

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78574APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Big Creek Ranch LLC and USDI-BLM Phone (208) 720-7082Mailing 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 RepresentativeName of Representative Roxanne Brown, SPF Water Engineering LLC Phone (208) 383-4140Mailing address 300 E. Mallard Drive, Suite 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, manager

3/29/13

Signature of Applicant or Authorized Representative

Fredric W. Price

03-21-2013

Water Rights Specialist

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 _____
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**. Pursuant to the "Stipulation to Resolve Objections" between the applicants filed 11/1/2011 with the District Court, Fifth Judicial District (SRBA), the applicants seek approval to move portions of water rights from BLM land to land owned by Big Creek Ranch LLC, and reconfigure the place of use for each land owner. (See a copy of the stipulation and additional information attached to this application.) One point of diversion from Big Creek will no longer be used.

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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	☐ See attached Addendum			to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 18.2 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 18.2 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			NE	SW	12	13N	23E	Lemhi	Mill Creek	
N			SE	SW	12	13N	23E	Lemhi	Big Creek	

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	
13N	23E	2		35	2.9(5)		33(1)	37(2)	31	36						29	34	34.3	272.2
		11	40			40													80.0
		12							32(2)			34	1.7	20					87.7
14N	23E	34																29.0	29.0
		35											37	32			35		104.0
The following tract is owned by USDI-BLM:																			
13N	23E	3	26.4																26.4

(1)

Total Acres (for irrigation use) 495.9
within a 599.3-acre permissible place of use

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

		<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
All or Part							
☒	☐	73-12181	2.62	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☒	☐	73-12183	2.10	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☒	☐	73-12185	4.20	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☒	☐	73-12187	2.80	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☒	☐	73-12189+	4.20	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☒	☐	73-12191+	4.20	irrigation	4/1	to 10/31	Mill Creek/Big Creek
☐	☒	73-12182	0.22	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12184	0.17	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12186	0.35	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12188	0.23	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12190++	0.35	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12192++	0.35	irrigation	4/1	to 10/31	Mill Creek/Big Creek
☐	☐					to	
☐	☐	These portions of the water rights remain in the name of BLM:				to	
☐	☒	73-12182	0.16	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12184	0.13	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12186	0.25	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12188	0.17	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12190+++	0.25	irrigation	4/1	to 10/31	Big Creek/Pahsimeroi River
☐	☒	73-12192+++	0.25	irrigation	4/1	to 10/31	Mill Creek/Big Creek
☐	☐					to	
☐	☐					to	
☐	☐	+ Water rights 73-12189 and 73-12191 are limited to a combined diversion rate of 4.20 cfs.					
☐	☐	++ These portions of water rights 73-12190 and 73-12192 are limited to a combined diversion rate of 0.35 cfs.					
☐	☐	+++ These portions of water rights 73-12190 and 73-12192 are limited to a combined diversion rate of 0.25 cfs.					
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights 18.2 cfs and/or ac-ft

**Insert this page into Part 1B of the Application for Transfer of a Water Right.

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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: Headgates and measuring devices have been installed to comply with the requirements of IDWR and Water District 73.

- b. Who owns the property at the point(s) of diversion? Big Creek Ranch LLC (Big Creek), USDI-BLM (Mill Creek)

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

Big Creek Ranch has access to the diversion from Mill Creek through a pre-FLPMA easement. BLM does not require access to the Big Creek diversion.

- 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 described lands are not subject to any liens, deeds of trust, mortgages, or contracts (aside from the 11/1/2011 stipulation between the applicants).

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:

USDI-BLM land other than the area described in the NENE, S3, T13N, R23E will no longer be irrigated from any source. Lands owned by Big Creek Ranch LLC which are not described in this application will no longer be irrigated from any source.

