



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

June 15, 2021

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

**RE: WITHDRAWAL OF APPLICATION TO LEASE AND RENT WATER RIGHT NO. 73-12181 TO
AND FROM THE WATER SUPPLY BANK**

Dear Applicant:

Per written request by Lori Graves of SPF Water Engineering received on June 1, 2021, the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application of water right 73-12181. An updated Rental Application was received with the withdrawal request which removed water right 73-12181 from the proposed Rental Agreement.

The fee for the lease of water right 73-12181 has been applied to the lease of other Big Creek Ranch water rights.

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

Sincerely,

A handwritten signature in black ink that reads "Amanda Johnson-Veibell".

Amanda Johnson-Veibell
Technical Records Specialist I

Enclosure: Lease Application 1878

c: Lori Graves – SPF Water Engineering

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 17 2020

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Designated Applicant Big Creek Ranch LLC **Water Right No.** 73-12181
(Select one owner – see item 1A on the application) (One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A** ☒ ☐ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B** ☒ ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C** ☐ ☒ Notice of Change in Water Right Ownership form (accessible from www.idwr.idaho.gov).
(for associated water rights BLM has recently quitclaimed to Big Creek Ranch)
- 1D** ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2** ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3** ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A** ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G** ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 750.00 Received By: lcn Date Received: 12.17.2020 Receipt # C109674
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal) Name on W-9: _____

1878

Withdrawn
6/15/21

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Big Creek Ranch LLC

Mailing Address <u>PO Box 5987</u>	Ketchum	ID	83340-5987
Street	City	State	Zip Code

Email Address <u>pageshouse@msn.com</u>	Phone Number <u>208-788-1771</u>
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☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Phone Number 208-383-4140

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).
- B. Please provide a description of the current water diversion and delivery system.
Irrigation conveyance system owned and operated by Big Creek Ranch LLC, pursuant to SRBA "Stipulation to Resolve Objections" dated 11/1/2011.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Combined rights 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, 73-12191, and 73-12212 through 73-12217 each have acre limits for irrigation of a combined total of 469.5 acres within a 572.9-acre ppu. Upon lease approval, applicant will limit the water rights' total combined irrigation to 433.9 acres for the 3-year term.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. As decreed
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒? .
If lease, specify the years when the use of water will be suspended: 2021 to 2024 (maximum lease period 5 calendar years).
(Year) (Year) (3 years)
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Lease/rental of this water right is part of a BLM restoration project. Rental is to be subject to Department
administrative costs only.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Thomas Page for Big Creek Ranch, LLC
Signature of Designated Applicant

Thomas Page
Printed Name

12/2/2020
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

**STATE OF IDAHO
WATER RESOURCE BOARD**

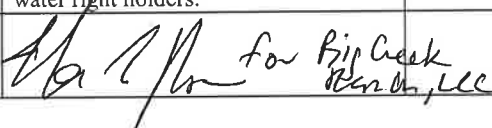
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 73-12181

	Designated Applicant	Applicant #2	Applicant #3
Name	Big Creek Ranch, LLC (THOMAS PAGE)		
Mailing Address	PO BOX 5987 KETCHUM, ID 83340		
Phone Number	208-721-8987		
Email Address	pageshouse@msn.com		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature	 for Big Creek Ranch, LLC		

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>73-12181</u>	<u>Irrigation</u>	<u>0.53</u>	<u></u>	<u>35.6</u>
	<u></u>	<u></u>	<u></u>	<u></u>
	<u></u>	<u></u>	<u></u>	<u></u>
	<u></u>	<u></u>	<u></u>	<u></u>
	<u>Total Amounts:</u>	<u>0.53</u>	<u></u>	<u>35.6</u>

2. Source of water Big Creek tributary to Pahsimeroi River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
13N	23E	13		NE	NE	NW	Lemhi



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

10/16/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 73-12181

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG CREEK RANCH LLC PO BOX 5987 KETCHUM, ID 83340-5987 (208) 788-1771
Directors Report Owner	WHITWORTH RANCHES INC PO BOX 167 MAY, ID 83253 2088764278
Original Owner	ELIZABETH BARSALOW PATTERSON, ID

Priority Date: 05/01/1917

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.62 CFS	
Total Diversion			2.62 CFS	

Location of Point(s) of Diversion:

BIG CREEK | NENENW | Sec. 13 | Township 13N | Range 23E | LEMHI County

IRRIGATION Use:

