

RECEIVED

42-222 POD - 09/14

MAY 26 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 20 2016

Department of Water Resources
Eastern Region

DEPT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) BIG CREEK RANCH LLC C/O TOM PAGE Phone (208) 788-3219

2. MAILING ADDRESS PO BOX 5987 City KETCHUM

State IDAHO Zip 83340-5987 Email pageshouse@msn.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 73-12234, 73-42

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 10.0 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
YES		NW	NE	SE	16	14	22	LEMHI	PATTERSON CREEK	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The existing point of diversion is being moved to accommodate the installation of a fish screen by IDFG. The fish screen will have a lockable controllable head gate incorporated into the structure. SEE ATTACHMENT

- b. Who owns the property at the point(s) of diversion? BIG CREEK RANCH LLC C/O TOM PAGE

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

Michael Page, Manager
Print name and title if applicable

5/9/16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 13 pages of attachments.

Received by JH

Date 5-26-16

Fee paid IB Pending

Date 5-26-16

Received by _____

Receipt # _____

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 – confidential information is held by fiscal only)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/21/2016

WATER RIGHT NO. 73-42

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG CREEK RANCH LLC C/O TOM PAGE PO BOX 5987 KETCHUM, ID 83340-5987 (208) 788-3219
Original Owner	THE AETNA CASUALTY & SURETY CO
Original Owner	JAMES HOOPER 242 TRUMBULL HARTFORD, CT 06156 (203)275-2094

Priority Date: 02/20/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON 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	2.52 CFS	
Total Diversion			2.52 CFS	

Location of Point(s) of Diversion:

PATTERSON CREEK|SENE|Sec. 16|Township 14N|Range 22E|LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER 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>
14N	22E	16		SWSW	5.4									
		17		NWNE	26		SWNE	26		SENE	13			
				NENW	11									
				NESW	0.2									
				NESE	24		NWSE	3.2						

Total Acres: 108.8

Conditions of Approval:

1. 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.
2. 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).
3. 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.
4. 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.
5. 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.
6. B01 Source is also known as the West Branch of Spring Creek. Big Spring Creek. Spring Creek. or O' Neal Creek.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 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: 09/29/2010
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: 3.5
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