- 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.: 73-12181

Current Owner: BIG CREEK RANCH LLC

Priority Date: 5/1/1917

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

2.62 CFS

2.62 CFS

Annual Volume

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S2	Lot 5	SWNE	8.00	T13N R23E S2	Lot 1	NENW	15.00
T13N R23E S2	Lot 2	NWNW	40.00	T13N R23E S2		SWNW	40.00
T13N R23E S2		SENE	38.00	T13N R23E S2		NWSE	36.00
T13N R23E S2		SWSE	24.00	T13N R23E S2		SESE	36.00
T13N R23E S11		NENE	40.00	T13N R23E S11		SENE	27.00
T13N R23E S12	Lot 2	SWNW	25.00	T13N R23E S12		NWSW	22.00
T13N R23E S12		SWSW	0.30	T13N R23E S12		SESW	3.90
T14N R23E S34		SESE	36.00	T14N R23E S35		SWSW	40.00
T14N R23E S35		SESW	2.30				

Total Acres: 433.5

Conditions of Approval:

1. This right is a split from former right 73-13.
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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 175 acres within the place of use described above in a single irrigation season.
5. E55 Right Nos. 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 are limited to the irrigation of a combined total of 433.5 acres in a single irrigation season.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12182

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH

Priority Date: 5/1/1917

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

0.38 CFS

Annual VolumeTotal Diversion

0.38 CFS

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

Place of UseIRRIGATION Within LEMHI County

T13N R23E S1	Lot 7	SWSW	0.80	T13N R23E S2		NESW	14.00
T13N R23E S2		NESE	5.20	T13N R23E S3	Lot 1	NENE	24.00
T13N R23E S11		NWNE	8.00	T13N R23E S11		NESE	3.00
T13N R23E S12	Lot 1	NWNW	6.00	T13N R23E S12		NESW	1.40

Total Acres: 62.4

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.
2. E55 Right Nos. 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, and 73-12192 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is a split from former right 73-13.
5. K06 This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12183

Current Owner: BIG CREEK RANCH LLC

Priority Date: 5/1/1917

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

2.1 CFS

2.1 CFS

Annual Volume

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

BIG CREEK

LEMHI County

SE1/4SW1/4 Sec. 12, Twp 13N, Rge 23E B.M.

SE1/4SW1/4 Sec. 18, Twp 13N, Rge 24E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S2	Lot 5	SWNE	8.00	T13N R23E S2	Lot 1	NENW	15.00
T13N R23E S2	Lot 2	NWNW	40.00	T13N R23E S2		SWNW	40.00
T13N R23E S2		SENE	38.00	T13N R23E S2		NWSE	36.00
T13N R23E S2		SWSE	24.00	T13N R23E S2		SESE	36.00
T13N R23E S11		NENE	40.00	T13N R23E S11		SENE	27.00
T13N R23E S12	Lot 2	SWNW	25.00	T13N R23E S12		NWSW	22.00
T13N R23E S12		SWSW	0.30	T13N R23E S12		SESW	3.90
T14N R23E S34		SESE	36.00	T14N R23E S35		SWSW	40.00
T14N R23E S35		SESW	2.30				

Total Acres: 433.5

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. This right is a split from former right 73-14.
3. K06 This right is limited to the irrigation of 140 acres within the place of use described above 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.
5. E55 Right Nos. 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 are limited to the irrigation of a combined total of 433.5 acres in a single irrigation season.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12184

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
Priority Date: 5/1/1917
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diverslon Rate

0.3 CFS

Annual Volume

Total Diverslon

0.3 CFS

Location of Point(s) of Diverslon

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S1	Lot 7	SWSW	0.80	T13N R23E S2		NESW	14.00
T13N R23E S2		NESE	5.20	T13N R23E S3	Lot 1	NENE	24.00
T13N R23E S11		NWNE	8.00	T13N R23E S11		NESE	3.00
T13N R23E S12	Lot 1	NWNW	6.00	T13N R23E S12		NESW	1.40

Total Acres: 62.4

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. K06 This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
4. This right is a split from former right 73-14.
5. E55 Right Nos. 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, and 73-12192 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12185

Current Owner: BIG CREEK RANCH LLC
Priority Date: 11/20/1885
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