Acre Limit: 175

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13N	23E	2	4	NWNE	35	5	SWNE	2.9						
			1	NENW	33	2	NWNW	37		SWNW	31		SENE	36
				NWSE	29		SWSE	34		SESE	34.3			
		11		NENE	40		SENE	40						
		12	2	SWNW	32									
				NWSW	34		SWSW	1.7		SESW	20			
14N		34		SESE	29									
		35		SWSW	37		SESW	32						
				SWSE	35									

Total Acres: 572.9

Conditions of Approval:

1. X27 This right is limited to the irrigation of 175.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 when combined shall not exceed a total diversion rate of 15.92 cfs and the irrigation of 433.5 acres.
3. X35 Rights 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, 73-12191, 73-12212, 73-12213, 73-12214, 73-12215, 73-12216 and 73-12217 when combined shall not exceed a total diversion rate of 17.24 cfs and the irrigation of 469.5 acres.
4. 206 Rights 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, 73-12191, 73-12212, 73-12213, 73-12214, 73-12215, 73-12216 and 73-12217 are limited to the irrigation of a specific 469.5 acres within the 572.9 acre place of use authorized by this right in a single irrigation season. The specific 469.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 469.5 acres to be irrigated within the 572.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. R05 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.
6. R43 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. R59 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.

8. 029 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.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 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. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:**Licensed Date:****Decreed Date:** 12/30/2011**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:****Water District Number:** 73**Generic Max Rate per Acre:****Generic Max Volume per Acre:****Combined Acres Limit:** 433.5**Combined Volume Limit:****Combined Rate Limit:****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:**

10/16/2020

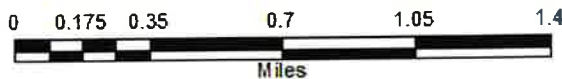
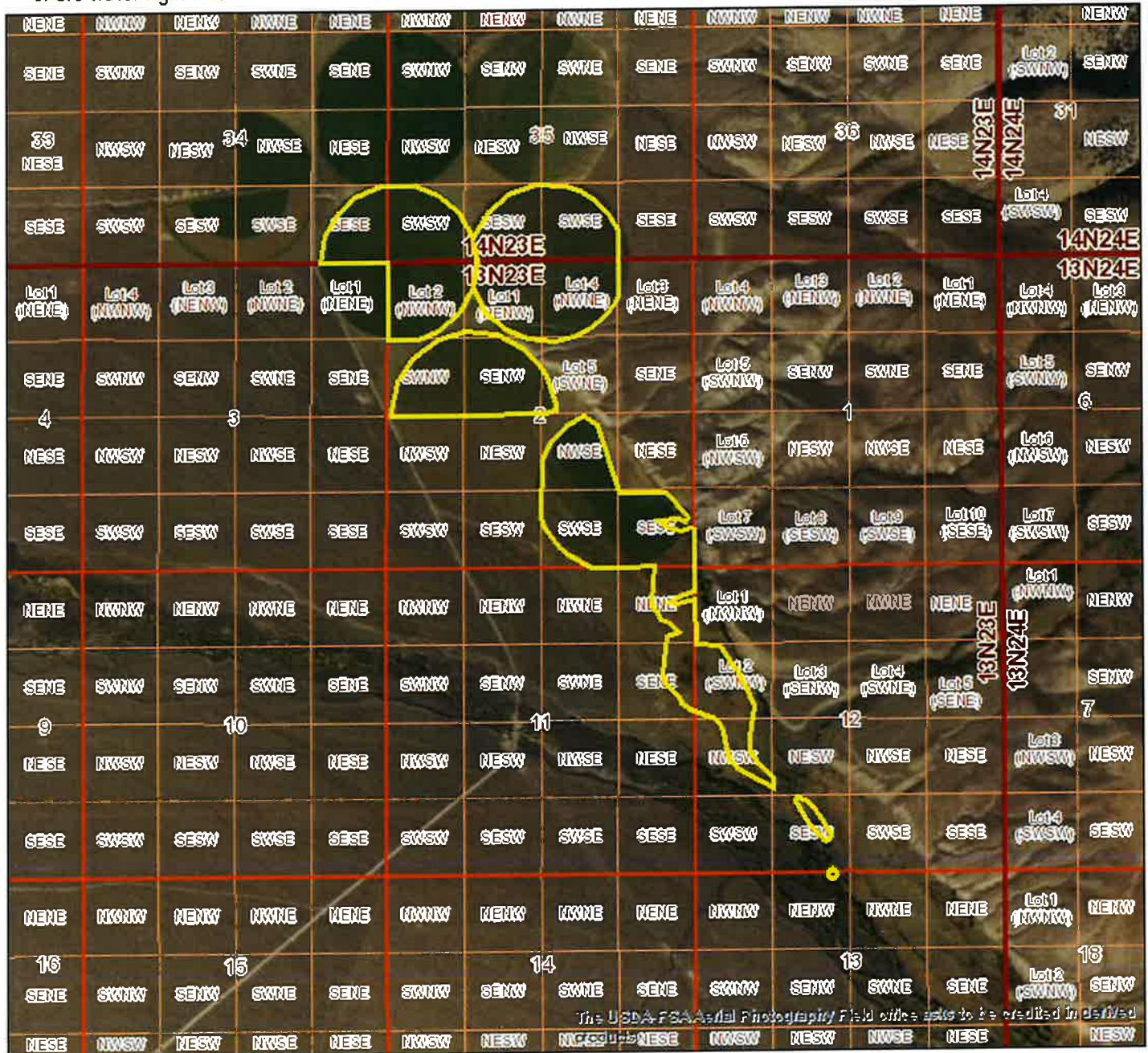
Water Right Report