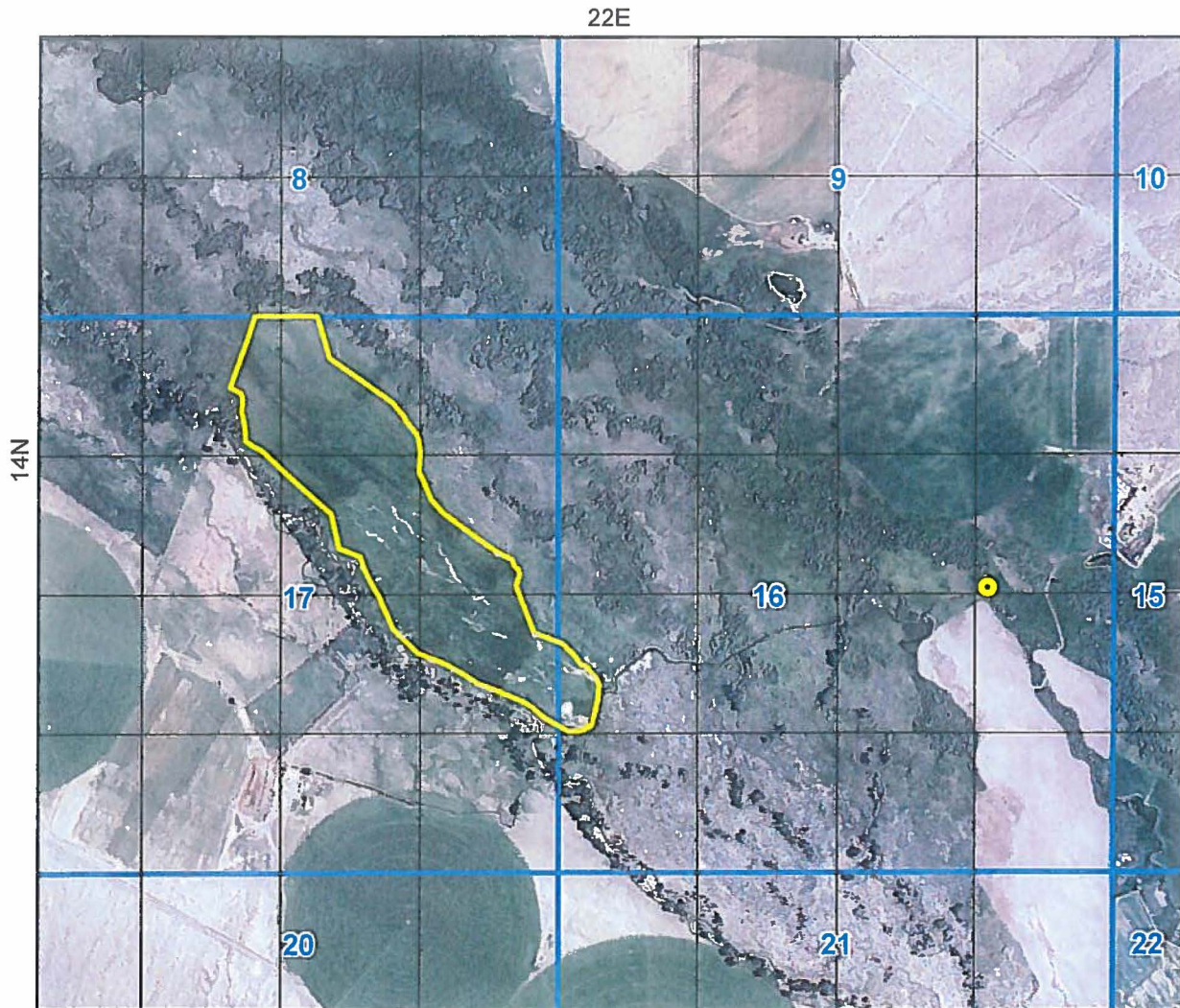
Close

State of Idaho
Department of Water Resources

Water Right
73-42

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.



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

0 0.2 0.4 0.8 Miles



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/25/2016

WATER RIGHT NO. 73-12234

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG CREEK RANCH LLC C/O TOM PAGE PO BOX 5987 KETCHUM, ID 83340-5987 (208) 788-3219
Original Owner	THE AETNA CASUALTY & SURETY CO
Original Owner	JAMES HOOPER 242 TRUMBULL HARTFORD, CT 06156 (203)275-2094

Priority Date: 02/20/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON 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	7.48 CFS	
STOCKWATER	1 /1	12/31	0.23 CFS	
Total Diversion			7.48 CFS	

Location of Point(s) of Diversion:

PATTERSON CREEK|SENE|Sec. 16|Township 14N|Range 22E|LEMHI County

IRRIGATION Use:

Acre Limit: 323.5

STOCKWATER Use:

Number of stock: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
14N	22E	16		SWSW	7.2									
		17		SWNE	6.7									
				NENW	10		NWNW	40		SWNW	40		SENE	39
				NESW	40		NWSW	40		SWSW	33		SESE	40
				NESE	7.4		NWSE	32		SWSE	40		SESE	38
		18		NENE	40		SENE	40						
				NESE	40		SESE	11						
		20		NENE	40		NWNE	39.7		SENE	39.5			
				NENW	39									
		21		NENW	12		NWNW	37		SWNW	40		SENE	40
				NESW	40		NWSW	39.7						
				NWSE	40									

Place of Use Legal Description: STOCKWATER CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
14N	22E	16		SWSW										
		17		SWNE										
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		18		NENE			SENE							
				NESE			SESE							
		20		NENE			NWNE			SENE				
				NENW										
		21		NENW			NWNW			SWNW			SENE	
				NESW			NWSW							
				NWSE										