4.2 CFS

Annual Volume

Total Diversion

4.2 CFS

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18, Twp 13N, Rge 24E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12, Twp 13N, Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S2	Lot 5	SWNE	8.00	T13N R23E S2	Lot 1	NENW	15.00
T13N R23E S2	Lot 2	NWNW	40.00	T13N R23E S2		SWNW	40.00
T13N R23E S2		SENE	38.00	T13N R23E S2		NWSE	36.00
T13N R23E S2		SWSE	24.00	T13N R23E S2		SESE	36.00
T13N R23E S11		NENE	40.00	T13N R23E S11		SENE	27.00
T13N R23E S12	Lot 2	SWNW	25.00	T13N R23E S12		NWSW	22.00
T13N R23E S12		SWSW	0.30	T13N R23E S12		SESW	3.90
T14N R23E S34		SESE	36.00	T14N R23E S35		SWSW	40.00
T14N R23E S35		SESW	2.30				

Total Acres: 433.5

Conditions of Approval:

1. This right is a split from former right 73-161.
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. K06 This right is limited to the irrigation of 210 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. E55 Right Nos. 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 are limited to the irrigation of a combined total of 433.5 acres in a single irrigation season.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12186

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
 Priority Date: 11/20/1885
 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

0.6 CFS

Annual VolumeTotal Diversion

0.6 CFS

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

Place of UseIRRIGATION Within LEMHI County

T13N R23E S1	Lot 7	SWSW	0.80	T13N R23E S2		NESW	14.00
T13N R23E S2		NESE	5.20	T13N R23E S3	Lot 1	NENE	24.00
T13N R23E S11		NWNE	8.00	T13N R23E S11		NESE	3.00
T13N R23E S12	Lot 1	NWNW	6.00	T13N R23E S12		NESW	1.40

Total Acres: 62.4

Conditions of Approval:

1. E55 Right Nos. 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, and 73-12192 are limited to the irrigation of a combined total of 62.4 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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
5. This right is a split from former right 73-161.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12187

Current Owner: BIG CREEK RANCH LLC
Priority Date: 3/27/1888
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

2.8 CFS

2.8 CFS

Annual Volume

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S2	Lot 5	SWNE	8.00	T13N R23E S2	Lot 1	NENW	15.00
T13N R23E S2	Lot 2	NWNW	40.00	T13N R23E S2		SWNW	40.00
T13N R23E S2		SENE	38.00	T13N R23E S2		NWSE	36.00
T13N R23E S2		SWSE	24.00	T13N R23E S2		SESE	36.00
T13N R23E S11		NENE	40.00	T13N R23E S11		SENE	27.00
T13N R23E S12	Lot 2	SWNW	25.00	T13N R23E S12		NWSW	22.00
T13N R23E S12		SWSW	0.30	T13N R23E S12		SESW	3.90
T14N R23E S34		SESE	36.00	T14N R23E S35		SWSW	40.00
T14N R23E S35		SESW	2.30				

Total Acres: 433.5

Conditions of Approval:

1. E55 Right Nos. 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 are limited to the irrigation of a combined total of 433.5 acres in a single irrigation season.
2. This right is a split from former right 73-162.
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. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12188

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
 Priority Date: 3/27/1888
 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

0.4 CFS

Annual VolumeTotal Diversion

0.4 CFS

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

Place of UseIRRIGATION Within LEMHI County

T13N R23E S1	Lot 7	SWSW	0.80	T13N R23E S2		NESW	14.00
T13N R23E S2		NESE	5.20	T13N R23E S3	Lot 1	NENE	24.00
T13N R23E S11		NWNE	8.00	T13N R23E S11		NESE	3.00
T13N R23E S12	Lot 1	NWNW	6.00	T13N R23E S12		NESW	1.40

Total Acres: 62.4

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.
2. E55 Right Nos. 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, and 73-12192 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is a split from former right 73-162.
5. K06 This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

Decreed Date: 12/30/2011

78574

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

Current Water Right No.: 73-12189

Current Owner: BIG CREEK RANCH LLC
Priority Date: 3/1/1890
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