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources
Water Right
73-12181
IRRIGATION

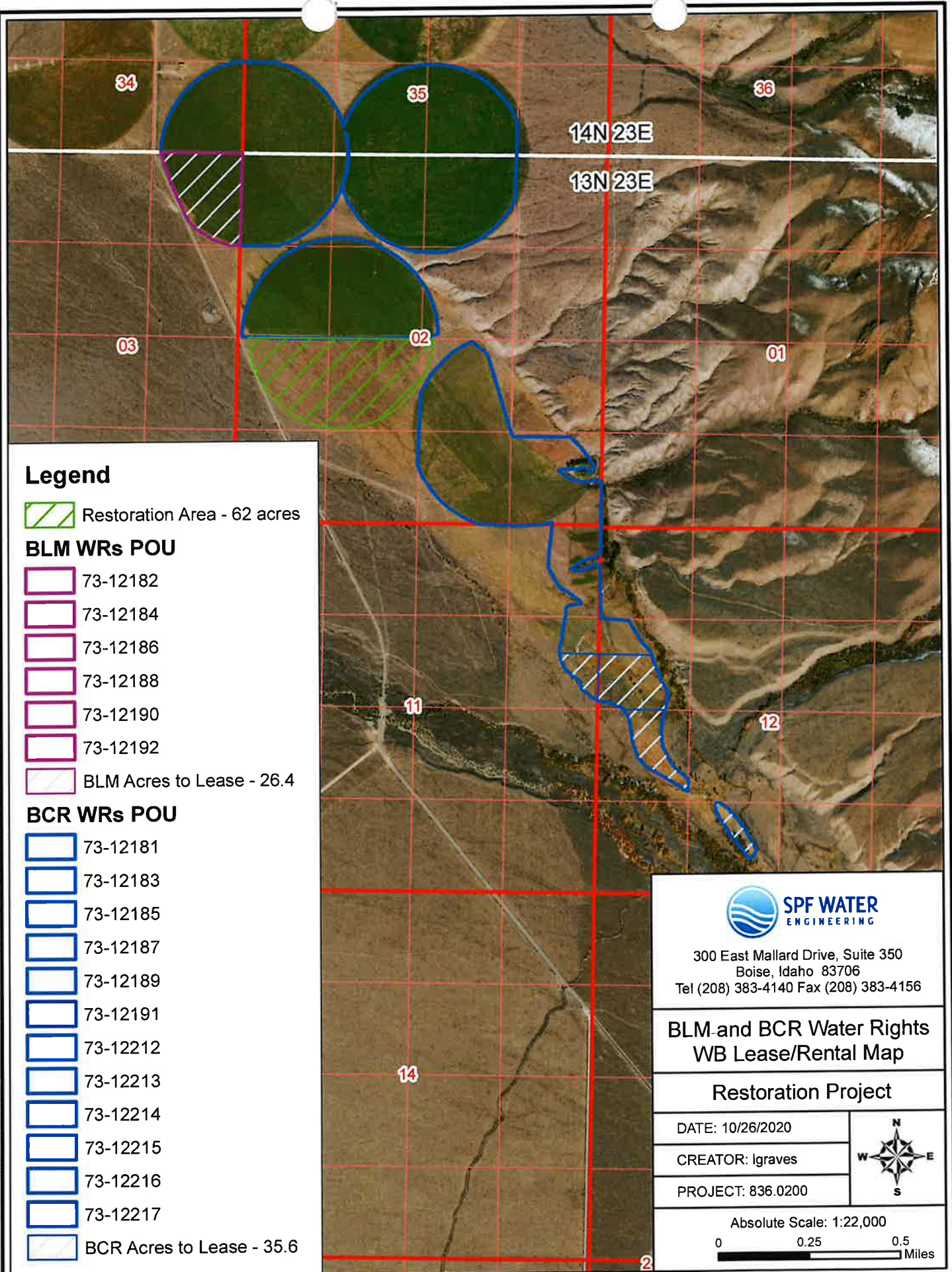
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Legend

