

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 02 2016

DEPARTMENT 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 Phone (208) 788-3219

2. MAILING ADDRESS P.O. Box 5987 City Ketchum

State _____ ID _____ Zip 83340-5987 Email _____

- ☐ 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) 73-2102

- ☒ 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 2.4 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*.

[illegible]

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 diversion works, lockable controlling works, and measuring device will be installed as required by the "Consent Order and Agreement" signed by Big Creek Ranch LLC on March 9, 2016.

- b. Who owns the property at the point(s) of diversion? BLM (existing POD); Northwest Fidelity Trust (proposed POD)

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

Existing point of diversion was decreed in the SRBA and was not contested by BLM. Access to the proposed

point of diversion is authorized by the attached letter signed by Northwest Fidelity Trust.

- 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 of applicant or authorized agent

Michael E. Page, Manager
Print name and title if applicable

4/22/16
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 _____ pages of attachments.

Received by di

Date 5-2-16

Fee paid \$1660.00

Date 5-2-16

Received by di

Receipt # C101956

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)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-2102

Current Owner: BIG CREEK RANCH LLC
Priority Date: 7/19/1915
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

2.4 CFS

Annual VolumeTotal Diversion
2.4 CFS**Location of Point(s) of Diversion**

BIG CREEK
CUSTER County
BIG CREEK
LEMHI County
BIG CREEK
CUSTER County

NE1/4NW1/4 Sec. 13, Twp 13N, Rge 23E B.M.
SE1/4NW1/4 Sec. 27, Twp 14N, Rge 22E B.M.
(Rediversion)
SE1/4SW1/4 Sec. 27, Twp 13N, Rge 23E B.M.
(Injection)

Place of UseIRRIGATION Within CUSTER County

T14N R22E S16	SWSW	7.20	T14N R22E S17	SWNE	6.70
T14N R22E S17	NENW	10.00	T14N R22E S17	NWNW	40.00
T14N R22E S17	SWNW	40.00	T14N R22E S17	SENE	39.00
T14N R22E S17	NESW	40.00	T14N R22E S17	NWSW	40.00
T14N R22E S17	SWSW	33.00	T14N R22E S17	SESW	40.00
T14N R22E S17	NESE	7.40	T14N R22E S17	NWSE	32.00
T14N R22E S17	SWSE	40.00	T14N R22E S17	SESE	38.00
T14N R22E S18	NENE	40.00	T14N R22E S18	SENE	40.00
T14N R22E S18	NESE	40.00	T14N R22E S18	SESE	11.00
T14N R22E S20	NENE	40.00	T14N R22E S20	NWNE	39.70
T14N R22E S20	SENE	39.50	T14N R22E S20	NENW	39.00
T14N R22E S21	NENW	12.00	T14N R22E S21	NWNW	37.00
T14N R22E S21	SWNW	40.00	T14N R22E S21	SENE	40.00
T14N R22E S21	NESW	40.00	T14N R22E S21	NWSW	39.70
T14N R22E S21	NWSE	40.00			

Total Acres: 951.2

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. R63 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. X35 Rights 73-157, 73-158, 73-2102 and 73-2155 when combined shall not exceed the irrigation of 255.3 acres.
4. 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.
5. 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).
6. 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. X35 Rights 73-157, 73-158, 73-2102, 73-2155 and 73-12234 when combined shall not exceed the irrigation of 323.5 acres.
10. 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.
11. 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.

Decreed Date: 9/29/2010

April 21, 2016

James Cephalo
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

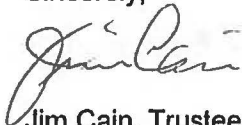
Subject: Applications for California Ditch Point of Diversion Transfer

Dear Mr. Cephalo,

Water rights owned by Big Creek Ranch LLC and Flying Joseph Ranch LLC share a point of diversion from Big Creek, which is a tributary of the Pahsimeroi River. The point of diversion described by decrees for these rights indicates a location on a channel that originates on Big Creek. The actual location of the diversion from Big Creek is located on property owned by Northwest Fidelity Trust (the Trust). Please see the attached map provided by SPF Water Engineering.

Big Creek Ranch and Flying Joseph Ranch recently signed a document titled "Consent Order and Agreement" (the Agreement) to resolve a Notice of Violation issued by IDWR in 2015. The Agreement requires that Big Creek Ranch and Flying Joseph Ranch file transfer applications for their water rights to add the location of the Big Creek point of diversion on the Trust's property. The Trust is aware of these applications and does not object to IDWR processing the applications and issuing approved transfers authorizing the correction as to the point of diversion for water rights 73-2102, 73-32, 73-10023, 73-10041, and 73-12110.