4.2 CFS

Annual Volume

Total Diversion

4.2 CFS

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

BIG CREEK

LEMHI County

SE1/4SW1/4

Sec. 18,

Twp 13N,

Rge 24E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S2	Lot 5	SWNE	8.00	T13N R23E S2	Lot 1	NENW	15.00
T13N R23E S2	Lot 2	NWNW	40.00	T13N R23E S2		SWNW	40.00
T13N R23E S2		SENE	38.00	T13N R23E S2		NWSE	36.00
T13N R23E S2		SWSE	24.00	T13N R23E S2		SESE	36.00
T13N R23E S11		NENE	40.00	T13N R23E S11		SENE	27.00
T13N R23E S12	Lot 2	SWNW	25.00	T13N R23E S12		NWSW	22.00
T13N R23E S12		SWSW	0.30	T13N R23E S12		SESW	3.90
T14N R23E S34		SESE	36.00	T14N R23E S35		SWSW	40.00
T14N R23E S35		SESW	2.30				

Total Acres: 433.5

78574

Conditions of Approval:

1. E55 Right Nos. 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 are limited to the irrigation of a combined total of 433.5 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. 73-12189 and 73-12191 are limited to the irrigation of a combined total of 210 acres in a single irrigation season.
4. E51 Right Nos. 73-12189 and 73-12191 are limited to a total combined diversion rate of 4.2 cfs.
5. The diversion rate for this right is 4.2 cfs, less the flow of Mill Creek under water right 73-12191.
6. K06 This right is limited to the irrigation of 210 acres within the place of use described above in a single irrigation season.
7. This right is a split from former right 73-163.
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12190

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
Priority Date: 3/1/1890
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

0.6 CFS

0.6 CFS

Annual Volume

Location of Point(s) of Diversion

BIG CREEK

LEMHI County

BIG CREEK

LEMHI County

SE1/4SW1/4 Sec. 12, Twp 13N, Rge 23E B.M.

SE1/4SW1/4 Sec. 18, Twp 13N, Rge 24E B.M.

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S1	Lot 7	SWSW	0.80	T13N R23E S2		NESW	14.00
T13N R23E S2		NESE	5.20	T13N R23E S3	Lot 1	NENE	24.00
T13N R23E S11		NWNE	8.00	T13N R23E S11		NESE	3.00
T13N R23E S12	Lot 1	NWNW	6.00	T13N R23E S12		NESW	1.40

Total Acres: 62.4

78574

Conditions of Approval:

1. E51 Right Nos. 73-12190 and 73-12192 are limited to a total combined diversion rate of 0.6 cfs.
2. E55 Right Nos. 73-12190 and 73-12192 are limited to the irrigation of a combined total of 30 acres in a single irrigation season.
3. E55 Right Nos. 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, and 73-12192 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.
4. K06 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
5. This right is a split from former right 73-163.
6. 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.
7. The diversion rate for this right is 0.6 cfs, less the flow of Mill Creek under water right 73-12192.
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12191

Current Owner: BIG CREEK RANCH LLC
Priority Date: 3/1/1890
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

BIG CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

4.2 CFS

Annual Volume

Total Diversion

4.2 CFS

Location of Point(s) of Diversion

MILL CREEK

NW1/4NE1/4SW1/4

Sec. 12, Twp 13N, Rge 23E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T13N R23E S2	Lot 5	SWNE	8.00	T13N R23E S2	Lot 1	NENW	15.00
T13N R23E S2	Lot 2	NWNW	40.00	T13N R23E S2		SWNW	40.00
T13N R23E S2		SENE	38.00	T13N R23E S2		NWSE	36.00
T13N R23E S2		SWSE	24.00	T13N R23E S2		SESE	36.00
T13N R23E S11		NENE	40.00	T13N R23E S11		SENE	27.00
T13N R23E S12	Lot 2	SWNW	25.00	T13N R23E S12		NWSW	22.00
T13N R23E S12		SWSW	0.30	T13N R23E S12		SESW	3.90
T14N R23E S34		SESE	36.00	T14N R23E S35		SWSW	40.00
T14N R23E S35		SESW	2.30				

Total Acres: 433.5

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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. E51 Right Nos. 73-12189 and 73-12191 are limited to a total combined diversion rate of 4.2 cfs.
4. E55 Right Nos. 73-12181, 73-12183, 73-12185, 73-12187, 73-12189, and 73-12191 are limited to the irrigation of a combined total of 433.5 acres in a single irrigation season.
5. E55 Right Nos. 73-12189 and 73-12191 are limited to the irrigation of a combined total of 210 acres in a single irrigation season.
6. This right is a split from former right 73-246.
7. K06 This right is limited to the irrigation of 210 acres within the place of use described above in a single irrigation season.

Decreed Date: 12/30/2011

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

Current Water Right No.: 73-12192

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH

Priority Date: 3/1/1890

Origin: Water Right

Status: Active

Basis: Decreed

Source

MILL CREEK

Tributary

BIG CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.6 CFS

Annual Volume**Total Diversion**

0.6 CFS

Location of Point(s) of Diversion

MILL CREEK

NW1/4NE1/4SW1/4

Sec. 12,

Twp 13N,

Rge 23E B.M.

LEMHI County

Place of Use**IRRIGATION Within LEMHI County**

T13N R23E S1	Lot 7	SWSW	0.80	T13N R23E S2		NESW	14.00
T13N R23E S2		NESE	5.20	T13N R23E S3	Lot 1	NENE	24.00
T13N R23E S11		NWNE	8.00	T13N R23E S11		NESE	3.00
T13N R23E S12	Lot 1	NWNW	6.00	T13N R23E S12		NESW	1.40

Total Acres: 62.4

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.
2. This right is a split from former right 73-246.
3. E51 Right Nos. 73-12190 and 73-12192 are limited to a total combined diversion rate of 0.6 cfs.
4. E55 Right Nos. 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, and 73-12192 are limited to the irrigation of a combined total of 62.4 acres in a single irrigation season.
5. E55 Right Nos. 73-12190 and 73-12192 are limited to the irrigation of a combined total of 30 acres in a single irrigation season.
6. K06 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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Decreed Date: 12/30/2011

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 73-12182

- | | | | |
|-----------------------|-----------------|-------------------|----------|
| 1. amount | (cfs/ac-ft) for | purposes from | to |
| amount 0.22 cfs (BCR) | for irrigation | purposes from 4/1 | to 10/31 |
| amount 0.01 cfs (BLM) | for irrigation | purposes from 4/1 | to 10/31 |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Government lot numbers are shown in parenthesis directly below the quarter-quarter description.

Total Acres (for irrigation use)	38.4
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78574

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 73-12184

- | | | | |
|-----------------------|-----------------|---------------|-------|
| 1. amount | (cfs/ac-ft) for | purposes from | to |
| amount 0.17 cfs (BCR) | for irrigation | 4/1 | 10/31 |
| amount 0.01 cfs (BLM) | for irrigation | 4/1 | 10/31 |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Government lot numbers are shown in parenthesis directly below the quarter-quarter description.

Total Acres (for irrigation use)	38.4
----------------------------------	------

7 8 5 7 4

70574

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 73-12182

- | | | | |
|-----------------------|-----------------|-------------------|----------|
| 1. amount | (cfs/ac-ft) for | purposes from | to |
| amount 0.22 cfs (BCR) | for irrigation | purposes from 4/1 | to 10/31 |
| amount 0.01 cfs (BLM) | for irrigation | purposes from 4/1 | to 10/31 |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Government lot numbers are shown in parenthesis directly below the quarter-quarter description.

Total Acres (for irrigation use)	38.4
----------------------------------	------

78574

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 73-12182

- | | | | |
|-----------------------|-----------------|-------------------|----------|
| 1. amount | (cfs/ac-ft) for | purposes from | to |
| amount 0.22 cfs (BCR) | for irrigation | purposes from 4/1 | to 10/31 |
| amount 0.01 cfs (BLM) | for irrigation | purposes from 4/1 | to 10/31 |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |
| amount | for | purposes from | to |

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Government lot numbers are shown in parenthesis directly below the quarter-quarter description.