Total Acres: 951.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 323.5 acres within the authorized place of use in a single irrigation season.
2. X35 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. X35 Rights 73-157, 73-158 and 73-12234 when combined shall not exceed a total diversion rate of 11.88 cfs.
4. X35 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. 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. 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. 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.
9. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. 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.
12. B01 Source is also known as the West Branch of Spring Creek, Big Spring Creek, Spring Creek, or O' Neal Creek.
13. 004 This right does not grant any right-of-way or easement across the land of another.
14. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. 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.
16. 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: 09/29/2010
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: 3.5
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

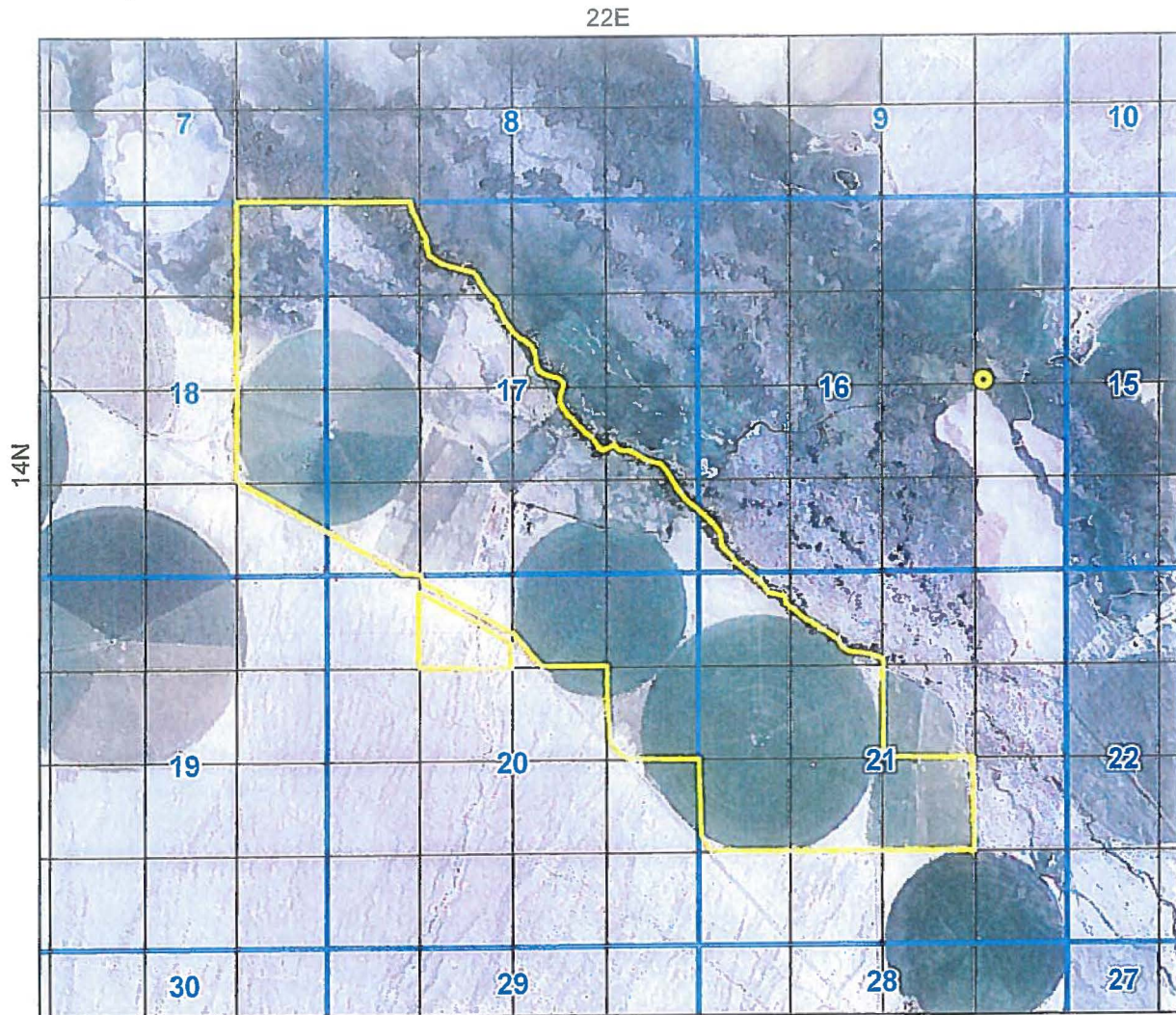
State of Idaho
Department of Water Resources

Water Right

73-12234

STOCKWATER

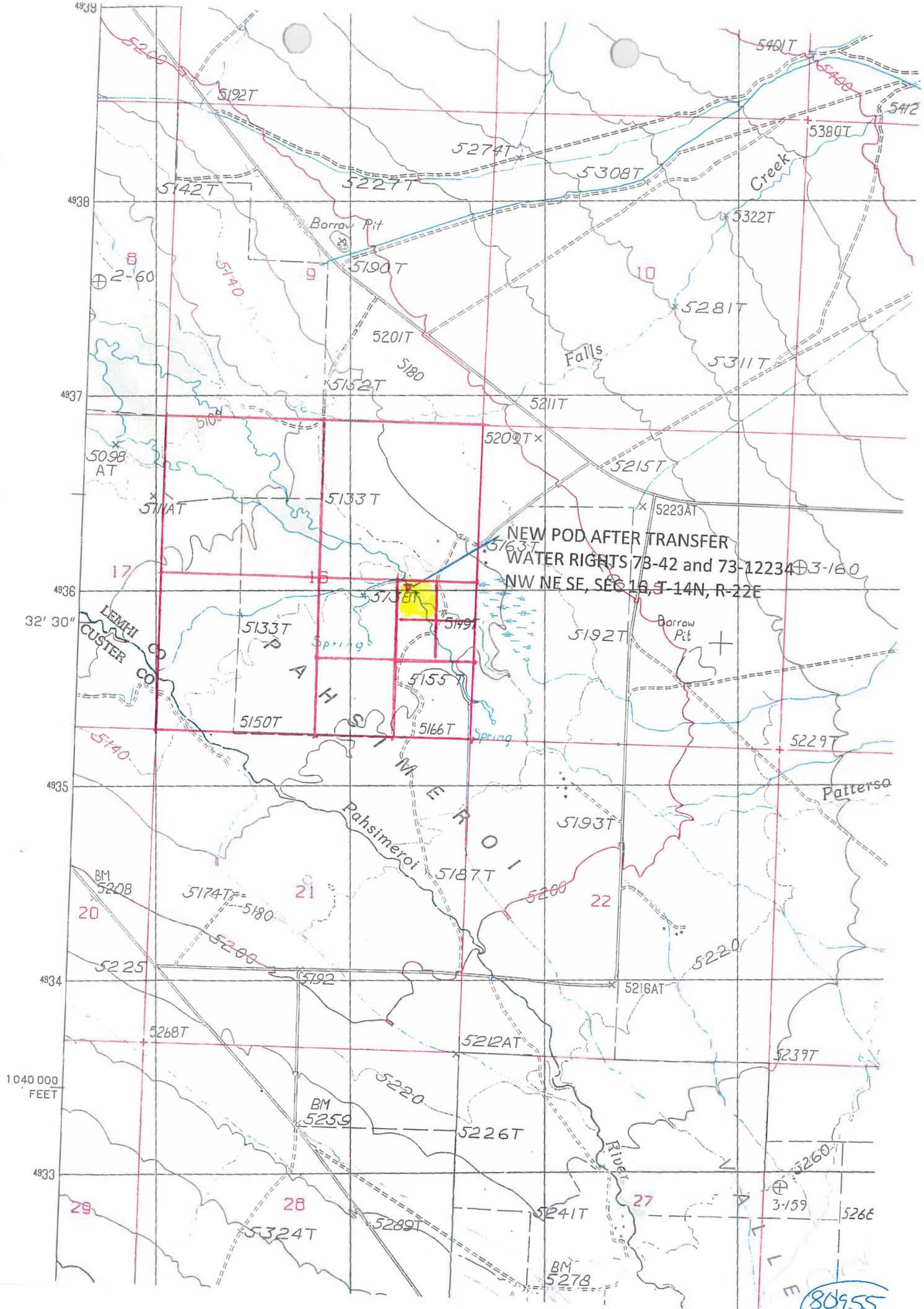
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be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



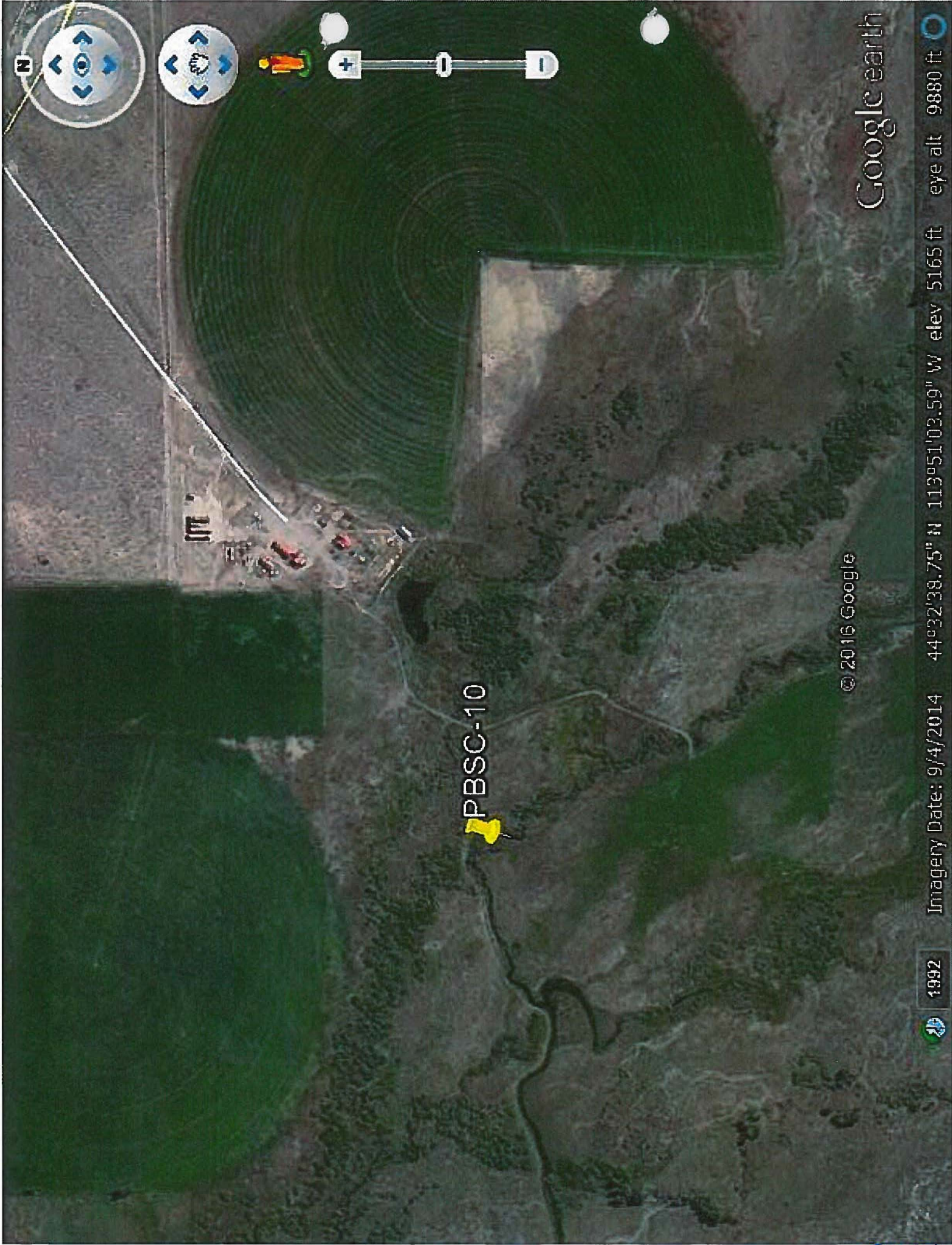
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.3 0.6 1.2 Miles