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





Legend

Restoration Area - 62 acres

BLM WRs POU

- 73-12182
- 73-12184
- 73-12186
- 73-12188
- 73-12190
- 73-12192
- BLM Acres to Lease - 26.4

BCR WRs POU

- 73-12181
- 73-12183
- 73-12185
- 73-12187
- 73-12189
- 73-12191
- 73-12212
- 73-12213
- 73-12214
- 73-12215
- 73-12216
- 73-12217
- BCR Acres to Lease - 35.6



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

BLM and BCR Water Rights WB Lease/Rental Map

Restoration Project

DATE: 10/26/2020

CREATOR: Igraves

PROJECT: 836.0200



Absolute Scale: 1:22,000

0 0.25 0.5 Miles

Betts, David

From: Tom Page <pageshouse@msn.com>
Sent: Monday, May 03, 2021 1:48 PM
To: Betts, David
Cc: Lori Graves; fwprice@blm.gov; Branz, Hannah M; Michael Page; John Brown
Subject: Re: Big Creek Ranch LLC - Application to lease no. 1878 (Water right no. 73-12181)

Hello David - Thanks for checking in on the water right application concerns. I've cc'd Hannah B from the Challis FO, along with John Brown (Big Creek Ranch Manager).

It sounds like Lori has spoken with you regarding the overlapping water rights, but I wanted to respond to your questions around the acres to be idled on private lands and the BLM.

Private land acres to be idled: These acres have been consistently flood-irrigated every year via control structures installed by BCR on the ditch leading from Big Creek to the houses. However, these pastures aren't grazed every year, so there is a fair amount of residual dry grass which may obscure the satellite photos. I'm happy to do a field visit if there is a need for verification on this point, or you can speak with Curtis Harwood/John Brown of BCR, who are the individuals doing this work each day (primarily Curtis). I will also say that since the efficiency projects that have gone in at this general location (new bubbler and other infrastructure, Mill Creek reconnect project, new headgate) there has been a drop in the overall diversion from Big Creek since 2011, from approximately 30 cfs nearly year-round (when such water was available), to approximately 12 cfs, which is the amount currently allowed through the pipe under the Mill Cr channel. So, the acres in question now receive less overall water for a shorter time period than under previous ownership, which may also be part of the reason it appears drier in the photos.

BLM acres to be idled: Currently there are two pivot stops on the half-pivot adjacent to the project area. I would expect that these stops will be removed from the half pivot and placed on the public/private boundary you reference, in order to create a 3/4 pivot, thus idling the BLM acreage. These 26.4 acres, initially irrigated by previous ownership, are part of a longstanding agricultural lease application that BCR submitted to the BLM in approximately 2012. It is my hope that if this water-lease application is approved for the next three years, that would be long enough to re-establish perennial plants on the project site, without creating another cheatgrass site on the idled 26.4 acres. If the BLM were to approve our ag-lease application, we would then ideally be able to run that pivot all the way round once again. If the lease were to be denied, I would assume that there would be some sort of perennial plant restoration project similar to what is ongoing to the southeast. We haven't received any indication from BLM as to when that application might be processed.

Hope this helps and let me know if there's anything else you need.

