



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

October 3, 2013

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

RE: License No. 73-7124

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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 a party 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.

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 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

73-7124

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

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



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 73-07124

Priority: June 10, 1994

Maximum Diversion Rate: 2.00 CFS

It is hereby certified that BIG CREEK RANCH LLC
PO BOX 5987
KETCHUM ID 83340-5987 has complied with the terms and conditions of
the permit, issued pursuant to Application for Permit dated May 02, 1994; and has submitted Proof of
Beneficial Use on August 09, 1995. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SE1/4 Sec. 18, Twp 14N, Rge 22E, B.M. CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 21E 13				16.0									40.0	7.8	1.5	28.0	93.3
14N 22E 18							14.0		5.2	38.0	24.0	.5					81.7

Total Acres: 175

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99.8 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2141 and 73-7124 when combined shall not exceed the irrigation of 199.8 acres.
3. Rights 73-2141, 73-2153 and 73-7124 when combined shall not exceed the irrigation of 273.3 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 349.3 af at the field headgate for the place of use.
6. The right holder shall make full beneficial use of right 73-2153 for irrigation of 97.7 acres of the 99.8 acres authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to irrigate more than 2.1 acres to those times when right 73-2153 is not available or is not reasonably sufficient to irrigate 97.7 acres of the authorized place of use.

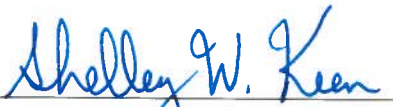
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 73-07124

7. If right 73-2153 is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used to irrigate more than 2.1 acres without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Rights 73-2142 and 73-7124 when combined shall not exceed a total diversion rate of 2.38 cfs.

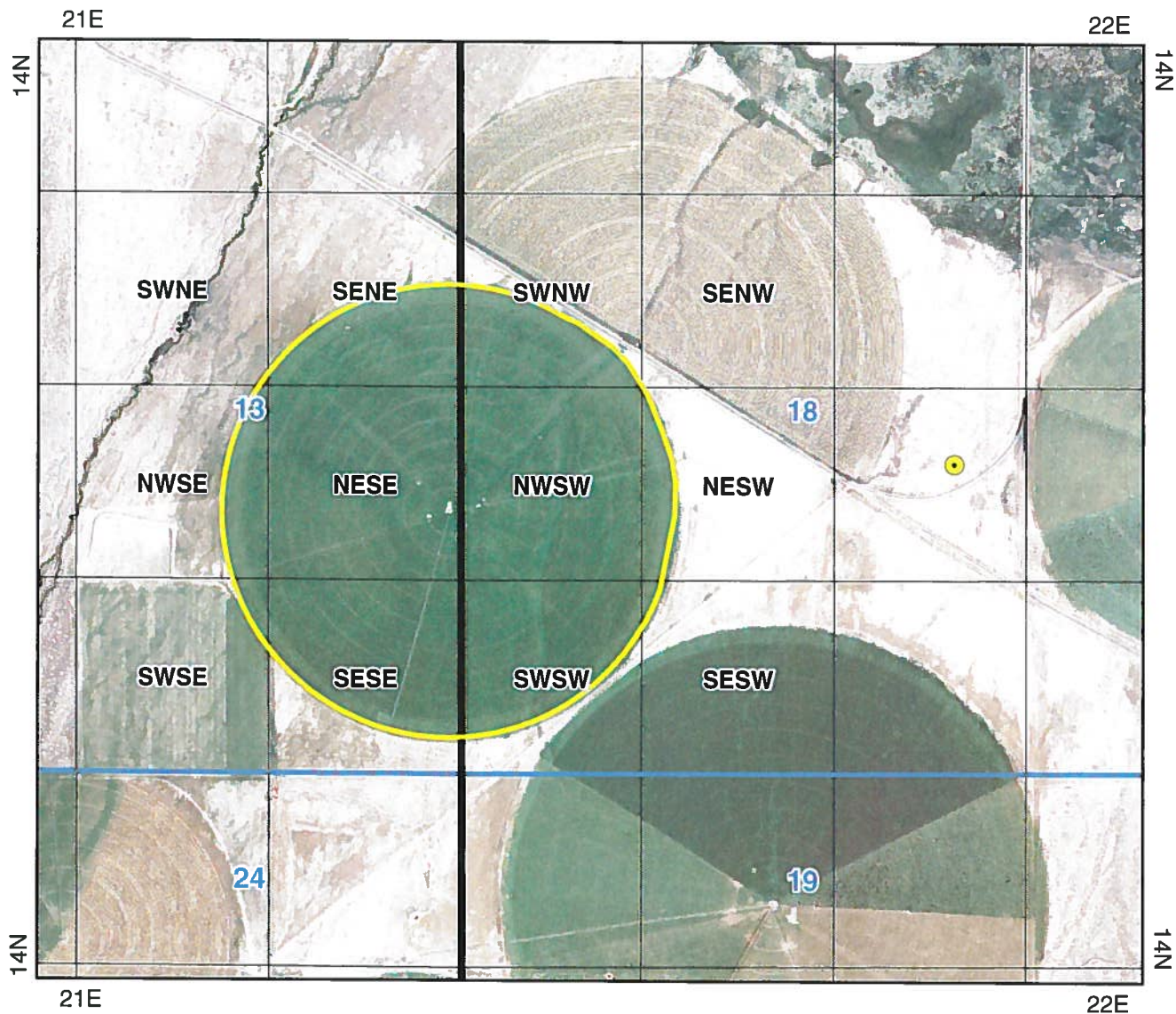
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 1st day of October, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
73-7124

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
-  Quarter Quarters



0 0.25 0.5 Miles

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 73-07124

RECEIVED

SEP 27 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: June 10, 1994

Maximum Diversion Rate: 2.00 CFS

Comes now BIG CREEK RANCH LLC

PO BOX 5987

KETCHUM ID 83340-5987

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 73-07124, and requests that the permit be changed as follows:

Source: GROUND WATER**BENEFICIAL USE**

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

NW1/4SE1/4

Sec. 18, Twp 14N, Rge 22E, B.M.

CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 21E 13				16.0									40.0	7.8	1.5	28.0	93.3
14N 22E 18							14.0		5.2	38.0	24.0	.5					81.7

Total Acres: 175

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 24th day of September, 2013.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 73-07124

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$100.00 Received by _____ # C097605 Date 8/15/2013

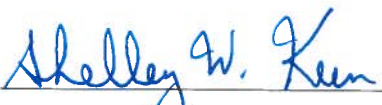
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 73-07124 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99.8 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2141 and 73-7124 when combined shall not exceed the irrigation of 199.8 acres.
3. Rights 73-2141, 73-2153 and 73-7124 when combined shall not exceed the irrigation of 273.3 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 349.3 af at the field headgate for the place of use.
6. The right holder shall make full beneficial use of right 73-2153 for irrigation of 97.7 acres of the 99.8 acres authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to irrigate more than 2.1 acres to those times when right 73-2153 is not available or is not reasonably sufficient to irrigate 97.7 acres of the authorized place of use.
7. If right 73-2153 is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used to irrigate more than 2.1 acres without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Rights 73-2142 and 73-7124 when combined shall not exceed a total diversion rate of 2.38 cfs.

Witness my hand this 1st day of October, 2013.


for GARY SPACKMAN
Director