

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80955

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>
73-12234	WR/DECREED	2/20/1886	7.480 cfs	N/A	323.5	951.2	PATTERSON CREEK
73-42	WR/DECREED	2/20/1886	2.520 cfs	N/A	N/A	108.8	PATTERSON 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>
73-12234	NO	YES	NO	NO	NO	NO
73-42	NO	YES	NO	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>
73-12234	73-12234	7.480 cfs	N/A	323.5	951.2	N/A	N/A	N/A	N/A	N/A
73-42	73-42	2.520 cfs	N/A	N/A	108.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

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 August, 2016.



PAMELA S. SKAGGS, Water Rights Supervisor

WATER RIGHT NO. 73-42

As Modified by Transfer No. 80955

In accordance with the approval of Transfer No. 80955, Water Right No. 73-42 is now described as follows:

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

Priority Date: 2/20/1886

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.520 cfs

2.520 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK

NESE

Sec 16 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	16											5.4						5.4
14N	22E	17		26.0	26.0	13.0	11.0				0.2				24.0	3.2			103.4

POU Total Acres: 108.8

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. 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).
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. Source is also known as the West Branch of Spring Creek, Big Spring Creek, Spring Creek, or O' Neal Creek.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80955

WATER RIGHT NO. 73-42
As Modified by Transfer No. 80955

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 73-12234**As Modified by Transfer No. 80955**

In accordance with the approval of Transfer No. 80955, Water Right No. 73-12234 is now described as follows:

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

Priority Date: 2/20/1886

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
1 / 1

To

to 10/31
to 12/31

Diversion Rate

7.480 cfs
0.230 cfs
7.480 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK

NESE

Sec 16 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	16											7.2						7.2
14N	22E	17			6.7		10.0	40.0	40.0	39.0	40.0	40.0	33.0	40.0	7.4	32.0	40.0	38.0	406.1
14N	22E	18	40.0			40.0									40.0			11.0	131.0
14N	22E	20	40.0	39.7			39.5	39.0											158.2
14N	22E	21					12.0	37.0	40.0	40.0	40.0	39.7				40.0			248.7

Right Acre Limit: 323.5

POU Total Acres: 951.2

PLACE OF USE: STOCKWATER

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	16											X						
14N	22E	17			X		X	X	X	X	X	X	X	X	X	X	X	X	
14N	22E	18	X			X									X			X	
14N	22E	20	X	X		X	X												
14N	22E	21					X	X	X	X	X	X				X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 323.5 acres within the authorized place of use in a single irrigation season.

Transfer No. 80955

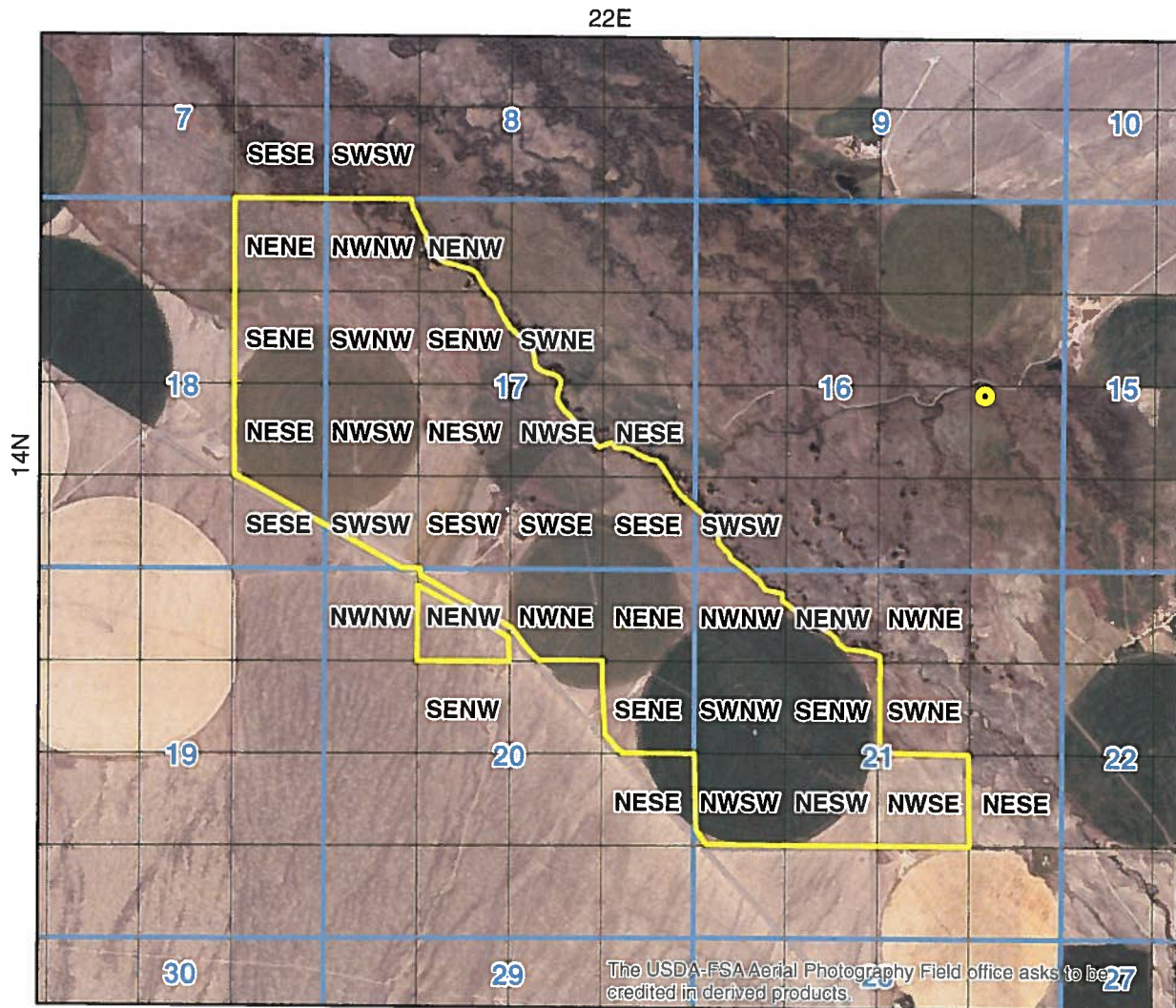
WATER RIGHT NO. 73-12234
As Modified by Transfer No. 80955

CONDITIONS OF APPROVAL

2. Rights 73-157, 73-158, 73-2102, 73-2155 and 73-12234 when combined shall not exceed a total of the irrigation of 323.5 acres.
3. Rights 73-157, 73-158 and 73-12234 when combined shall not exceed a total diversion rate of 11.88 cfs.
4. Rights 73-157, 73-158, 73-2102, 73-2155, 73-7022, 73-12179, 73-12218, 73-12233 and 73-12234 when combined shall not exceed a total diversion rate of 28.92 cfs and the irrigation of 951.2 acres.
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.
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. An additional weir or other measuring device will be installed and maintained at a point in the existing ditch within one hundred yards of the existing weir above the island pasture.
8. 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.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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. Source is also known as the West Branch of Spring Creek, Big Spring Creek, Spring Creek, or O' Neal Creek.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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 80955
73-12234

This map depicts the IRRIGATION and STOCKWATER 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.



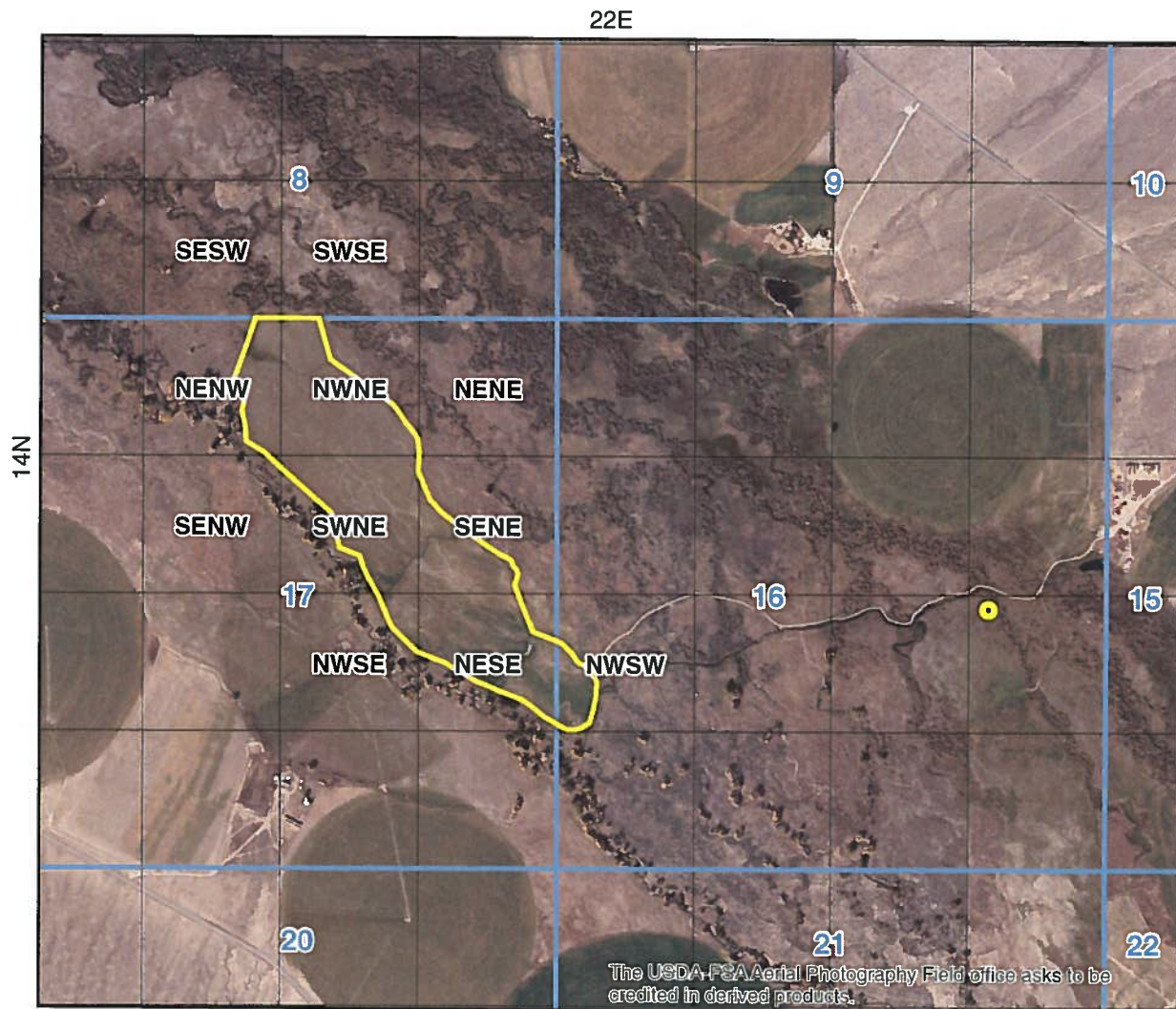
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.325 0.65 1.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 80955
73-42

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.



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

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2016

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

Re: Transfer No: 80955
Water Right No(s): 73-42, 73-12234

Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right(s) 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 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 section 42-1701A(3), Idaho Code. 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)287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Pamela Skaggs". The signature is fluid and cursive, with the first name "Pamela" and last name "Skaggs" clearly distinguishable.