Tom Page
Big Creek Ranch
208-721-8987

From: Betts, David <David.Betts@idwr.idaho.gov>
Sent: Friday, April 30, 2021 3:12 PM
To: pageshouse@msn.com <pageshouse@msn.com>
Cc: Lori Graves <LGraves@spfwater.com>; fwprice@blm.gov <fwprice@blm.gov>
Subject: Big Creek Ranch LLC - Application to lease no. 1878 (Water right no. 73-12181)

Dear Applicants,

There are a few concerns with Big Creek Ranch's application to lease to the Water Supply Bank (application no. 1878) and the associated lease-rental package that was submitted together with the Bureau of Land Management (BLM).

Overlapping water rights

Big Creek Ranch's application proposes to lease water right 73-12181, which shares a combined place of use with 11 other water rights. Although the overlapping rights have individual acre limits, these limits are not additive. As such, a single water right cannot be separated for use without risk of enlargement. I cannot recommend the lease of water right 73-12181 on its own.

If Big Creek Ranch wants to pursue this lease, a set of stacked rights should be submitted together for rental. Big Creek Ranch can select from two different groups within the 469.5 acre combined place of use:

1. Rights 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191, which are authorized to irrigate a combined 433.5 acres
2. Rights 73-12212, 73-12213, 73-12214, 73-12215, 73-12216 and 73-12217, which are authorized to irrigate a combined 36 acres.

An equal proportion of each of the overlapping rights in a given set should be proposed for lease. The quantities from each right would be based on the desired total number of acres for lease (e.g. 35.6 acres) as a proportion of the overall combined acre limit of their set of water rights (433.5 acres or 36 acres).

Acres to be idled for the lease

I am having difficulty confirming that the proposed acres for lease have been irrigated during the past 5 years. My assessment is based on the acres identified in the map of the place of use submitted with the lease application (attached). It is possible that some irrigation has occurred on these acres, but the extent of irrigation is not clear. Using satellite imagery, I am unable to distinguish between actively irrigated lands and greening that may have occurred because of waste water run-off or seepage from the surrounding canals and stream channels. The difficulty in determining the extent of irrigation that has occurred in the past will make it difficult for the Department and Water District staff to confirm that the acres are being idled for the duration of the proposed lease. Before a rental is approved, the Water Supply Bank makes an assessment as to whether or not the leased rights are being idled.

Please provide information on how the acres proposed for lease have been irrigated in the past. What are Big Creek Ranch's plans to ensure that sufficient acres are being idled to provide the water to rent?

Idling of BLM's acres

During my initial review of the lease-rental package, concerns were submitted by the watermaster about the acres to be idled by the BLM (lease application no. 1884). The BLM proposes to idle a 26.4 acre portion of a pivot. I am addressing my questions to you, because Lori Graves stated in the cover letter for these applications that Big Creek Ranch manages the point of diversion and the irrigation works for these rights. Water district staff asked for information on how Big Creek Ranch plans to idle that portion of the pivot. Will you use pivot stops, or walk the pivot dry over that quarter? Please provide the Department with additional information on how the BLM acres will be idled.

Thank you for your attention to these matters. If we do not receive the necessary information by May 15, the lease application will be denied because it cannot be processed without the requested information. Your responses will help the Water Supply Bank maintain the beneficial uses of Idaho's water resources.

--
Dave Betts - *Water Resource Agent*

Water Rights Section | Idaho Department of Water Resources

322 East Front St | P.O. Box 83720 | Boise, ID 83720

Phone: (208) 287-4826 | email: david.betts@idwr.idaho.gov

Betts, David

From: Yenter, Cindy
Sent: Tuesday, April 06, 2021 10:43 AM
To: Betts, David
Cc: Buyer, Remington; Cefalo, James; tedoneal1954@gmail.com
Subject: FW: Proposed Lease-Rental package - Basin 73 - BLM & Page

Dave - After a closer look, I see that BLM has submitted for lease 1884 all six stacked rights (73-12182 et al) on that quarter-pivot for lease of 26.4 acres – I do not object to this lease.

The BLM proposal does raise a question that I'd like answered: How does Page intend to prevent irrigation of those lands? (Page I'm sure has the ag lease from BLM) Is he putting up pivot stops, or walking the pivot dry over that quarter?

The Page lease proposal 1878 of 73-12181 may not be processed as filed. This right is stacked and combined with other rights. Page must lease a portion of all 6 stacked rights which carry the combined limit of 433.5 acres (12181, 12183, 12185, 12187, 12189, 12191). He cannot simply pull 36 acres from 12181 and reduce the total acres irrigated.