PBSC-10

© 2016 Google

Google earth



1992

Imagery Date: 9/4/2014

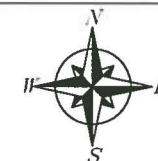
44°32'38.75" N

113°51'03.59" W

elev 5165 ft

eye alt 9880 ft





DRAWING IS REDUCED TO 50%
OF FULL SCALE

0 1"
BAR IS 1 INCH ON ORIGINAL DRAWING.
IF NOT 1 INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY.



REV	DATE	DESCRIPTION	BY
STATE OF IDAHO			
DEPARTMENT OF FISH AND GAME			
BOISE, IDAHO			
DESIGNED	JSB	PBSC-10 FISH SCREEN DESIGN	
DRAWN	JSB		
CHECKED	PM		
DATE	04-21-2016		
SCALE	1"=20'	OVERALL SITE PLAN	
APPROVED		APPROVED	
CHIEF, BUREAU OF ENGINEERING		DIRECTOR	
DWG.: PBSC-10 SCREEN DESIGN.DWG		SHEET 1 OF 1	

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, June 07, 2016 1:55 PM
To: rhlegals@custertel.net
Subject: Notice of Proposed Change of Water Right

A COPY WILL BE FAXED TO YOU ALSO. Thank you, Jean
June 7, 2016

208-756-2222 Page 1

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before July 5, 2016. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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

Published on 6/16/2016 and 6/23/2016

Jean Hersley

Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 7, 2016

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

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 6/16/2016 and 6/23/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist

c: IDFG- Salmon Office

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, June 07, 2016 2:12 PM
To: Yenter, Cindy; Clark, Cynthia (Bridge)
Cc: Cassel, Amy
Subject: Application for Transfer 80955- water rights 73-42 and 73-12243

Dear Interested Party:

The Department of Water Resources is notifying you of an application for transfer that may be of interest to you. A full description concerning property location may be found at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25 protest fee for each application protested must be received by **July 5, 2016**.

Please contact this office at (208) 287-4800 if you have any questions regarding the application.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 7, 2016

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

RE: Application for Transfer No.: 80955
Water Right No. 73-42 and 73-12234

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications for permit and transfers. You can find copies of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications and transfers as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 7, 2016

TED O NEAL
WATER DISTRICT #73
81 FUREY LN
MAY ID 83253

RE: Application for Transfer No. 80955
Water Right No. 73-42 and 73-12243

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 7, 2016

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS ID 83402

RE: Application for Transfer No.: 80955
Water Right No. 73-42 and 73-12234

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers and applications for permit. You can find copies of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications and transfers as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Hersley', is written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



RECEIVED

JUN 06 2016

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

May 31, 2016

Idaho Department of Water Resources
Attn: Jean Hersley
PO Box 83720
Boise, Idaho 83705

Dear IDWR:

Please initiate the Interagency Billing Process for \$1,300.00, for the application fee for the "Application for Transfer of Water Right", for water rights 73-12234 and 73-42. When processing these applications, use PCA 35796, and code B6RA. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

Please send a copy of the transfer to the water Big Creek Ranch LLC, and IDFG, Attn: Larry Weeks, 97 Hwy 93 N, Salmon, Idaho 83467.

Please call me if you have any questions at 208-756-6022.