Pamela Skaggs

Water Rights Supervisor

Enclosure

c: WATER DISTRICT #73

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80955
Water Right No(s): 73-42, 73-12234**

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

**WATER DISTRICT #73
TED ONEAL
81 FUREY LANE
MAY ID 83253**



**Darla Block
Technical Records Specialist**

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley 
DATE: August 5, 2016
RE: Refund: overpayment of transfer

Please refund \$80.00

NAME: Idaho Fish and Game 260
ADDRESS: Interagency Billing BLL 0704

Thank you.

Jean

RECEIVED

JUN 27 2016

DEPARTMENT OF
WATER RESOURCES

6-27-16

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80955

BIG CREEK RANCH LLC, PO BOX 5987, KETCHUM, ID 83340-5987; has filed Application No. 80955 for changes to the following water rights within LEMHI County(s): Right No(s). 73-12234, 73-42; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:
to change the point of diversion to a location in NESE Sec 16 T14N R22E

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>

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 7/5/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

6-16-2tc

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 **PROPOSED WATER CHANGE NO. 80955**, 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 **TWICE (2)** consecutive issue(s), commencing with the issue dated **6-16-2016** and ending with the issue dated **6-23-2016**.

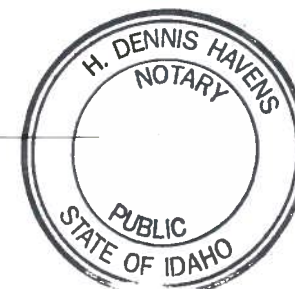
STATE OF IDAHO }
County of Lemhi } ss.

On this **23rd day of June** in this year of 2016 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.

Residing At Salmon, Idaho

H. Dennis Havens
Notary Public for Idaho

My Commission expires: 11-30-2018



Publication Fee \$75.60

Hersley, Jean

From: Sutcliffe, Lorna
Sent: Thursday, June 23, 2016 10:08 AM
To: Hersley, Jean
Subject: IDFish and Game Payment

Hi Jean,
On 6/22/16 Fish and Game paid the balance of \$1300 on your request for Transfers on WR73-12234 and 73-42.
Thanks,

 **Lorna**