Do you suppose that Page intended to lease 12212, 12213, 12214, 12215, 12216 and 12217? If not, he should have. These six, also in the same PPU, have a combined acreage of 36 ac, combined flow of 1.32 cfs, and are additive with the 433.5 for a total acreage limit of 469.5 ac in the PPU. I believe these six could be leased independent of the other six, and they appear to be splits from the same rights so the priorities would be the same. I would support the revised lease of the above six rights 12212 et al.

The problems with stacked right is that we no longer know the relationship between all the stacked rights, or the historic proportional use in priority. The rights have been placed in a PPU and used together so long that those relationships are blurry. We can't assume that any of these rights may be used alone without causing an enlargement of use. Unstacking like this would not be permitted in a transfer unless the applicant can show how enlargement will not occur. That is unlikely here; unstacking cannot be permitted in the lease. The solution is to take proportional splits of all stacked rights, or to lease the entire package of rights.

I am still concerned that the 36 specific acres at the south end of the Page property which are proposed to be unirrigated during the lease period, do not appear irrigated for at least 5 years. Because this is a PPU and most of the rest of the PPU is regularly irrigated, perhaps this is not a problem. All rights under both leases do in fact use the same pods from Big Creek and Mill Creek.

Finally, what is the total rental request? Will the same PODs be used or are different diversions proposed? Based on both leases I'm presuming about 62 acres, but you haven't sent the rental packet over yet.

*Cindy Yenter
IDWR Salmon Field Office
102 S Warpath
Salmon ID 83467
208-742-0655
208-731-0901 cell*

From: Yenter, Cindy
Sent: Monday, April 5, 2021 4:21 PM
To: Betts, David <David.Betts@idwr.idaho.gov>
Subject: RE: Proposed Lease-Rental package - Basin 73 - BLM

David, at first glance both leases appear to have serious enlargement issues, as there are numerous overlaps on both Page and BLM, and overlapping rights don't appear to be included on the leases. Was this addressed in the applications or have you done a full water right analysis? I also don't see good evidence of irrigation on the Page acres since about 2009, so I would question lease eligibility. I will look harder at the overlaps and get back with you.

From: Betts, David
Sent: Friday, March 26, 2021 4:58 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Ted O'Neal (tedoneal1954@gmail.com) <tedoneal1954@gmail.com>
Subject: Proposed Lease-Rental package - Basin 73 - BLM

The Bureau of Land Management and Big Creek Ranch have submitted applications to lease and an application to rent. The applications are to assist with a restoration project by the BLM.

Please review the attached documents and let me know if you have any concerns or comments about the proposed leases or rental.

Thank you for your help,

--

Dave Betts - *Water Resource Agent*
Water Rights Section | Idaho Department of Water Resources
322 East Front St | P.O. Box 83720 | Boise, ID 83720
Phone: (208) 287-4826 | email: david.betts@idwr.idaho.gov



SPF WATER
ENGINEERING

December 14, 2020

RECEIVED

DEC 17 2020

**DEPARTMENT OF
WATER RESOURCES**

Justin Ferguson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

***Subject: Notice of Change in Water Right Ownership
Water Bank Lease Application – Big Creek Ranch
Water Bank Lease and Rental Applications - BLM***

Dear Justin,

In accordance with our discussion, enclosed on behalf of the Bureau of Land Management (BLM) and Big Creek Ranch LLC (BCR) are the following:

Notice of Change in Water Right Ownership – BCR

Pursuant to Stipulation to Resolve Objections, SRBA Case No. 39576, BLM has quitclaimed to BCR water rights 73-12212 through 73-12217. These rights are currently appurtenant to BCR lands and irrigated with BCR's irrigation conveyance system per approved transfer no. 78574. (IDWR filing fee \$175)

Water Bank Lease Application (1) – BCR

Including the quitclaimed BLM rights above, BCR has 12 water rights that, when combined, authorize irrigation of 469.5 acres within a 572.9-acre permissible place of use (ppu). The water rights each have acre limits and are not considered stacked. For simplicity, water right 73-12181 was chosen for lease of 35.6 of the 469.5 acres to the water bank for three years. The 35.6 acres, along with 26.4 acres leased under BLM water rights described below, will be rented by BLM to establish native seedlings within a 62-acre restoration project area. Upon lease approval, BCR's remaining 11 associated water rights will be limited to irrigation of 433.9 acres within the 572.9-acre ppu for the 3-year requested lease period. (IDWR filing fee \$250)

In compliance with water rights' condition no. 206, the enclosed aerial photo map for the lease application can serve as an updated "206 map" indicating the 469.5-acres to be irrigated for the next 3 years upon lease approval. Electronic shape files can be provided upon request.

