

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78610

MAY 08 2013

Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED

Name of Applicant(s) Big Creek Ranch LLCPhone (208) 788-1771Mailing address P.O. Box 5987, Ketchum, ID 83340-5987

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #**

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- ☐ No Representative

Name of Representative SPF Water Engineering LLC, c/o Roxanne BrownPhone (208) 383-4140Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706Email rbrown@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.

OR

- ☒ Send original correspondence to the applicant and copies to the representative.

- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Michael Page, Managing Member

Print Name and Title if applicable

5/7/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. This application proposes a permissible place of use for an irrigation delivery system which combines several sources of ground water and surface water. A current place of use within the PPU is specified. A portion of 73-42 remains outside the proposed permissible place of use with no overlapping water rights. Water from Patterson Creek (73-42) will be delivered in a pipeline/flume to the west side of the Pahsimeroi River.

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DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 37.86 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 37.58 cubic feet per second and/or acre-feet per annu

3. Point(s) of Diversion: See point of diversion supplement

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SE	NW	27	14N	22E	Custer	Pahsimeroi River	Diversion P-14
N			SE	NE	16	14N	22E	Lemhi	Patterson Creek	Diversion
N			NW	SW	12	13N	23E	Lemhi	Big Creek	Diversion

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) See place of use supplement

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	14N	22E	27			NW	SE	Lemhi	Big Creek	Injection
☐ Yes	14N	22E	27			SE	NW	Lemhi	Big Creek	Rediversion
☐ Yes	13N	23E	27			SE	SW	Custer	Big Creek	Injection
☐ Yes	14N	22E	17			NW	SW	Custer	ground water	Diversion
☐ Yes	14N	22E	21			NE	SW	Custer	ground water	Diversion
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. Permissible Place of Use Description:

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	22E	16											7.2						7.2
		17			6.7		9.8	39.9	40	38.6	40	40	33	40	7.4	32	40	38.3	405.7
		18	40			40									40			11	131.0
		20	40	38.3	6.4*	39.5	15								12*				151.2
		21					12	37	40	40	40	39.7				40			248.7
													943.8	acre permissible place of use					
14N	22E	16										5.4							5.4
		17		26	26	13	11			0.2					24	3.2			103.4
															108.8-acre place of use for 73-42 outside of PPU				
14N	22E	17			2.5			0.3	39	14	39.8	40	28	28	2.1	27	30	13	263.7
		18				26									36			8.1	70.1
		20	36	37	5.9	28													106.9
		21					8.8	20	40	36	30	37				35			206.8

647.5 acres within a 943.8-acre PPU

*Place of use on BLM land.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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 from Patterson Creek is subject to the conditions on Transfer No. 77801 (approved July 24, 2012) which require a lockable controlling works and appropriate fish screen. All points of diversion will include lockable control works, screens and measuring devices.

- b. Who owns the property at the point(s) of diversion? applicant, BLM, private parties

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Access to the existing points of diversion has not been restricted in the past.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type lien: The lands are not subject to any liens, deeds of trust, mortgages, or contracts.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No irrigation will occur outside the areas designated in this application.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None.

- f. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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

Current Water Right No.: 73-42

Current Owner: BIG CREEK RANCH LLC

Priority Date: 2/20/1886

Origin: Water Right

Status: Active

Basis: Decreed

Source

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31

10 CFS

STOCKWATER 01/01 to 12/31

0.23 CFS

Total Diversion

10 CFS

Location of Point(s) of Diversion

PATTERSON CREEK

SE1/4NE1/4

Sec. 16, Twp 14N, Rge 22E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T14N R22E S16	SWNW	3.60	T14N R22E S16	NWSW	17.00
T14N R22E S16	SWSW	1.10	T14N R22E S17	NWNE	34.00
T14N R22E S17	SWNE	33.00	T14N R22E S17	SENE	31.00
T14N R22E S17	NENW	29.00	T14N R22E S17	NWNW	32.00
T14N R22E S17	SWNW	36.00	T14N R22E S17	SENW	36.00
T14N R22E S17	NESW	24.00	T14N R22E S17	NWSW	2.20
T14N R22E S17	SESW	0.40	T14N R22E S17	NESE	35.00
T14N R22E S17	NWSE	35.00	T14N R22E S17	SWSE	14.00
T14N R22E S17	SESE	17.00	T14N R22E S18	NENE	35.00
T14N R22E S18	SENE	17.00			

Total Acres: 432.3

STOCKWATER Within LEMHI County

T14N R22E S16	NWSW	T14N R22E S17	SWNW
T14N R22E S17	NESW	T14N R22E S17	NWSW
T14N R22E S17	SWSE	T14N R22E S17	SESE
T14N R22E S18	SWNE		

Conditions of Approval:

1. X35 Rights 73-42, 73-157, 73-158, 73-2102 and 73-2155 when combined shall not exceed a total of the irrigation of 432.3 acres.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. 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.
4. 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.
5. 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.
6. B01 Source is also known as the West Branch of Spring Creek, Big Spring Creek, Spring Creek, or O Neal Creek.
7. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 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).
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. 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.
13. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Decreed Date: 9/29/2010

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

Current Water Right No.: 73-12180

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
Priority Date: 8/1/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/1 to 10/31	0.8 CFS	186 AF
	<u>Total Diversion</u>	0.8 CFS	186 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4 Sec. 21, Twp 14N, Rge 22E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S20	SWNE	11.00	T14N R22E S20	NESE	13.00
T14N R22E S21	SWNE	29.00			

Total Acres: 53

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 73-2145.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12179

Current Owner: BIG CREEK RANCH LLC
Priority Date: 8/1/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	5.6 CFS	1304 AF
	<u>Total Diversion</u>	5.6 CFS	1304 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4 Sec. 21, Twp 14N, Rge 22E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S16	SWSW	4.00	T14N R22E S17	SWSE	6.10
T14N R22E S17	SESE	16.00	T14N R22E S20	NENE	40.00
T14N R22E S20	NWNE	29.00	T14N R22E S20	SENE	39.00
T14N R22E S21	NENW	9.40	T14N R22E S21	NWNW	35.00
T14N R22E S21	SWNW	40.00	T14N R22E S21	SENE	40.00
T14N R22E S21	NESW	39.00	T14N R22E S21	NWSW	39.00
T14N R22E S21	NWSE	36.00			

Total Acres: 372.5

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. This right is a split from former right 73-2145.
4. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-7022

Current Owner: BIG CREEK RANCH LLC

Priority Date: 2/28/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.76 CFS	637.7 AF
	<u>Total Diversion</u>	2.76 CFS	637.7 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 17,	Twp 14N,	Rge 22E B.M.
CUSTER County				

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNW	3.20	T14N R22E S17	NESW	13.00
T14N R22E S17	NWSW	38.00	T14N R22E S17	SWSW	31.00
T14N R22E S17	SESW	27.00	T14N R22E S18	SENE	20.00
T14N R22E S18	NESE	40.00	T14N R22E S18	SESE	10.00

Total Acres: 182.2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 10/20/2009

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

Current Water Right No.: 73-2155

Current Owner: BIG CREEK RANCH LLC
Priority Date: 2/27/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

6.4 CFS

6.4 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

SE1/4NW1/4

Sec. 27, Twp 14N, Rge 22E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

Conditions of Approval:

1. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 9/29/2010

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**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

Total Diversion

Diversion Rate

2.4 CFS

2.4 CFS

Annual Volume

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 Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

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Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
3. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 9/29/2010

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

Current Water Right No.: 73-158

Current Owner: BIG CREEK RANCH LLC
Priority Date: 5/1/1888
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

5 CFS

5 CFS

Annual Volume

Location of Point(s) of Diversion

BIG CREEK

CUSTER County

BIG CREEK

LEMHI County

BIG CREEK

LEMHI County

NW1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

NW1/4SE1/4

Sec. 27,

Twp 14N,

Rge 22E B.M.

(Injection)

SE1/4NW1/4

Sec. 27,

Twp 14N,

Rge 22E B.M.

(Rediversion)

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

Conditions of Approval:

1. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.
2. D09 The appropriator is entitled to the quantity of water described above at the point of measurement in T14N, R22E, S26, SWSW.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
5. Water under this right shall only be delivered when there is insufficient water in the Pahsimeroi River and Patterson Creek (Spring Creek) to deliver 14.4 cfs using water rights 73-42 and 73-157, and then only to the extent of supplying 14.4 cfs.

Decreed Date: 9/29/2010

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

Current Water Right No.: 73-157

Current Owner: **BIG CREEK RANCH LLC**
Priority Date: **5/1/1886**
Origin: **Water Right**
Status: **Active**
Basis: **Decreed**

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

4.4 CFS

Annual Volume

Total Diversion

4.4 CFS

Location of Point(s) of Diversion

PAHSIMEROI RIVER
CUSTER County

SE1/4NW1/4 Sec. 27, Twp 14N, Rge 22E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

Conditions of Approval:

1. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.

Decreed Date: 9/29/2010

78610

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78610

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

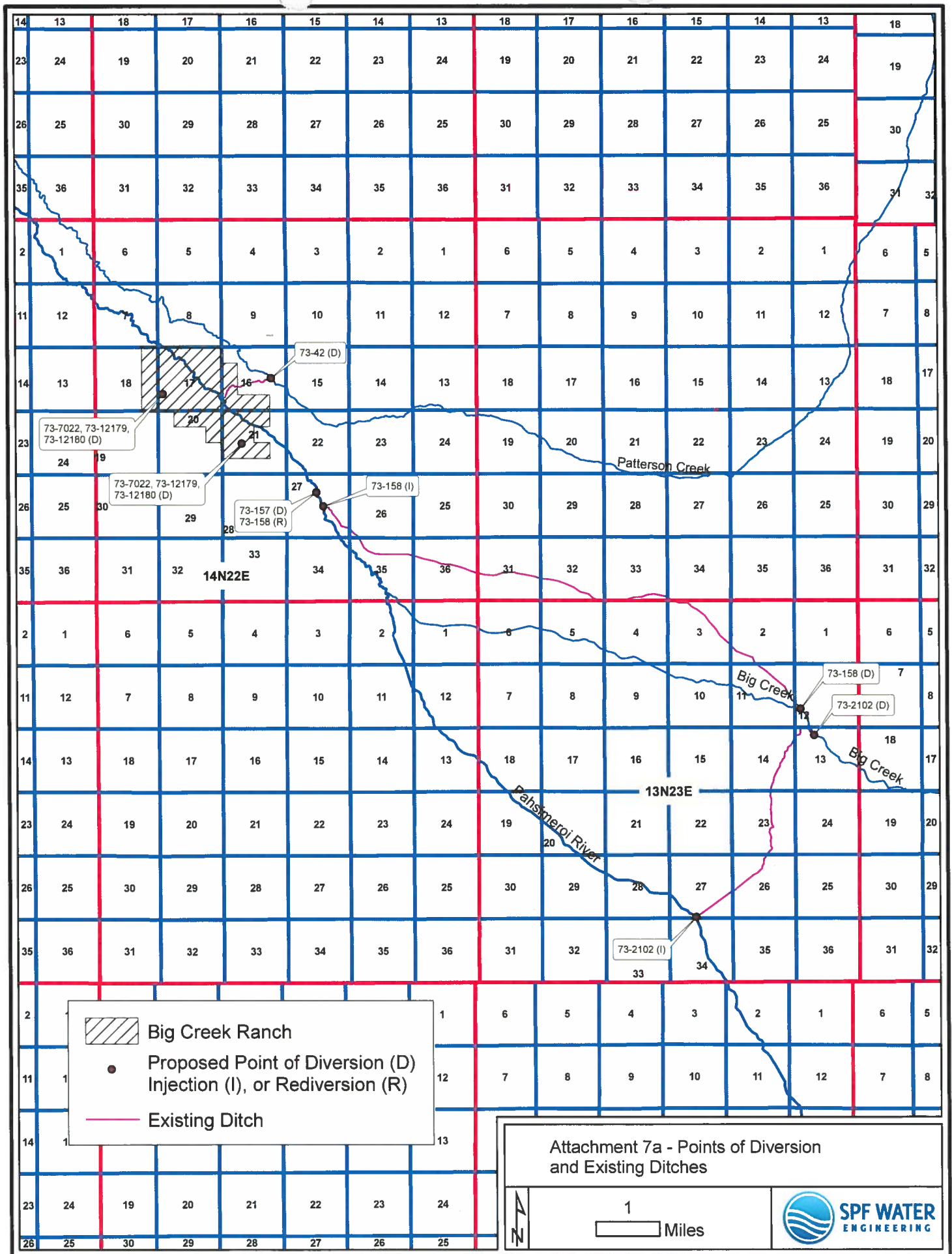
- | Yes | N/A | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☒ | ☐ | * Complete and attach an Application for Transfer Part 2B for each water right for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

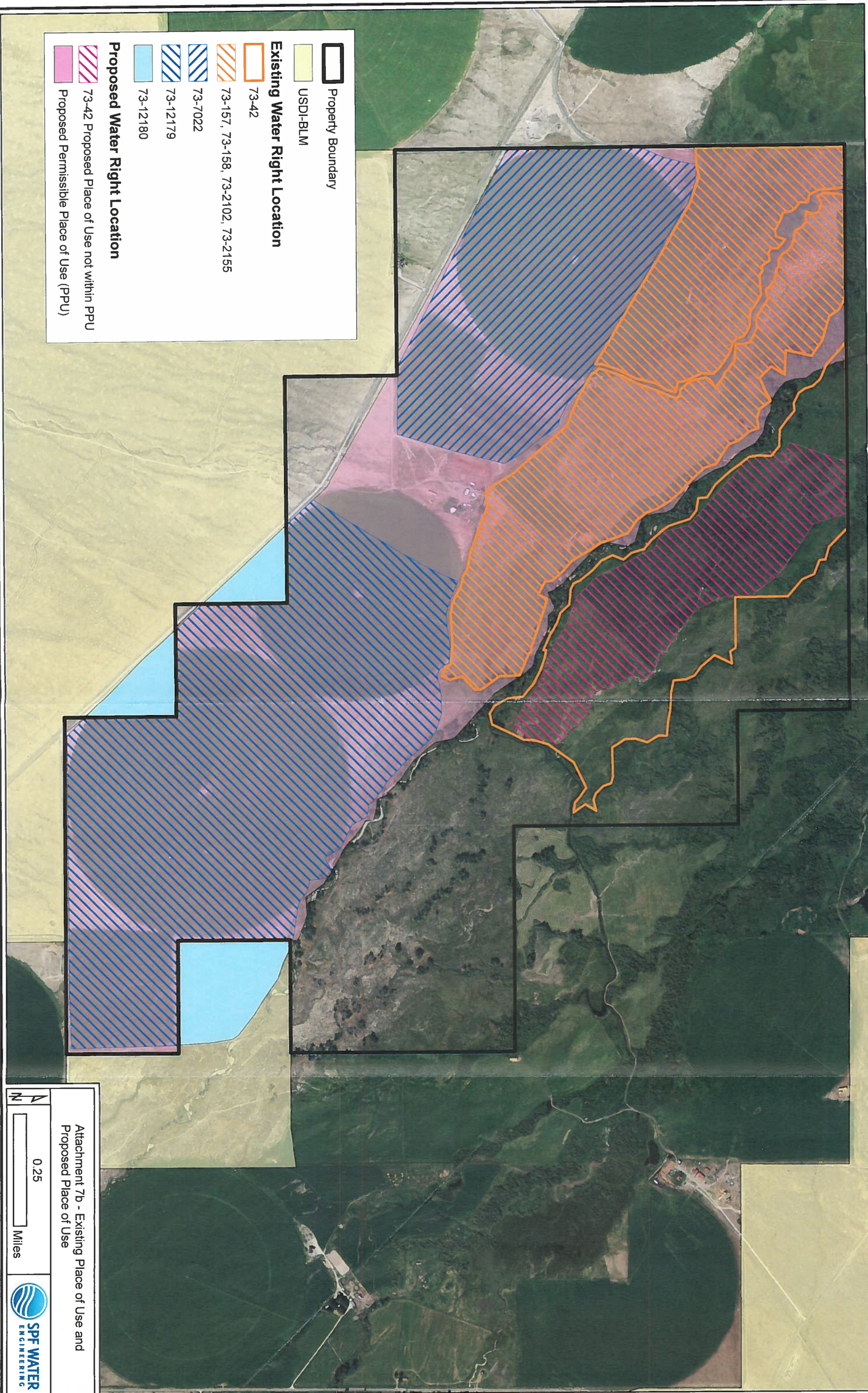
- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☐ | ☒ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☐ | ☒ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | * #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented both before and after the proposed change. (See Part 3C.) |
| ☒ | ☐ | #9 Other. Please describe: <u>Additional Information, "Stipulation to Resolve Objections"</u> |

78610

Attachment #7



78610



 Property Boundary

 USDI-BLM

Existing Water Right Location

 73-42

 73-157, 73-158, 73-2102, 73-2155

 73-7022

 73-12179

 73-12180

Proposed Water Right Location

 73-42 Proposed Place of Use not within PPU

 Proposed Permissible Place of Use (PPU)

Attachment 7b - Existing Place of Use and
Proposed Place of Use



0.25

Miles



Property Boundary

USDI-BLM

Proposed Water Right Location

Proposed Place of Use

Proposed Permissible Place of Use

Attachment 7c - Proposed Permissible Place of Use
and Proposed Place of Use

0.25

Miles

Attachment 9

BIG CREEK RANCH, LLC

UNITED STATES OF AMERICA

DAVID L. NEGRI, ISB # 6697
United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Phone: (208) 334-1936; Fax: (208) 334-1414

In Re SRBA) Subcase Numbers: 73-00013, 73-00014,
) 73-00161, 73-00162, 73-00163, 73-00246
Case No. 39576) and 73-02145
)
) **STIPULATION TO RESOLVE**
) **OBJECTIONS**

7 8 6 1 0

STIPULATION

1. The parties agree and stipulate to "split" Water Right Claim Numbers 73-00013, 73-00014, 73-00161, 73-00162, 73-00163, 73-00246 and 73-02145. The Claimant shall hold title to the portions of these water right claims with places of use that describe private land under Water Right Claim Numbers 73-12179, 73-12181, 73-12183, 73-12185, 73-12187, 73-12189 and 73-12191 (collectively, "private land water rights"). The United States shall hold title to the portions of these water right claims with places of use that describe federal public land¹ under Water Right Claim Numbers 73-12180, 73-12182, 73-12184, 73-12186, 73-12188 and 73-12190 (collectively, "federal land water rights"). The federal public land places of use are described as follows:

73-00013, 73-00014, 73-00161, 73-00162, 73-00163, 73-00246:

T13N, R23E, S01, Lot 7 (SWSW)	0.80 acres
T13N, R23E, S02, NESW	14.00 acres
T13N, R23E, S02, NESE	5.20 acres
T13N, R23E, S03, Lot 1 (NENE)	24.00 acres
T13N, R23E, S11, NWNE	8.00 acres
T13N, R23E, S11, NESE	3.00 acres
T13N, R23E, S12, Lot 1 (NWNW)	6.00 acres
T13N, R23E, S12, NESW	1.40 acres

	62.40 acres

73-02145:

T14N, R22E, S20, SWNE	11.00 acres
T14N, R22E, S20, NESE	13.00 acres
T14N, R22E, S21, SWNE	29.00 acres

	53.00 acres

	115.40 total acres

¹In this Stipulation, the term "public land" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership" 43 U.S.C. § 1702(e).

2. The United States and the Claimant agree and stipulate that the parties shall execute Standard Forms 5 to effectuate the "split" described in paragraph one of this Stipulation.

3. The United States and the Claimant further agree and stipulate that, after the filing of SF-5s with the SRBA District Court, the parties shall participate, pursuant to I.C. § 42-222, in the filing of an administrative transfer with the Idaho Department of Water Resources ("IDWR") to transfer a portion of the federal land water rights described in paragraph 1 above onto private land and in the name of the Claimant. In the event that such transfer, or any portion of such transfer, is not approved by IDWR, the related federal land water right, or portion thereof, shall be subject to paragraph 6 below.

a. Except as further modified by paragraph 3(c) below, the portion of the federal land water rights that will be the subject of an administrative transfer onto private land (because the Claimant is not pursuing a land use authorization for these acres) in the name of the Claimant is described by the following federal land places of use:

T13N, R23E, S01, Lot 7 (SWSW)	0.80 acres
T13N, R23E, S02, NESW	14.00 acres
T13N, R23E, S02, NESE	5.20 acres
T13N, R23E, S11, NWNE	8.00 acres
T13N, R23E, S11, NESE	3.00 acres
T13N, R23E, S12, Lot 1 (NWNW)	6.00 acres
T13N, R23E, S12, NESW	1.40 acres

	38.40 acres
T14N, R22E, S20, SWNE	4.60 acres
T14N, R22E, S20, NESE	1.00 acres
T14N, R22E, S21, SWNE	29.00 acres

	34.60 acres

	73.00 total acres

b. Except as further modified by paragraph 3(c) below, the portion of the federal land water rights that will remain on federal public land in the name of the United States, and that is associated with an application for a land use authorization filed with the BLM, is described by the following federal land places of use:

T13N, R23E, S03, Lot 1 (NENE)	24.00 acres (see 3.c.)
T14N, R22E, S20, SWNE	6.40 acres
T14N, R22E, S20, NESE	12.00 acres

	42.40 total acres

c. One of the POUs remaining on federal public land within T13N, R23E, S03, Lot 1 (NENE) was recommended in Amended Director's Report for 24.00 acres, but there is 26.40 acres of irrigated activity within that POU to be included in the application for Land Use Authorization. To resolve this discrepancy, 2.40 acres of the acres referred to under paragraph 3(a) will be moved to this POU rather than to private land. A total of 44.80 acres (42.40 + 2.40) of BLM land will therefore be the subject of the land use authorization application and a total of 70.60 acres (73.00 - 2.40) will be transferred from federal land to private land.

4. Within thirty (30) days of the date this Stipulation is filed with the SRBA District Court, the Claimant agrees and stipulates that it will apply for a BLM-issued land use authorization to conduct irrigated agricultural use of the federal public land described in paragraph 3(b) and (c) above. The Claimant recognizes and understands that there is no guarantee or promise implied or inferred by this Stipulation that the BLM will approve or grant said application for land use authorization. If a BLM-issued land use authorization is approved, then the Claimant may utilize the water right claim numbers described above that are in the name

of the United States consistent with such land use authorization and applicable state laws. The Claimant further agrees that no right, title, interest, or economic expectation of use accrues to the Claimant due to the use of federal public land for agricultural purposes or from the use of water rights described herein for that purpose. This Stipulation does not authorize any irrigated agricultural use of federal public land.

5. If, for whatever reason, the Claimant doesn't file for or withdraws its application for land use authorization, or the BLM denies the Claimant's application for a land use authorization or terminates an issued land use authorization, or an issued land use authorization expires and is not renewed, then the BLM agrees to allow the water rights used on the federal public land described in paragraph 3(b) and (c) to be transferred off of federal public land pursuant to I.C. § 42-222, and to convey title to the Claimant of that portion of the water rights successfully transferred off federal public land. The Claimant agrees and stipulates to apply for said transfer within ninety (90) days of the date the Claimant fails to file an application for land use authorization as described in paragraph 4 above, or the Claimant withdraws its application for land use authorization, or of any BLM decision denying the Claimant's application for land use authorization, or of termination of an issued land use authorization according to its terms, or from the date an issued land use authorization expires and is not renewed. The Claimant agrees and stipulates that the Claimant shall not assume title to any places of use which describe public land pursuant to the aforementioned transfer. All costs incurred for seeking such transfer shall be borne by the Claimant.

6. The Claimant agrees and stipulates that if the Claimant doesn't file for or withdraws its application for land use authorization, or the BLM denies the Claimant's application for a land

use authorization or terminates an issued land use authorization, or an issued land use authorization expires and is not renewed, and the transfer described in paragraph 5 is not filed with the Idaho Department of Water Resources (the "IDWR") within the defined time period or the water rights that are the subject of the transfers described in paragraphs 3 and 5 are not successfully transferred off of federal public land, upon completion of the transfer including any appeal, the water right(s) remaining on federal public land (or portion thereof) shall be deemed abandoned, forfeited and no longer legally valid. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water rights should the Claimant's application for land use authorization be denied, or the Claimant does not file an application for a land use authorization, or the Claimant withdraws its application for land use authorization, or an issued land use authorization is terminated according to its terms, or an issued land use authorization expires and is not renewed, or IDWR does not allow the transfer of all (or portion thereof) of the water rights that are the subject of the transfers described in paragraphs 3 or 5 and the water rights, in whole or in part, are deemed abandoned, forfeited and no longer legally valid.

7. The parties agree that nothing in this Stipulation shall prevent the BLM from administering the use of federal public land and its associated water rights in accordance with applicable law, including modifying or terminating land use authorizations.

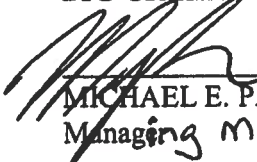
8. This Stipulation comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this Stipulation are contractual and not merely a recital.

9. This Stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This Stipulation does not create a precedent for settlement of any other disputes or objections.

10. This Stipulation was entered into and executed voluntarily by all the parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

11. All parties agree to bear their own costs and attorney fees.

CLAIMANT:
BIG CREEK RANCH



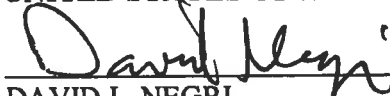
MICHAEL E. PAGE
Managing Member

DATED: 9/21/2011

Attorney for Claimant

DATED: _____

OBJECTOR:
UNITED STATES OF AMERICA



DAVID L. NEGRI
Attorney for the United States

DATED: 10/31/11

CERTIFICATE OF SERVICE

I certify that on Oct. 31, 2011, I served a true and correct copy of foregoing **STIPULATION TO RESOLVE OBJECTIONS** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Big Creek Ranch, LLC
280 Cranbrook Rd
Hailey, ID 83333

Roxanne Brown, Water Rights Specialist
SPF Water Engineering
300 E. Mallard Dr., Suite 350
Boise, ID 83706

John Coore
Person serving documents

RECEIVED

APR 04 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78610
RECEIVED

APR 08 2013

Department of Water Resources
Eastern RegionMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes N/A * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Additional Information, "Stipulation to Resolve Objections"

78610

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SUPERCEDED

Name of Applicant(s) Big Creek Ranch LLC Phone (208) 788-1771

Mailing address P.O. Box 5987, Ketchum, ID 83340-5987 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering LLC, c/o Roxanne Brown Phone (208) 383-4140

Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email rbrown@spfwater.com

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

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Michael Page, Managing Member
Print Name and Title if applicable

3/28/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other point of injection, point of redirection
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. This application proposes a permissible place of use for an irrigation delivery system which combines several sources of ground water and surface water. A current place of use within the PPU is specified. New points of injection and redirection are proposed for a portion of water right 73-42. A portion of 73-42 remains outside the proposed permissible place of use with no overlapping water rights. See additional information (Attachment 9).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 37.86 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 37.58 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SE	NW	27	14N	22E	Custer	Pahsimeroi River	Diversion P-14
N			SE	NE	16	14N	22E	Lemhi	Patterson Creek	Diversion
Y			NE	SE	17	14N	22E	Custer	Patterson Creek	Injection
Y			NE	SE	17	14N	22E	Custer	Patterson Creek	Rediversion
N			NW	SW	12	13N	23E	Lemhi	Big Creek	Diversion

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

78610

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	14N	22E	27			NW	SE	Lemhi	Big Creek	Injection
☐ Yes	14N	22E	27			SE	NW	Lemhi	Big Creek	Rediversion
☐ Yes	13N	23E	27			SE	SW	Custer	Big Creek	Injection
☐ Yes	14N	22E	17			NW	SW	Custer	ground water	Diversion
☐ Yes	14N	22E	21			NE	SW	Custer	ground water	Diversion
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. Permissible Place of Use Description:

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	22E	16											7.2						7.2
		17			6.7		9.8	39.9	40	38.6	40	40	33	40	7.4	32	40	38.3	405.7
		18	40			40									40			11	131.0
		20	40	38.3	6.4*	39.5	15								12*				151.2
		21					12	37	40	40	40	39.7				40			248.7
													943.8-acre permissible place of use						
14N	22E	16										5.4							5.4
		17		26	26	13	11			0.2						24	3.2		103.4
											108.8-acre place of use for 73-42 outside of PPU								
14N	22E	17			2.5			0.3	39	14	39.8	40	28	28	2.1	27	30	13	263.7
		18				26									36			8.1	70.1
		20	36	37	5.9	28													106.9
		21					8.8	20	40	36	30	37				35			206.8

*Place of use on BLM land.

647.5 acres within a 943.8-acre PPU

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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 from Patterson Creek is subject to the conditions on Transfer No. 77801 (approved July 24, 2012) which require a lockable controlling works and appropriate fish screen. All points of diversion will include lockable control works, screens and measuring devices.

- b. Who owns the property at the point(s) of diversion? applicant, BLM, private parties
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Access to the existing points of diversion have not been restricted in the past. The proposed point of diversion from the Pahsimeroi River will be on land owned by applicant.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: The lands are not subject to any liens, deeds of trust, mortgages, or contracts.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No irrigation will occur outside the areas designated in this application.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None.

- f. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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

Current Water Right No.: 73-42

Current Owner: BIG CREEK RANCH LLC

Priority Date: 2/20/1886

Origin: Water Right

Status: Active

Basis: Decreed

Source

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31

10 CFS

STOCKWATER 01/01 to 12/31

0.23 CFS

Total Diversion

10 CFS

Location of Point(s) of Diversion

PATTERSON CREEK

SE1/4NE1/4

Sec. 16, Twp 14N, Rge 22E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T14N R22E S16	SWNW	3.60	T14N R22E S16	NWSW	17.00
T14N R22E S16	SWSW	1.10	T14N R22E S17	NWNE	34.00
T14N R22E S17	SWNE	33.00	T14N R22E S17	SENE	31.00
T14N R22E S17	NENW	29.00	T14N R22E S17	NWNW	32.00
T14N R22E S17	SWNW	36.00	T14N R22E S17	SENW	36.00
T14N R22E S17	NESW	24.00	T14N R22E S17	NWSW	2.20
T14N R22E S17	SESW	0.40	T14N R22E S17	NESE	35.00
T14N R22E S17	NWSE	35.00	T14N R22E S17	SWSE	14.00
T14N R22E S17	SESE	17.00	T14N R22E S18	NENE	35.00
T14N R22E S18	SENE	17.00			

Total Acres: 432.3

STOCKWATER Within LEMHI County

T14N R22E S16	NWSW	T14N R22E S17	SWNW
T14N R22E S17	NESW	T14N R22E S17	NWSW
T14N R22E S17	SWSE	T14N R22E S17	SESE
T14N R22E S18	SWNE		

Conditions of Approval:

1. X35 Rights 73-42, 73-157, 73-158, 73-2102 and 73-2155 when combined shall not exceed a total of the irrigation of 432.3 acres.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. 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.
4. 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.
5. 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.
6. B01 Source is also known as the West Branch of Spring Creek, Big Spring Creek, Spring Creek, or O Neal Creek.
7. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 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).
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. 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.
13. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Decreed Date: 9/29/2010

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

Current Water Right No.: 73-12180

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH

Priority Date: 8/1/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/1 to 10/31	0.8 CFS	186 AF
	<u>Total Diversion</u>	0.8 CFS	186 AF

Location of Point(s) of Diversion

GROUND WATER
CUSTER County

NE1/4SW1/4 Sec. 21, Twp 14N, Rge 22E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S20	SWNE	11.00	T14N R22E S20	NESE	13.00
T14N R22E S21	SWNE	29.00			

Total Acres: 53

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is a split from former right 73-2145 .
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12179

Current Owner: BIG CREEK RANCH LLC

Priority Date: 8/1/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	5.6 CFS	1304 AF
	<u>Total Diversion</u>	5.6 CFS	1304 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4 Sec. 21, Twp 14N, Rge 22E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S16	SWSW	4.00	T14N R22E S17	SWSE	6.10
T14N R22E S17	SESE	16.00	T14N R22E S20	NENE	40.00
T14N R22E S20	NWNE	29.00	T14N R22E S20	SENE	39.00
T14N R22E S21	NENW	9.40	T14N R22E S21	NWNW	35.00
T14N R22E S21	SWNW	40.00	T14N R22E S21	SENW	40.00
T14N R22E S21	NESW	39.00	T14N R22E S21	NWSW	39.00
T14N R22E S21	NWSE	36.00			

Total Acres: 372.5

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. This right is a split from former right 73-2145.
4. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-7022

Current Owner: BIG CREEK RANCH LLC
Priority Date: 2/28/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.76 CFS	637.7 AF
	<u>Total Diversion</u>	2.76 CFS	637.7 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SW1/4 Sec. 17, Twp 14N, Rge 22E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNW	3.20	T14N R22E S17	NESW	13.00
T14N R22E S17	NWSW	38.00	T14N R22E S17	SWSW	31.00
T14N R22E S17	SESW	27.00	T14N R22E S18	SENE	20.00
T14N R22E S18	NESE	40.00	T14N R22E S18	SESE	10.00

Total Acres: 182.2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 10/20/2009

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

Current Water Right No.: 73-2155

Current Owner: BIG CREEK RANCH LLC
Priority Date: 2/27/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

6.4 CFS

6.4 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

SE1/4NW1/4

Sec. 27, Twp 14N, Rge 22E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

Conditions of Approval:

1. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 9/29/2010

**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 Volume

Total Diversion

2.4 CFS

Location of Point(s) of Diversion

BIG CREEK

NE1/4NW1/4 Sec. 13, Twp 13N, Rge 23E B.M.

CUSTER County

BIG CREEK

SE1/4NW1/4 Sec. 27, Twp 14N, Rge 22E B.M.
(Rediversion)

LEMHI County

BIG CREEK

SE1/4SW1/4 Sec. 27, Twp 13N, Rge 23E B.M.
(Injection)

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
3. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 9/29/2010

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

Current Water Right No.: 73-158

Current Owner: BIG CREEK RANCH LLC
Priority Date: 5/1/1888
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

5 CFS

Annual Volume

5 CFS

Total Diversion

Location of Point(s) of Diversion

BIG CREEK

NW1/4SW1/4 Sec. 12, Twp 13N, Rge 23E B.M.

CUSTER County

BIG CREEK

NW1/4SE1/4 Sec. 27, Twp 14N, Rge 22E B.M.
(Injection)

LEMHI County

BIG CREEK

SE1/4NW1/4 Sec. 27, Twp 14N, Rge 22E B.M.
(Rediversion)

LEMHI County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

Conditions of Approval:

1. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.
2. D09 The appropriator is entitled to the quantity of water described above at the point of measurement in T14N, R22E, S26, SWSW.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
5. Water under this right shall only be delivered when there is insufficient water in the Pahsimeroi River and Patterson Creek (Spring Creek) to deliver 14.4 cfs using water rights 73-42 and 73-157, and then only to the extent of supplying 14.4 cfs.

Decreed Date: 9/29/2010

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

Current Water Right No.: 73-157

Current Owner: BIG CREEK RANCH LLC
Priority Date: 5/1/1886
Origin: Water Right
Status: Active
Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

4.4 CFS

Annual Volume

Total Diversion

4.4 CFS

Location of Point(s) of Diversion

PAHSIMEROI RIVER

SE1/4NW1/4

Sec. 27, Twp 14N, Rge 22E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S17	SWNE	4.90	T14N R22E S17	NENW	5.60
T14N R22E S17	NWNW	31.00	T14N R22E S17	SWNW	36.00
T14N R22E S17	SENE	35.00	T14N R22E S17	NESW	24.00
T14N R22E S17	NWSW	2.20	T14N R22E S17	SESW	0.40
T14N R22E S17	NESE	5.20	T14N R22E S17	NWSE	29.00
T14N R22E S17	SWSE	14.00	T14N R22E S17	SESE	16.00
T14N R22E S18	NENE	35.00	T14N R22E S18	SENE	17.00

Total Acres: 255.3

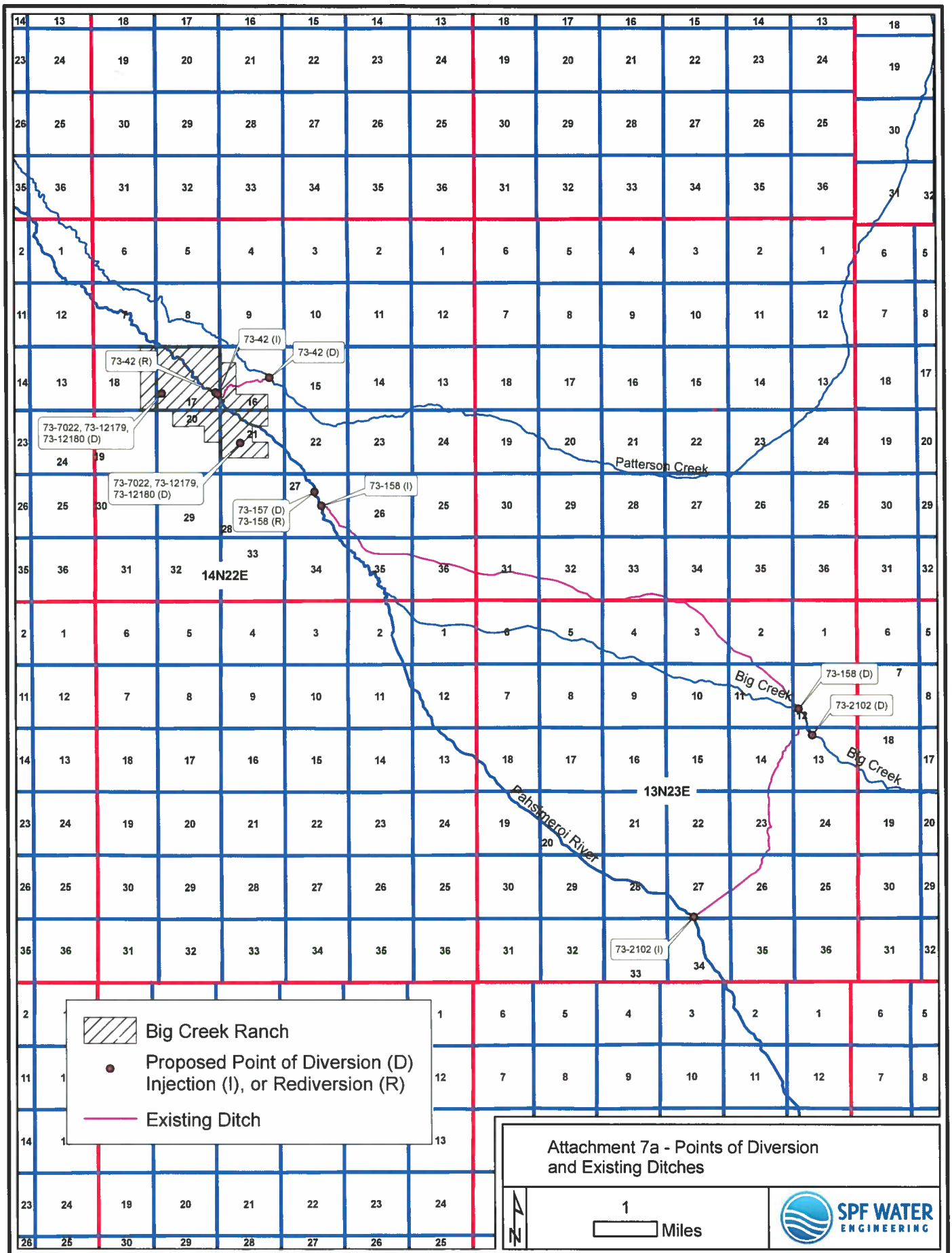
Conditions of Approval:

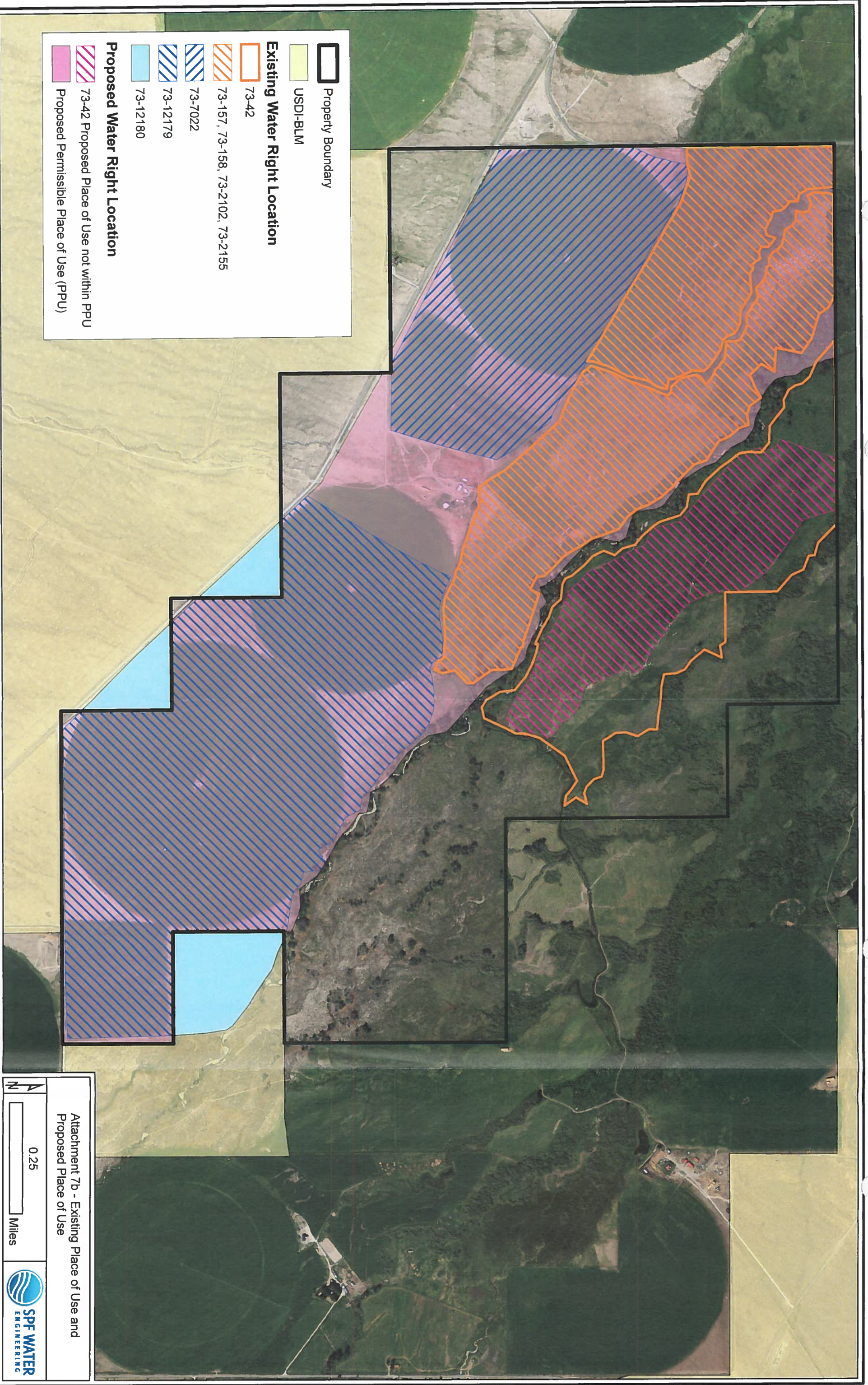
1. E55 Right Nos. 73-42, 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 432.3 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 73-157, 73-158, 73-2102 and 73-2155 are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season.

Decreed Date: 9/29/2010

7 8 6 1 0

Attachment #7





Property Boundary

USD-BLM

Existing Water Right Location

73-42

73-157, 73-158, 73-2102, 73-2155

73-7022

73-12179

73-12180

Proposed Water Right Location

73-42 Proposed Place of Use not within PPU

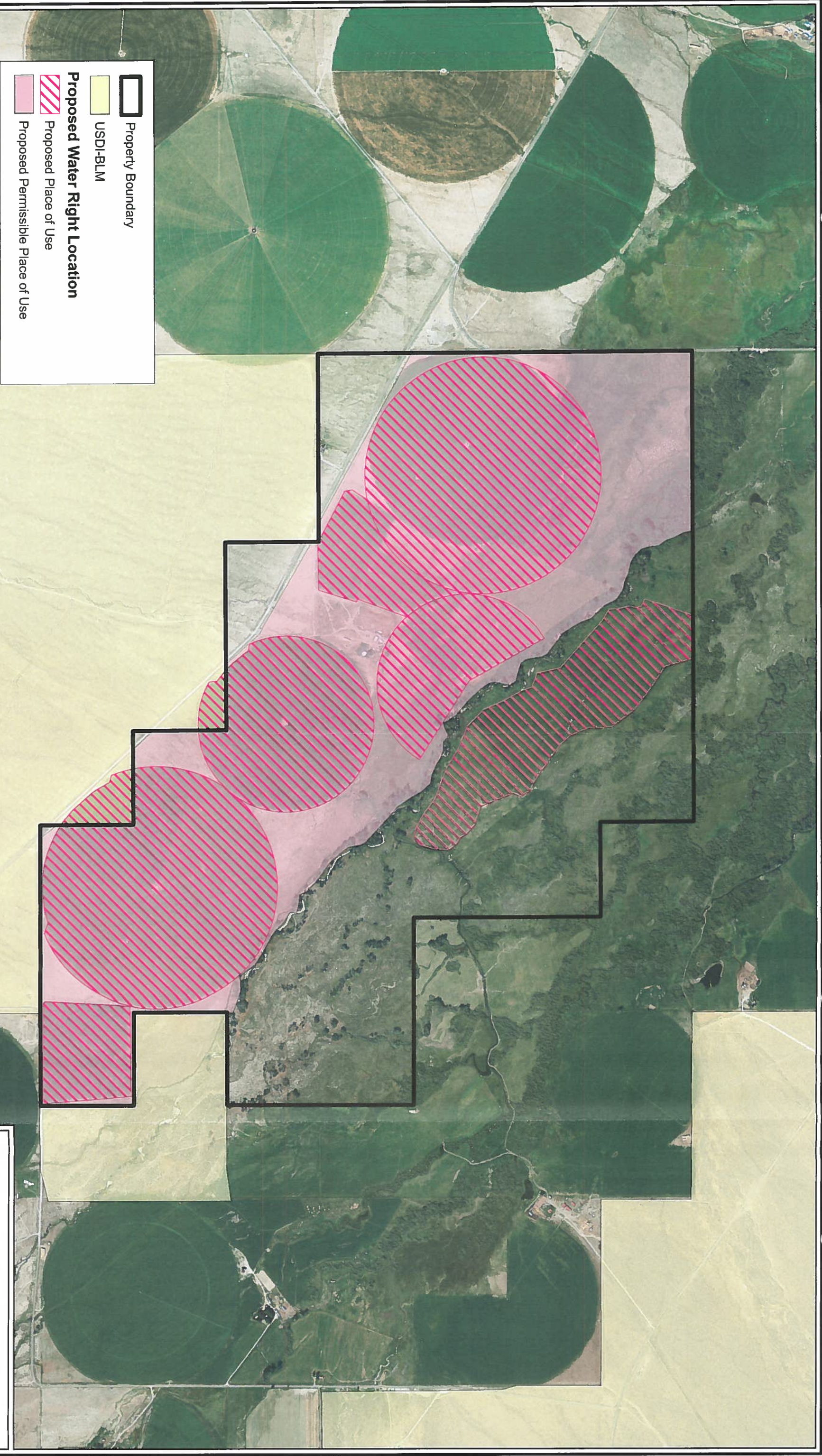
Proposed Permissible Place of Use (PPU)

Attachment 7b - Existing Place of Use and
Proposed Place of Use

0.25
Miles



78610



Property Boundary

USDI-BLM

Proposed Water Right Location

Proposed Place of Use

Proposed Permissible Place of Use

Attachment 7c - Proposed Permissible Place of Use and Proposed Place of Use

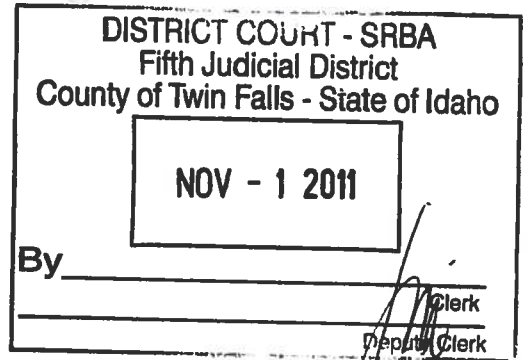
N

0.25

Miles

 **SPF WATER**
ENGINEERING

Attachment 9



Names of Parties Filing Document:

UNITED STATES OF AMERICA

BIG CREEK RANCH, LLC

Attorneys' Names and Addresses:

IGNACIA S. MORENO
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI, ISB # 6697
United States Department of Justice
Environment and Natural Resources Division
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Boise, Idaho 83724
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Attorneys for the United States

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	) Subcase Numbers: 73-00013, 73-00014,
	) 73-00161, 73-00162, 73-00163, 73-00246
Case No. 39576	) and 73-02145
	)
	) STIPULATION TO RESOLVE
	) OBJECTIONS

The United States of America ("United States") and Big Creek Ranch, LLC ("Claimant")
agree and stipulate to resolve the United States Department of the Interior, Bureau of Land
Management ("BLM") objections filed in the above-captioned subcases as follows:

STIPULATION

1. The parties agree and stipulate to "split" Water Right Claim Numbers 73-00013, 73-00014, 73-00161, 73-00162, 73-00163, 73-00246 and 73-02145. The Claimant shall hold title to the portions of these water right claims with places of use that describe private land under Water Right Claim Numbers 73-12179, 73-12181, 73-12183, 73-12185, 73-12187, 73-12189 and 73-12191 (collectively, "private land water rights"). The United States shall hold title to the portions of these water right claims with places of use that describe federal public land¹ under Water Right Claim Numbers 73-12180, 73-12182, 73-12184, 73-12186, 73-12188 and 73-12190 (collectively, "federal land water rights"). The federal public land places of use are described as follows:

73-00013, 73-00014, 73-00161, 73-00162, 73-00163, 73-00246:

T13N, R23E, S01, Lot 7 (SWSW)	0.80 acres
T13N, R23E, S02, NESW	14.00 acres
T13N, R23E, S02, NESE	5.20 acres
T13N, R23E, S03, Lot 1 (NENE)	24.00 acres
T13N, R23E, S11, NWNE	8.00 acres
T13N, R23E, S11, NESE	3.00 acres
T13N, R23E, S12, Lot 1 (NWNW)	6.00 acres
T13N, R23E, S12, NESW	1.40 acres

	62.40 acres

73-02145:

T14N, R22E, S20, SWNE	11.00 acres
T14N, R22E, S20, NESE	13.00 acres
T14N, R22E, S21, SWNE	29.00 acres

	53.00 acres

	115.40 total acres

¹In this Stipulation, the term "public land" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership" 43 U.S.C. § 1702(e).

2. The United States and the Claimant agree and stipulate that the parties shall execute Standard Forms 5 to effectuate the "split" described in paragraph one of this Stipulation.

3. The United States and the Claimant further agree and stipulate that, after the filing of SF-5s with the SRBA District Court, the parties shall participate , pursuant to I.C. § 42-222, in the filing of an administrative transfer with the Idaho Department of Water Resources ("IDWR") to transfer a portion of the federal land water rights described in paragraph 1 above onto private land and in the name of the Claimant. In the event that such transfer, or any portion of such transfer, is not approved by IDWR, the related federal land water right, or portion thereof, shall be subject to paragraph 6 below.

a. Except as further modified by paragraph 3(c) below, the portion of the federal land water rights that will be the subject of an administrative transfer onto private land (because the Claimant is not pursuing a land use authorization for these acres) in the name of the Claimant is described by the following federal land places of use:

T13N, R23E, S01, Lot 7 (SWSW)	0.80 acres
T13N, R23E, S02, NESW	14.00 acres
T13N, R23E, S02, NESE	5.20 acres
T13N, R23E, S11, NWNE	8.00 acres
T13N, R23E, S11, NESE	3.00 acres
T13N, R23E, S12, Lot 1 (NWNW)	6.00 acres
T13N, R23E, S12, NESW	1.40 acres

	38.40 acres
T14N, R22E, S20, SWNE	4.60 acres
T14N, R22E, S20, NESE	1.00 acres
T14N, R22E, S21, SWNE	29.00 acres

	34.60 acres

	73.00 total acres

b. Except as further modified by paragraph 3(c) below, the portion of the federal land water rights that will remain on federal public land in the name of the United States, and that is associated with an application for a land use authorization filed with the BLM, is described by the following federal land places of use:

T13N, R23E, S03, Lot 1 (NENE) 24.00 acres (see 3.c.)

T14N, R22E, S20,	SWNE	6.40 acres
T14N, R22E, S20,	NESE	12.00 acres

		42.40 total acres

c. One of the POU's remaining on federal public land within T13N, R23E, S03, Lot 1 (NENE) was recommended in Amended Director's Report for 24.00 acres, but there is 26.40 acres of irrigated activity within that POU to be included in the application for Land Use Authorization. To resolve this discrepancy, 2.40 acres of the acres referred to under paragraph 3(a) will be moved to this POU rather than to private land. A total of 44.80 acres (42.40 + 2.40) of BLM land will therefore be the subject of the land use authorization application and a total of 70.60 acres (73.00 - 2.40) will be transferred from federal land to private land.

4. Within thirty (30) days of the date this Stipulation is filed with the SRBA District Court, the Claimant agrees and stipulates that it will apply for a BLM-issued land use authorization to conduct irrigated agricultural use of the federal public land described in paragraph 3(b) and (c) above. The Claimant recognizes and understands that there is no guarantee or promise implied or inferred by this Stipulation that the BLM will approve or grant said application for land use authorization. If a BLM-issued land use authorization is approved, then the Claimant may utilize the water right claim numbers described above that are in the name

of the United States consistent with such land use authorization and applicable state laws. The Claimant further agrees that no right, title, interest, or economic expectation of use accrues to the Claimant due to the use of federal public land for agricultural purposes or from the use of water rights described herein for that purpose. This Stipulation does not authorize any irrigated agricultural use of federal public land.

5. If, for whatever reason, the Claimant doesn't file for or withdraws its application for land use authorization, or the BLM denies the Claimant's application for a land use authorization or terminates an issued land use authorization, or an issued land use authorization expires and is not renewed, then the BLM agrees to allow the water rights used on the federal public land described in paragraph 3(b) and (c) to be transferred off of federal public land pursuant to I.C. § 42-222, and to convey title to the Claimant of that portion of the water rights successfully transferred off federal public land. The Claimant agrees and stipulates to apply for said transfer within ninety (90) days of the date the Claimant fails to file an application for land use authorization as described in paragraph 4 above, or the Claimant withdraws its application for land use authorization, or of any BLM decision denying the Claimant's application for land use authorization, or of termination of an issued land use authorization according to its terms, or from the date an issued land use authorization expires and is not renewed. The Claimant agrees and stipulates that the Claimant shall not assume title to any places of use which describe public land pursuant to the aforementioned transfer. All costs incurred for seeking such transfer shall be borne by the Claimant.

6. The Claimant agrees and stipulates that if the Claimant doesn't file for or withdraws its application for land use authorization, or the BLM denies the Claimant's application for a land

use authorization or terminates an issued land use authorization, or an issued land use authorization expires and is not renewed, and the transfer described in paragraph 5 is not filed with the Idaho Department of Water Resources (the "IDWR") within the defined time period or the water rights that are the subject of the transfers described in paragraphs 3 and 5 are not successfully transferred off of federal public land, upon completion of the transfer including any appeal, the water right(s) remaining on federal public land (or portion thereof) shall be deemed abandoned, forfeited and no longer legally valid. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water rights should the Claimant's application for land use authorization be denied, or the Claimant does not file an application for a land use authorization, or the Claimant withdraws its application for land use authorization, or an issued land use authorization is terminated according to its terms, or an issued land use authorization expires and is not renewed, or IDWR does not allow the transfer of all (or portion thereof) of the water rights that are the subject of the transfers described in paragraphs 3 or 5 and the water rights, in whole or in part, are deemed abandoned, forfeited and no longer legally valid.

7. The parties agree that nothing in this Stipulation shall prevent the BLM from administering the use of federal public land and its associated water rights in accordance with applicable law, including modifying or terminating land use authorizations.

8. This Stipulation comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this Stipulation are contractual and not merely a recital.

9. This Stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This Stipulation does not create a precedent for settlement of any other disputes or objections.

10. This Stipulation was entered into and executed voluntarily by all the parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

11. All parties agree to bear their own costs and attorney fees.

CLAIMANT:
BIG CREEK RANCH



MICHAEL E. PAGE
Managing Member

DATED: 9/21/2011

Attorney for Claimant

DATED: _____

OBJECTOR:
UNITED STATES OF AMERICA



DAVID L. NEGRI
Attorney for the United States

DATED: 10/31/11

CERTIFICATE OF SERVICE

I certify that on Oct. 31, 2011, I served a true and correct copy of foregoing **STIPULATION TO RESOLVE OBJECTIONS** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Big Creek Ranch, LLC
280 Cranbrook Rd
Hailey, ID 83333

Roxanne Brown, Water Rights Specialist
SPF Water Engineering
300 E. Mallard Dr., Suite 350
Boise, ID 83706

John Coore
Person serving documents