Sincerely,

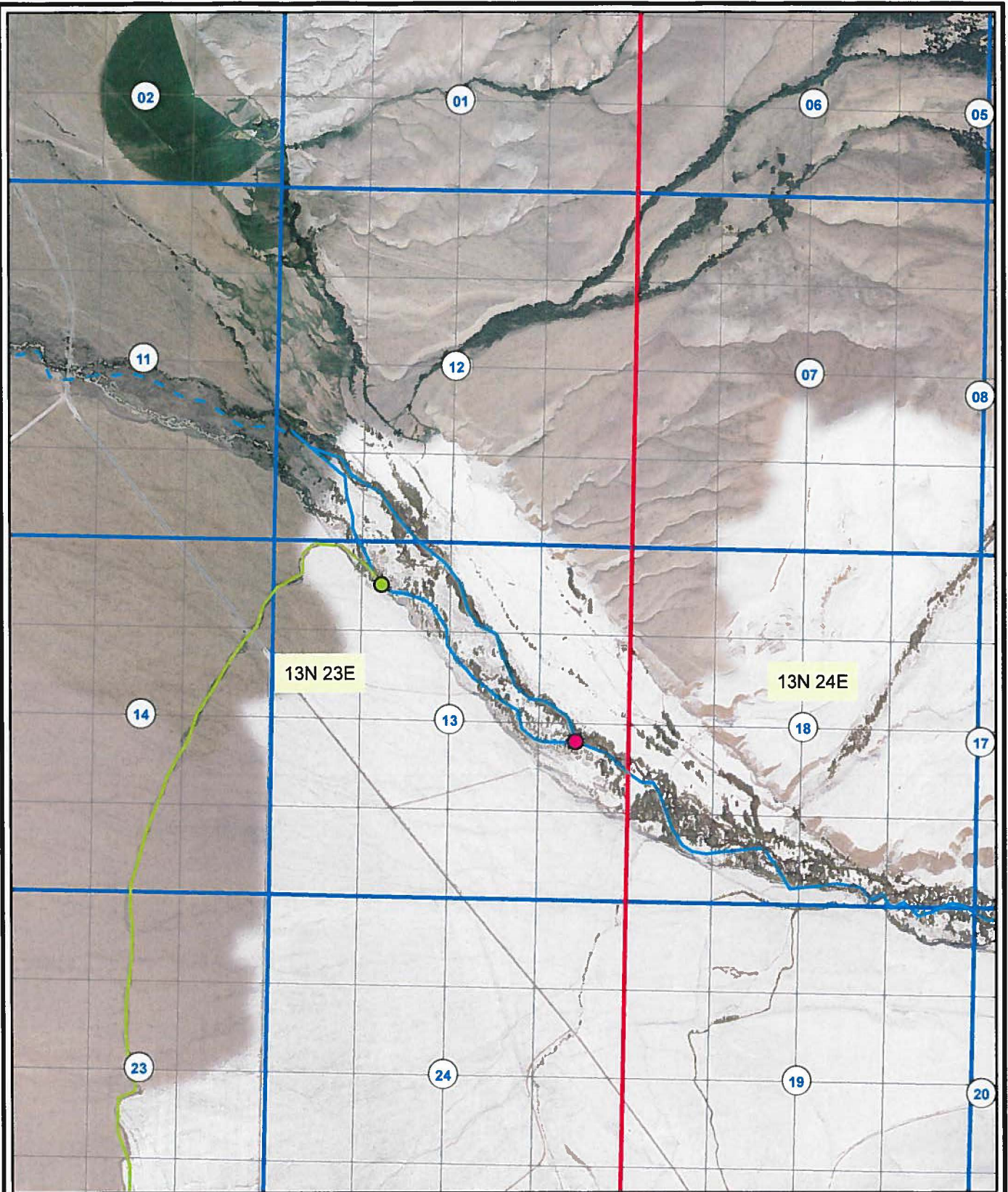


Jim Cain, Trustee
Northwest Fidelity Trust

Cc: Michael Page, Jim Speck

Enclosure

*Attachment to Application
for Transfer # 62865*



- Proposed Point of Diversion
- Existing Point of Diversion
- California Ditch
- Big Creek

**Proposed Change to Point of Diversion
Water Right 73-2102**

27

0.25

Miles



**SPF WATER
ENGINEERING**



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

May 31, 2016

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

RE: Transfer No. 80895
Water Right No(s). 73-2102

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 CHALLIS MESSENGER, RECORDER HERALD on 6/2/2016 and 6/9/2016. 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,

Jean Hersley
Technical Records Specialist

CC: SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE, ID 83706



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 31, 2016

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

RE: Application for Transfer No.: Transfer No. 80895 (Water Right No(s).73-2102), Transfer No. 80878 (Water Right No(s). 73-10023, 73-10041, 73-12110, 73-32), Transfer No. 80831 (Water Right Nos. 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80833 (Water Right Nos. 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80834 (Water Right Nos. 74-162, 74-163, 74-164, 74-7064, 74-7271)

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,

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

May 31, 2016

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

RE: Application for Transfer No.: Transfer No. 80895 (Water Right No(s). 73-2102), Transfer No. 80878 (Water Right No(s). 73-10023, 73-10041, 73-12110, 73-32), Transfer No. 80831 (Water Right Nos. 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80833 (Water Right Nos. 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80834 (Water Right Nos. 74-162, 74-163, 74-164, 74-7064, 74-7271)

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,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, May 31, 2016 12:36 PM
To: Cefalo, James
Subject: Transfer applications

Application for Transfer No.: Transfer No. 80895 (Water Right No(s).73-2102), Transfer No. 80878 (Water Right No(s). 73-10023, 73-10041, 73-12110, 73-32), Transfer No. 80831 (Water Right Nos. 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80833 (Water Right Nos. 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80834 (Water Right Nos. 74-162, 74-163, 74-164, 74-7064, 74-7271)

These will be advertised June 2 and 9th with the protest deadline June 20, 2016. The documents will be scanned by the end of the day. Please let us know before June 20, 2016 if you have any comments or concerns. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, May 31, 2016 12:20 PM
To: Yenter, Cindy; Clark, Cynthia (Bridge)
Subject: Transfer Applications 80895, 80878, 80831, 80833 and 80834

Application for Transfer No.: Transfer No. 80895 (Water Right No(s).73-2102), Transfer No. 80878 (Water Right No(s). 73-10023, 73-10041, 73-12110, 73-32), Transfer No. 80831 (Water Right Nos. 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80833 (Water Right Nos. 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271), Transfer No. 80834 (Water Right Nos. 74-162, 74-163, 74-164, 74-7064, 74-7271)

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 June 20, 2016.

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 27, 2016 12:58 PM
To: 'Anna Means'
Subject: Legal Notice for Water Right Transfers

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean

208-879-5276 Page 1

May 27, 2016

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

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 before June 20, 2016. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80878

FLYING JOSEPH RANCH LLC, C/O JOSEPH CLARK
7213 PERIMETER RD S, SEATTLE, WA 98108; has filed Application No. 80878 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-10023, 73-10041, 73-12110, 73-32; 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:
Add a point of diversion in NESE, Section 13, T13N, R23E.

TRANSFER NO. 80895

BIG CREEK RANCH LLC, PO BOX 5987, KETCHUM, ID 83340-5987; has filed Application No. 80895 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-2102; 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:
Add a point of diversion in the NESE, Section 13, T13N, R23E.

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 6/20/2016. The protestant must also send a copy of the protest to the applicant.

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 27, 2016 12:56 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Water Right Transfers
Attachments: Legal Notice to Recorder Herold.docx

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
May 27, 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 June 20, 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. 80878

FLYING JOSEPH RANCH LLC, C/O JOSEPH CLARK
7213 PERIMETER RD S, SEATTLE, WA 98108; has filed Application No. 80878 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-10023, 73-10041, 73-12110, 73-32; 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:
Add a point of diversion in NESE, Section 13, T13N, R23E.

TRANSFER NO. 80895

BIG CREEK RANCH LLC, PO BOX 5987, KETCHUM, ID 83340-5987; has filed Application No. 80895 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-2102; 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:
Add a point of diversion in the NESE, Section 13, T13N, R23E.

TRANSFER NO. 80833

LEADORE LAND PARTNERS LP, PO BOX 16025, MISSOULA, MT 59808; has filed Application No. 80833 for changes to the following water rights within LEMHI County(s): Right No(s). 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271; 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 rearrange 242.6 acres of irrigation use on existing full & half pivots located generally in the S1/2SW & SWSE of S23, & N1/2NW & NE of S26, T16N, R26E; & describe conveyance of surface water rights in a new pipeline.

TRANSFER NO. 80831

LEADORE LAND PARTNERS LP, PO BOX 16025, MISSOULA, MT 59808; has filed Application No. 80831 for changes to the following water rights within LEMHI County(s): Right No(s). 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271; 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 rearrange 254.8 acres of irrigation use on two existing pivots located generally in the S1/2NW & SW of S26, & N1/2NW of S35, T16N, R26E; add a new well, & describe conveyance of surface water rights in a new pipeline.

TRANSFER NO. 80834

LEADORE LAND PARTNERS LP, PO BOX 16025, MISSOULA, MT 59808; has filed Application No. 80834 for changes to the following water rights within LEMHI County(s): Right No(s). 74-162, 74-163, 74-164, 74-7064, 74-7271; 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 rearrange 155.6 acres of irrigation use on two existing partial pivots located generally in the S1/2NE, SESW & SE of S27, & NENE of S34, T16N, R26E; change the ground water point of diversion to an existing well & remove a point of diversion from Canyon Creek.

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 6/20/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2016 and 6/9/2016

MEMORANDUM

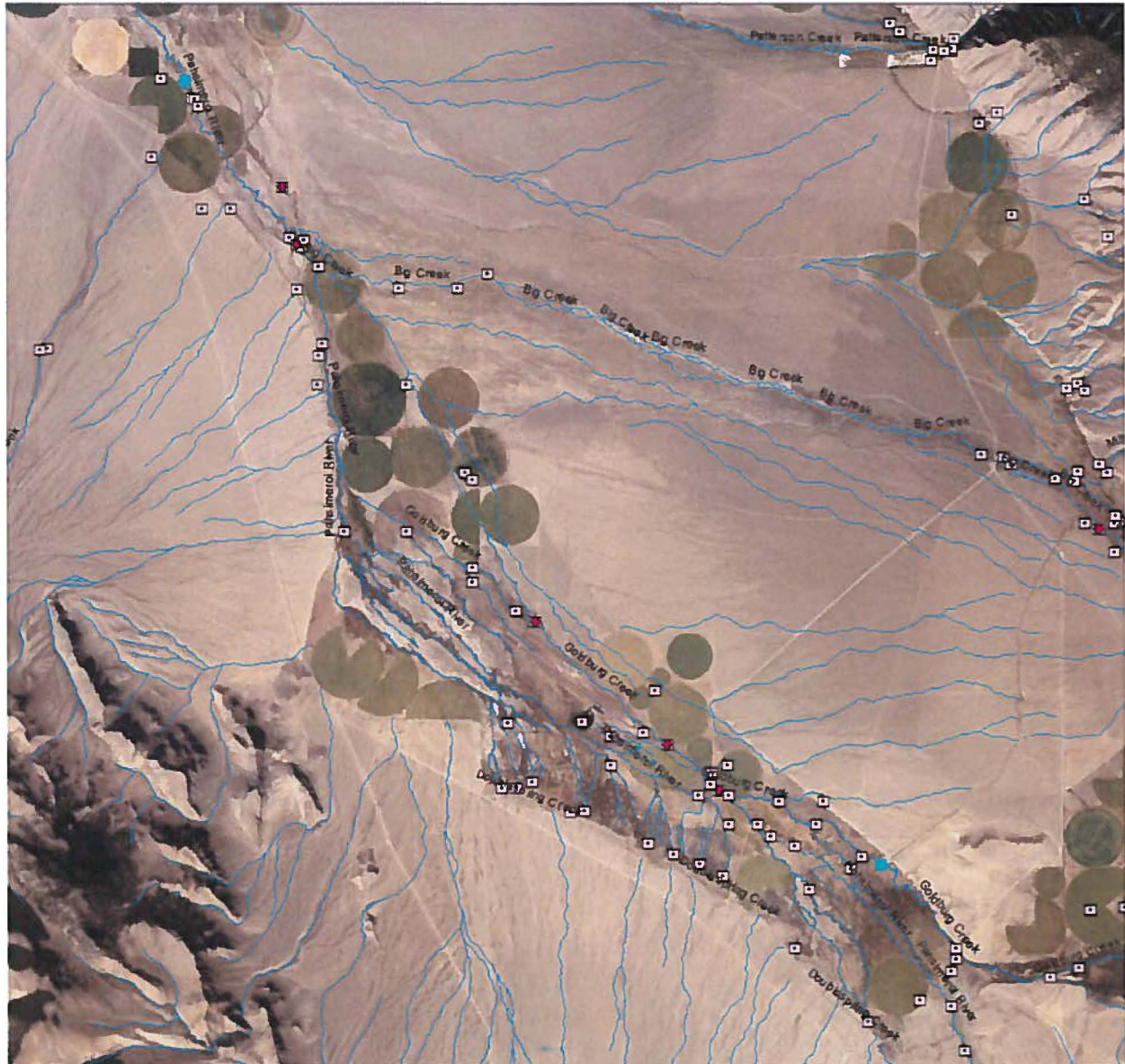
Date: May 26, 2016
To: Transfer 80895
From: Michele Edl
Re: Point of Injection

Water diverted from Big Creek is conveyed through the California Ditch SW toward the Pahsimeroi River. The ditch then injects that Big Creek water into a flood plain area that may be Goldburg Creek or may be the Pahsimeroi River. I have confirmed that the PLSS address for the point-of-injection is correct. However the target waterway is unclear.

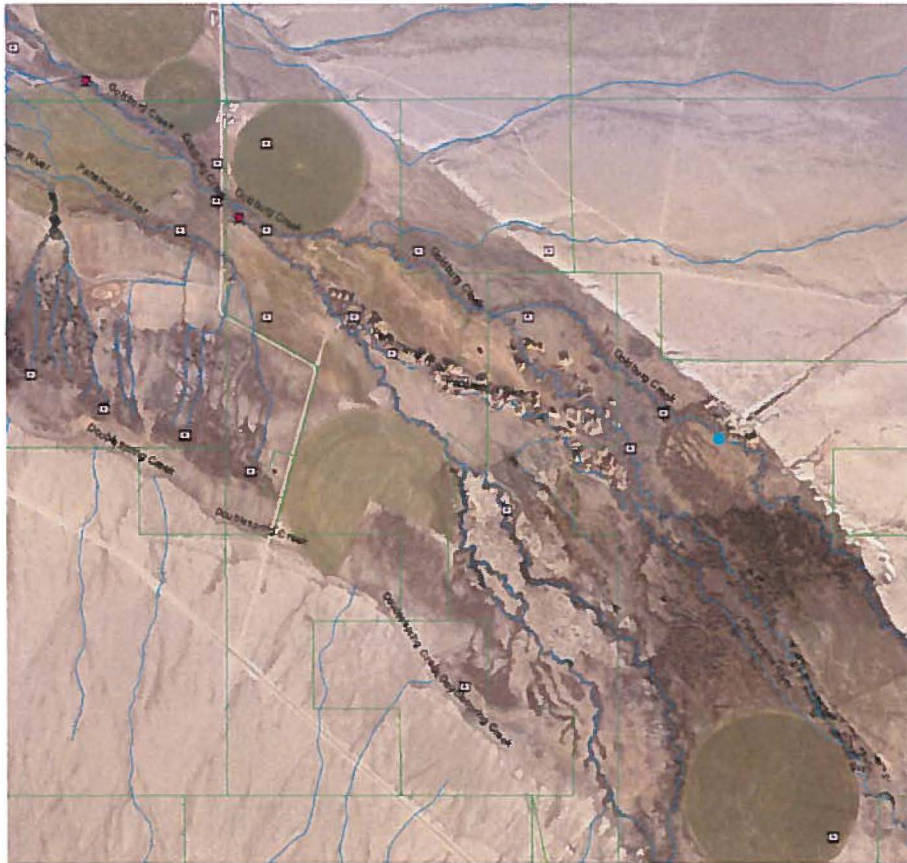
There is no confusion about the source of water at the re-diversion point.

The National Hydrography Dataset identifies the waterway at the injection site as Goldburg Creek. So this right will now have conditions which identify both the injection waterway and the rediversion waterway.

Transfer 80895 Injection/Rediversion Points Overview



Point of Injection into Goldberg Creek



Point of Rediversion from Pahrump River



Edl, Michele

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Wednesday, May 18, 2016 1:24 PM
To: Edl, Michele
Subject: RE: xfer injection & rediversion pts

Michele –

In both cases (Flying Joseph Ranch 80878, and Big Creek Ranch 80895) the intention is to add a point of diversion. The existing point of diversion, point(s) of injection, and point(s) of rediversion do not change.

Roxanne

From: Edl, Michele [<mailto:Michele.Edl@idwr.idaho.gov>]
Sent: Wednesday, May 18, 2016 11:44 AM
To: Roxanne Brown
Subject: xfer injection & rediversion pts

Roxanne Brown,

I have nearly completed the work on Flying Joseph Ranch's transfers 80878 and 80895.

Before they get prepped for advertizing, I need to confirm that Flying Joseph Ranch intends to keep the points-of-injection and points-of-rediversion.

Both applications for transfer list points-of-diversion only. But all of the rights which are acted on by the two transfers have injection and rediversion points too. Flying Joseph Ranch's intent for those I and R points isn't as clear as it needs to be.

Please confirm that Flying Joseph Ranch intends to keep the injection and rediversion points in addition to the existing points of diversion and the requested new point of diversion.

Thanks.

Michele Edl

MEMORANDUM

Date: May 10, 2016
To: Transfer 80895
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

Authority to File: According to available Lemhi County taxlot information, the proposed POD is within land owned by Northwest Fidelity Trust.

Water right 73-2102 is in the name of Big Creek Ranch, LLC. 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.

The application package included a copy of a letter addressed to James Cefalo, (manager, IDWR Eastern Region) from Jim Cain (trustee, Northwest Fidelity Trust). The letter confirms that both Flying Joseph Ranch and Big Creek Ranch, LLC are authorized to use a point of diversion on the trust property.

There are no HESs in the vicinity.

Water Right Validity: SRBA decree for 73-2102 was issued on September 29, 2010 to Big Creek Ranch, LLC. Big Creek Ranch LLC holds other water rights which divert from Big Creek but they do not divert from the same points.

Forfeiture is not an issue at this time but the right holder should take some action before the end of 2016 in order to preserve the full value of this right.

Injury to Other Water Rights: The proposed POD is an existing but unauthorized diversion from Big Creek. It is approximately 0.75 miles upstream on Big Creek from the authorized POD which is identified by tag A0013415 and SpatialDataID 359750. The authorized POD is shared by water rights 73-32, 73-10023, 73-10041 and 73-12110 and Flying Joseph Ranch LLC.

This proposed POD will continue to be a shared POD. It is also the proposed second POD for water rights 73-32, 73-10023, 73-10041 and 73-12110 held by Flying Joseph Ranch LLC. See transfer 80878. Between the first POD and this new second POD are the diversions for junior priority BLM stockwater right 73-11503.

These water rights are within the Wild & Scenic Watershed for the Salmon River and the watershed for the Pahsimeroi River minimum streamflow right 73-07045. As a consequence, this application will be subject to scrutiny by other agencies.

Enlargement of Use: No enlargement is anticipated. The transfer approval will limit the rights to the standard diversion rate and volume for the area and the rights will be under watermaster control. Measurement and control devices were agreed upon in the Consent Order and Agreement.

A review of aerial photography from the period after the SRBA decree date of 73-2102 shows some regular irrigation but not as the decree described it. Some acres have been idled for at least 5 years while other acres have been put under pivot irrigation without the authorization of a transfer. An additional transfer is needed to correct the POU's.

Local Public Interest: Review staff has no information to suggest that this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources: The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No negative effect on the local economy is anticipated.

Effect on Agricultural Base of the Local Area: No negative effect on the agricultural base of the local area is anticipated.

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.



RECEIVED

MAY 02 2016

DEPARTMENT OF
WATER RESOURCES

May 2, 2016

Pam Skaggs
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Application for Transfer of Water Rights – Point(s) of Diversion
Water Right Nos. 73-2102

Dear Pam,

On behalf of Big Creek Ranch, we are pleased to submit the enclosed *Application for Transfer*. The application seeks authorization to add a point of diversion to an existing water right in compliance with the "Consent Order and Agreement" entered into by IDWR, Big Creek Ranch LLC, and Flying Joseph Ranch LLC to resolve Notice of Violation No. E2015-921 dated December 10, 2015. SPF previously submitted a similar transfer application for Flying Joseph Ranch.

We understand the filing fee for this application is \$660.00. You will find a check for that amount enclosed. Please contact me with any questions.

Best Regards,

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

Roxanne Brown
Sr. Water Rights Specialist

CC: Michael Page, Big Creek Ranch LLC (via email)
Cindy Yenter, Water District 170 Watermaster (via email)

Enclosures

SPF Job No. 836.0170