Water Bank Lease Applications (6) – BLM

As described above, BLM wish to lease all the 26.4 acres authorized under water rights 73-12182, 73-12184, 73-12186, 73-12188, 73-12190 and 73-12192 to the water bank for 3 years to be rented for the restoration project area. The 26.4 acres are currently irrigated with the BCR irrigation system. (IDWR filing fee \$500)

Water Bank Rental Application – BLM

To complete the lease/rental package, BLM wish to rent the 35.6 Big Creek Ranch acres proposed for lease and the 26.4 BLM acres proposed for lease to allow irrigation of native seedlings within a 62-acre restoration project area. The same irrigation conveyance system used for all BLM/BCR leased acres will be used for the project area acres. Per agreement between BLM and BCR, costs associated with rental of this water will be paid by BCR and only include the Department's administrative costs.

Check no. 3931 for \$175 is enclosed for the ownership change notice and check no. 3961 for \$750 is enclosed for the BLM and BCR water bank lease applications. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Tom Page, Big Creek Ranch LLC
Fred Price, BLM Authorized Water Rights Agent

Enclosures

SPF file number: 836.0200

Form 1221-2
(June 1969)



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office

Release 1-346

Date
September 22, 2011

MANUAL TRANSMITTAL SHEET

Subject: **1203 – DELEGATION OF AUTHORITY**

1. Explanation of Material Transmitted: This manual supplement updates delegations of authority and related procedures to the State Office, District Offices, and Field Offices and National Landscape Conservation System (NLCS) Managers (Mgr) and staff. It includes a new column for the NLCS Mgr.
2. Reports Required: None.
3. Material Superseded: The manual supplement release superseded by this release is listed under REMOVE below. This release also supersedes any Idaho Instruction Memorandum dated before this transmittal.
4. Filing Instructions: File as directed below.

REMOVE

1203 – All Pages (Release 1-343)

(Total: 61 Sheets)

INSERT

1203 (Release 1-346)

(Total: 91 Sheets)

Peter J. Ditton for

Steven A. Ellis
State Director

Distribution

1203 - DELEGATION OF AUTHORITY

Code /or Reg.	Activity	Authority Delegated To										
		SD	DSD	Br Chief	DM	FM	NLCS Mgr	AO/SSM	All Sup	SSPA	DFMO	MRF
6525	Approve cooperative management programs jointly with State wildlife agencies pursuant to the Sikes Act, as amended.	X			X	X	X					
6600 FISH, WILDLIFE, AND SPECIAL STATUS PLANT RESOURCES INVENTORY AND MONITORING												
6602	Approve wildlife inventory and monitoring plans.	X			X	X	X					
6620	Approve Habitat Management Plans.	X			X	X	X					
6800 WILDLIFE POPULATION MANAGEMENT												
6840	Conduct endangered species consultation per Section 7 of Endangered Species Act of 1973, as amended.	X			X	X	X					
7250 WATER RIGHTS												
7250	Settle water rights issues. 1) Special delegation to DSD for Resource Services and the Special Project Team (Water Rights). See Instruction Memorandum No. ID-2001-063, Subject: Water Rights Delegation of Authority.	X	1									
8000 RECREATION PROGRAMS												
8000	Authorize recreation use and specify terms and conditions of such use (exceptions are provided for in the regulations).	X			X	X	X					
8100 CULTURAL RESOURCE MANAGEMENT												
8110	Carry out matters of responsibility of BLM relating to determination of eligibility for nomination to the National Register under 36 CFR 63.	X			X	X	X					
8110	Carry out matters of responsibility of BLM relating to nomination to the National Register under 36 CFR 60.	X			X	X	X					

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250/1230 (933) P

July 27, 2001

EMS
Instruction Memorandum No. ID-2001-063
Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add a delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by:
Martha G. Hahn

Authenticated by:
Susanna M. Henry
Staff Assistant (ID-933)

cc:
ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise