of the change in consultant, if this is correct. Lori, call me for the background about the requested amendment, if that would be helpful.

I hope you and your families are well during these crazy times.

Dalgleish, Alex

From: Tom Page <pageshouse@msn.com>
Sent: Monday, September 21, 2020 12:27 PM
To: Roxanne Brown; Dalgleish, Alex; Lori Graves
Subject: Re: Big Creek Ranch Watson transfer

Categories: Print in Future for File

Hello Alex - Yes, Roxanne is no longer working on our water rights, and Lori would be the person to speak to. It would be great if you could cc me on any correspondence you have with SPF, or if there are questions I can answer directly about the intent of a transfer or other water rights issue.

Thanks,

Tom Page
208-788-3219 or 208-721-8987 (c)

From: Roxanne Brown <rbrown.boise@gmail.com>
Sent: Monday, September 21, 2020 12:12 PM
To: Tom Page <pageshouse@msn.com>; Dalgleish, Alex <alex.dalgleish@idwr.idaho.gov>; Lori Graves <LGraves@spfwater.com>
Subject: Big Creek Ranch Watson transfer

Good Morning, All. I just received a call from Alex at IDWR inquiring about a transfer amendment the Agency needs to proceed with completing the transfer. Tom had indicated a willingness to work with Lori now that I will not be available.

Tom please notify IDWR of the change in consultant, if this is correct. Lori, call me for the background about the requested amendment, if that would be helpful.

I hope you and your families are well during these crazy times.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 31, 2020

BIG CREEK RANCH LLC
C/O MICHAEL PAGE
PO BOX 5987
KETCHUM ID 83340

RE: Application for Transfer No. 83914

Dear Applicant(s):

The Department of Water Resources has reviewed your transfer application. Thorough review indicates that it is incomplete and further processing cannot continue without an amendment. The transfer requests to reconfigure 35 acres of rights 73-33 and 73-12252. These rights overlap and are stacked with right 73-2151, yet 73-2151 is not included in the transfer.

The transfer application needs to be amended to include water right 73-2151.

Please initial and date next to the changes on the amended application and return it to the Department for further processing. I have highlighted the areas on the application needing adjustment and a copy is provided with this letter.

You may provide the amended application by sending to the address in the letterhead above, email to alex.dalgleish@idwr.idaho.gov or fax to (208) 287-6700, attn.: Alex.

Please feel free to contact me if you have further questions or concerns.

Sincerely,

Alex Dalgleish
Water Resource Agent
IDWR State Office
208-287-4913

CC: Representative Roxanne Brown

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Wednesday, August 12, 2020 4:19 PM
To: 'Roxanne Brown'
Subject: Big Creek Ranch LLC Transfer 83914
Attachments: Big Creek Ranch LLC Transfer Application.pdf

Good afternoon Roxanne,

After more in depth review of the transfer from Big Creek Ranch proposing to reconfigure 35 acres from rights 73-33 and 73-12252, it is evident that the application needs to be amended. The application must include right 73-2151, which is currently overlapping and stacked with 73-33 and 73-12252.

Rights 73-33, 73-12252 and 73-2151 currently share PPU limited to 200.6 acres. If the transfer were to move forward as currently requested, it may be possible that acreage in the NWSE QQ of Sec. 22 (where 73-33 and 73-12252 are proposed to be reconfigured) would receive irrigation under 73-2151 once the 35 acres are reconfigured. Right 73-2151 should be added to the transfer in order to modify its POU.

The good news is I believe right 73-2151 can be added without having to re-advertise the application.

I have attached the transfer application to the email for convenience. The amended application also needs to be signed by the owner of the water rights in the transfer.

I cannot continue processing until the amended application is received.

Thank you for your attention to this matter.

Regards,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalgleish, Alex

From: Roxanne Brown <rbrown.boise@gmail.com>
Sent: Wednesday, August 5, 2020 8:47 AM
To: Dalgleish, Alex
Subject: Re: Big Creek Ranch Transfer

Alex - I am no longer with SPF and am operating as an independent consultant. My contact information:

Roxanne Brown
1424 W. Franklin St.
Boise, ID 83702

(208) 859-8428

brown.wrconsulting@gmail.com

On Wed, Jul 29, 2020, 10:21 AM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Hey Roxanne,

I had one other minor question. Are you no longer with SPF? I want ensure I have the most updated contact information listed with the Department in case the need to contact you in the future on behalf of Big Creek Ranch or other clients.

I was about to update your contact information, mainly the email, relating to this current transfer from Big Creek Ranch. On the application, the mailing address listed is 300 E Mallard Dr. Suite 350 in Boise and the phone number is 208-859-8428.

If the contact information has changed, can you please provide the updated information.

Thanks,

Alex Dalgleish

Water Resource Agent

Phone (208) 287-4913

alex.dalgleish@idwr.idaho.gov

From: Roxanne Brown [mailto:rbrown.boise@gmail.com]
Sent: Wednesday, July 29, 2020 7:52 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: Re: Big Creek Ranch Transfer

Thank you, Alex. Please contact me if you have any other questions.

On Tue, Jul 28, 2020, 4:21 PM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Thanks for getting back to me Roxanne. I've sent this analysis to Cindy Yenter since she had enlargement concerns. I'm confident she will agree and have no further issues with the transfer.

Alex Dalgleish

Water Resource Agent

Phone (208) 287-4913

alex.dalgleish@idwr.idaho.gov

From: Roxanne Brown [mailto:rbrown.boise@gmail.com]
Sent: Tuesday, July 21, 2020 11:44 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: RE: Big Creek Ranch Transfer

Alex – Thank you for your careful review of the Big Creek Ranch transfer. I agree with your analysis.

Roxanne Brown

From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Sent: Thursday, July 9, 2020 12:45 PM
To: Roxanne Brown <rbrown.boise@gmail.com>
Subject: RE: Big Creek Ranch Transfer

Hey Roxanne,

I emailed Cindy about her concerns of right 73-2151 not being included in the transfer. To avoid amending the application and going through the re-advertising process, I think right 73-2151 could be added to the transfer as a supplemental/associated right. Cindy agreed that adding 73-2151 as an associated right would settle her concerns regarding the exclusion of this right in the transfer. The following is my analysis for why 73-2151 could be added as an associated right to avoid an amendment and re-advertising.

Before the transfer, rights 73-12252, 73-2151 and 73-33 have a combined acre limit of 200.6 acres. The transfer proposed to unstack 35 acres from rights 73-12252 and 73-33. Right 73-2151 is limited to 95 acres out of the 200.6 acre PPU and has a junior priority date of 1959 when compared to 73-33 (1910) and 73-12252 (1926). In addition to 73-2151 being the most junior right it is sourced from Patterson Creek and used when there is insufficient supply from the Pahsimeroi River (73-12252) and Big Creek (73-33).

Because 73-2151 is a supplemental to 73-33 and 73-12252 and due to the proposed transfer of the 35 acres within the SWNE, NWSE and SWSE QQ's, I believe right 73-2151 could be added as an associated right. The reduction to the combined limit of 95 acres from 73-2151 could be designated through a combined limit condition in the transfer.

As far as enlargement, due to the unstacking of rights 73-33, 73-12252 and 73-2151, Cindy requested an analysis, from the applicant or you as their representative, showing how the resumed use under rights 73-33 and 73-12252 would not be enlarged as a result of the change/unstacking.

Here is my analysis of enlargement by the resumed use of 73-33 and 73-12252:

As stated above, before the transfer, rights 73-33, 73-12252 and 73-2151 are limited to 200.6 acres and the 3 rights authorize a total diversion rate of 5.95 cfs (2.4 cfs from 73-33, 1.55 cfs from 73-12252 and 2.0 cfs from 73-2151) over

the limited 200.6 acres. This is 0.03 cfs/acre ($5.95/200.6$). The individual rates/acre for the rights are shown in the table below as well.

Before the Transfer:

		rate	acre	volume	rate/acre
73	33	2.4	120		0.02
73	2151	2	95		0.02
73	12252	1.55	200.6		0.01
sum		5.95	415.6		
limits			200.6		$5.95/200.6=0.03$
Difference of sum and limit			215		

Now, the table below summarizes the rights after the proposed transfer. Reconfiguring 35 total acres and 0.97 total cfs from rights 73-33 (0.70 cfs) and 73-12252 (0.27 cfs) would leave 1.28 cfs under 73-12252 and 1.70 cfs under 73-33 respectively. The combined acre limit of 165.6 for the three rights would also remain after transferring 35 acres from rights 73-33 and 73-12252. The remaining rates/acre are equivalent to the rates/acre of rights 73-33 and 73-12252 before the transfer, so enlargement does not appear to be an issue.

After the Transfer:

		rate	acre	volume	rate/acre
73	33		1.7	85	0.02
73	2151		2	95	0.02
73	12252		1.28	165.6	0.01
sum			4.98	345.6	
limits				165.6	$4.98/165.6=0.03$
difference of sum and limit				180	

Can you tell me if you agree with my above analysis? If not, please provide a breakdown showing how the resumption of use under 73-33 and 73-12252 would not cause enlargement after the transfer.

Best,

Alex Dagleish

Water Resource Agent

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER #83914**

BIG CREEK RANCH LLC, PO BOX 5987, KETCHUM, ID 83340-5987 has filed Application No. 83914 for changes to the following water rights within LEMHI County(s): Right No(s). 73-12252, 73-33; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: to move the POD for right 73-33 approximately 0.7 miles upstream on Big Creek and reconfigure portions of rights 73-33 and 73-12252 to be combined with the places of use with existing rights 73-125A, 73-153A and 73-10100 to cover two full circular pivots. The transfer area is located approximately 7 miles SE of May Idaho.

The application proposes the diversion and use from Big Creek, a tributary to the Salmon Wild and Scenic River. The decreed minimum stream flow rights for the federal Wild and Scenic Rivers are subordinate to certain categories of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordinate provision because the diversion rate 5.82 and 248.4 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 7/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 06-18-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED CHANGE OF WATER RIGHT - TRANSFER #83914**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **06-18-2020** and ending with the issue dated **06-25-2020**.

STATE OF IDAHO

County of Lemhi

ss.

On this **25th day of JUNE** in this year of 2020 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Stephanie D. Taylor
Notary Public for Idaho

Residing At Salmon, Idaho

Publication Fee \$113.40



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JUN 29 2020

Department of Water Resources
Eastern Region

RECEIVED
JUL 10 2020

DEPARTMENT OF
WATER RESOURCES

Phone (208) 287-4913

alex.dalgleish@idwr.idaho.gov

From: Roxanne Brown [<mailto:rbrown.boise@gmail.com>]
Sent: Thursday, July 9, 2020 8:18 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: Re: Big Creek Ranch Transfer

Alex - Cindy indicated to me she wanted to see the related water right on the transfer, which requires an amendment and readvertising. She did not identify an enlargement concern as the related right falls entirely within the remaining PPU. Please clarify. Are you requiring an amended application? Will the transfer be readvertised? Please more clearly explain your concern about enlargement.

Thank you. I will be out of cell service for the remainder of this week. Please call me next week if that would be helpful.

Roxanne

On Wed, Jul 1, 2020, 3:11 PM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Good afternoon Roxanne,

The transfer from Big Creek Ranch proposes to reconfigure and unstack 35 acres from rights 73-33 and 73-12252 in the SWNE, NWSE and SWSE QQ's of Section 22, Township 14 North, Range 22 East. Watermaster Cindy Yenter of District 170 (Upper Salmon River Basin) expressed concerns relating to the enlargement of rights 73-33 and 73-12252 as a result of the transfer. Can you please provide an analysis showing how the resumed use of water under rights 73-33 and 73-12252 will not be enlarged as a result of the proposed change?

The application is still in advertising and the protest deadline is this following Monday July 7th. I am not aware of any protests received on the transfer proposal yet.

Thank you,

Alex Dalglish

Water Resource Agent

Phone (208) 287-4913

alex.dalglish@idwr.idaho.gov

Dagleish, Alex

From: Yenter, Cindy
Sent: Wednesday, July 1, 2020 12:36 PM
To: Dagleish, Alex
Subject: RE: Big Creek Ranch transfer 83914

Very good, I was hoping that approach would work. Carry on!
Cindy

From: Dagleish, Alex
Sent: Wednesday, July 01, 2020 12:25 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Big Creek Ranch transfer 83914

Hey Cindy,

I think it's best to try and avoid amending the application and having to re-advertise it. As you are aware, rights 73-12252, 73-2151 and 73-33 currently have a combined acre limit of 200.6 acres. The transfer proposes to unstack 35 acres from rights 73-12252 and 73-33. Right 73-2151 is limited to 95 acres out of the 200.6 acre PPU and has a junior priority date of 1959 when compared to that of 73-33 (1910) and 73-12252 (1926). So it appears that 73-2151 is a supplemental right that is used when there is insufficient supply for 73-33 (Big Creek) and/or 73-12252 (Pahsimeroi River). Due to the nature of the proposed transfer, shifting 35 acres within the SWNE, NWSE and SWSE QQ's, I believe right 73-2151 could be added as an associated right. The combined limit of 95 acres for 73-2151 could be designated in the X35 condition through the transfer.

I will also reach out to Roxanne and request an analysis of enlargement pertaining to the use of 73-33 and 73-12252 after the transfer.

-Alex

From: Yenter, Cindy
Sent: Friday, June 26, 2020 2:16 PM
To: Dagleish, Alex <Alex.Dagleish@idwr.idaho.gov>
Subject: FW: Big Creek Ranch transfer 83914

Alex, I had a thought this morning. Could 73-2151 be brought into the transfer as an associated right in order to modify the POU? Since its only elimination/reduction of those 2 QQs and nothing else changes that might be allowable. That way amendment and re-advertising would not be required. Would you check that out?

I'd still like to see the applicant address the enlargement issues. Roxanne shouldn't have a problem with that.

Cindy

From: Yenter, Cindy
Sent: Thursday, June 25, 2020 3:16 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>; Dagleish, Alex <Alex.Dagleish@idwr.idaho.gov>

Cc: Graves Lori (lgraves@spfwater.com) <lgraves@spfwater.com>; 'tedoneal1954@gmail.com' <tedoneal1954@gmail.com>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Big Creek Ranch transfer 83914

Folks, I find a discrepancy in this transfer. Right no 73-2151 from Patterson Creek was placed in the WSB along with 73-33 and 73-12252, as the 3 rights are combined in a PPU. However 73-2151 is not part of the transfer. This was not addressed in any of the review correspondence. Perhaps it has been discussed, but I could not find that discussion in the file.

I agree that the individual acreage limits in the 3 rights, within the PPU of 200.6 acres, does appear to support a partial unstacking of 35 acres under only 73-33 and 12252 and their withdrawal from the bank, leaving 165.2 acres in the WSB under 73-12252, stacked with the 95 acres from 73-2151 and 85 acres from 73-33. However, since 73-2151 is not included in the transfer the POU is not proposed to be modified to match the untransferred portions of 73-33 and 12252, this leaves a portion of 73-2151 at the original place of use in NWSE Sec 22. Not only is this administratively awkward, it may raise questions about whether there are Pahsimeroi River rights appurtenant to the entire 35 acres in that QQ.

FYI to reviewers – the Hamilton ditch from Big Creek has been closed, and so has the Patterson diversion used by 73-2151. Neither 73-33 or 73-2151 are deliverable to the POU. The 284-acre POU is served entirely by a pipeline from the Pahsimeroi River. There are adequate senior Pahsimeroi rights to cover all 284 acres IF there are no other overlaps introduced.

The application should be amended to include 73-2151 for purposes of modifying the POU.

Because the rights are proposed to be unstacked, I also request some analysis from the applicant showing how resumed use under rights 73-33 and 73-12252 will not be enlarged as a result of this change.

After these items are addressed, I will submit final watermaster comments.

Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
[*cindy.yenter@idwr.idaho.gov*](mailto:cindy.yenter@idwr.idaho.gov)
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