Sincerely,

A handwritten signature in cursive script that reads "Larry Weeks".

Larry Weeks
Easement Specialist

Enc: "Application for Transfer of Water Right"

Keeping Idaho's Wildlife Heritage

MEMORANDUM

Date: June 3, 2016
To: Transfer 80955
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

The purpose of the transfer is to add a POD to 2 rights which are owned by the applicant and diverted from Patterson Creek for irrigation of 2 different POU's. The additional POD will be located on the applicant's property in the NWNESE of Sec 16, T14N, R22E and will allow placement of fish screening.

Authority to File: The applicant, Big Creek Ranch, LLC., is the owner-of-record for decreed water rights 73-42 and 73-12234. According to available Lemhi County taxlot information, the Big Creek Ranch, LLC. owns the POU as well as the land containing the existing and the proposed POD.

ISOS lists Big Creek Ranch, LLC as #W 83995 with a Ketchum ID address. Michael E Page is listed as a manager and he signed the application.

Water Right Validity: The partial decree for 73-42 was issued by the SRBA on 9/29/2010. Forfeiture is not a concern at this time.

Right 73-12234 was split from 73-42 through transfer 78610 (approved August 20, 2013) and is presumed to be valid. However, condition 11 of transfer 78610's approval document states, "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." Because the primary purpose of this transfer is to change the POD to a location that will accommodate the installation of a fish screen, actual compliance with condition 11 of the previous transfer is unclear. I also found that there is enforcement activity associated with the old POD. See case E2015-915.

Rights 73-42 and 73-12234 do not share a POU. Instead eight other rights, held by either Big Creek Ranch or the BLM divert water from various sources and irrigate the same 951.2-acre POU as does 73-12234. A review of aerial photography shows that the portions of the property have been routinely irrigated.

Injury to Other Water Rights: No injury is expected. The diversion is for an existing use and will continue to be under watermaster control. There are no other authorized PODs between the original POD and the new POD proposed by this transfer.

Enlargement of Use: No enlargement is anticipated. No change to the flow rate or the number of irrigated acres is proposed.

Local Public interest: No negative impact is anticipated. The application fees were paid by F&G. The application will be advertised.

Beneficial Use/Conservation of Water Resources: The applicant proposes a beneficial use consistent with conservation of water resources in Idaho.

Effect on Economy the Local Area: Review staff has no information to suggest that this transfer will negatively impact the economy of the local area.

Effect on Agricultural Base of the Local Area: Review staff has no information to suggest that this transfer will negatively impact the agricultural base of the local area.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

No. W 83995	Due no later than May 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			MICHAEL E PAGE 222 PENNY DR. KETCHUM ID 83340 3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MANAGER	MICHAEL E PAGE	PO BOX 5987	KETCHUM ID USA 83340
5. Organized Under the Laws of: ID W 83995	6. Annual Report must be signed.* Signature: Michael Page Date: 04/13/2016 Name (type or print): Michael Page Title: Manager		
Processed 04/13/2016		* Electronically provided signatures are accepted as original signatures.	



RECEIVED
MAY 26 2016
DEPT OF WATER RESOURCES

RECEIVED
MAY 20 2016
Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

May 17, 2016

Idaho Department of Water Resources
900 North Skyline
Idaho Falls, Idaho 83402

Dear IDWR:

Enclosed please find the "Application for Transfer of Water Right" form for the transfer of the point of diversion for water rights 73-12234 and 73-42. Please initiate the Interagency Billing Process for the \$500.00 for the application fee. When processing these applications, use PCA 35796, and code B6RA. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

Please send a copy of the transfer to the water Big Creek Ranch LLC, and IDFG, Attn: Larry Weeks, 97 Hwy 93 N, Salmon, Idaho 83467.

Please call me if you have any questions at 208-756-6022.

Sincerely,

Larry Weeks
Easement Specialist

Enc: "Application for Transfer of Water Right"

Keeping Idaho's Wildlife Heritage