Total Acres (for irrigation use)	38.4
----------------------------------	------

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by HP Date 4-4-13 Prelim. Check by _____ Date _____

Fee Paid 1940.00 Date 4-4-13 Received by HP Receipt # 00968164

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

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Attachment #7

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T14N, R23E

T13N, R23E

-  Big Creek Ranch Boundary
-  Big Creek Ranch Decreed Place of Use
-  BLM Decreed Place of Use
-  Proposed Permissible Place of Use

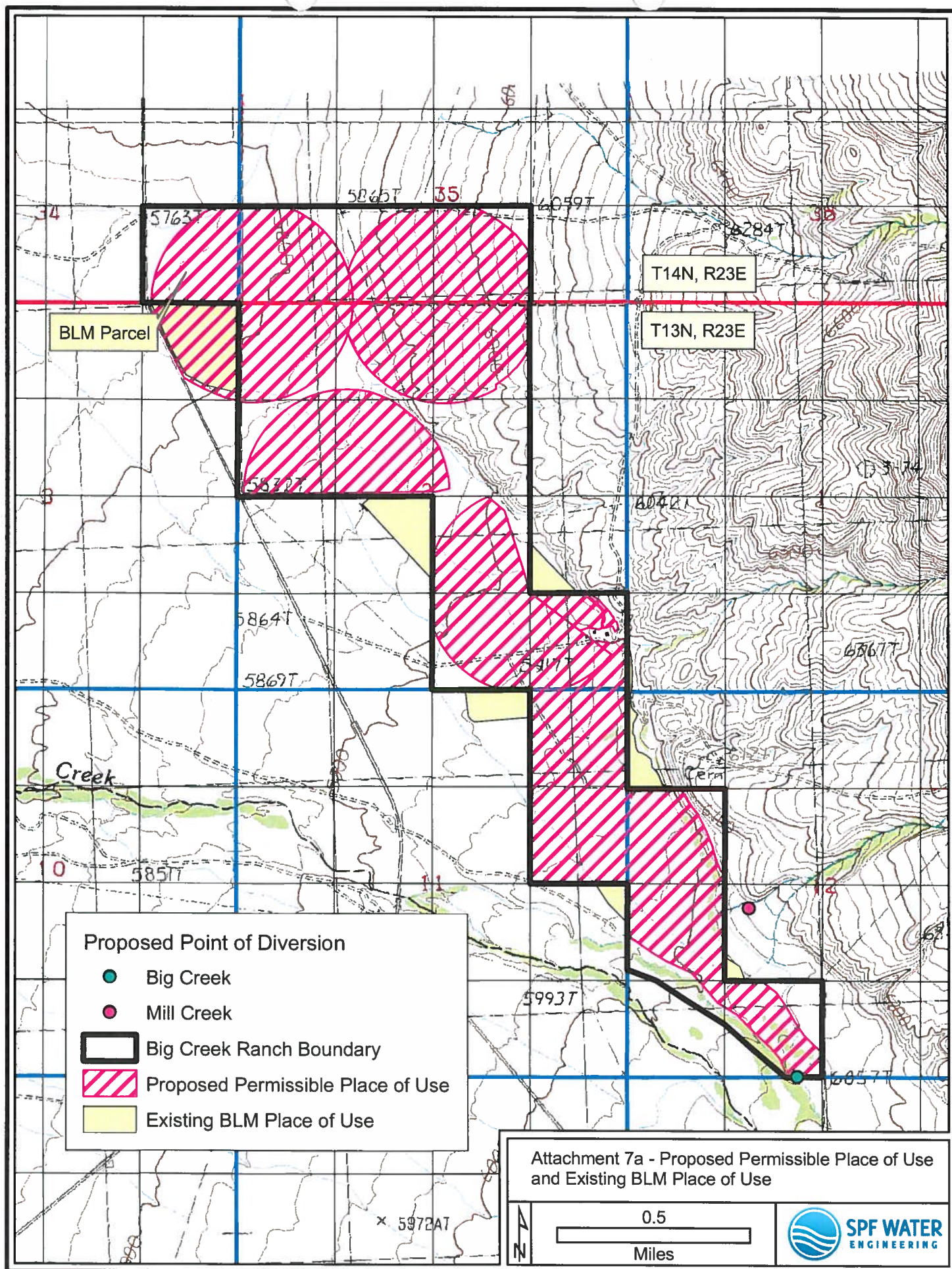
Attachment 7b - Decreed Place of Use and Proposed Permissible Place of Use



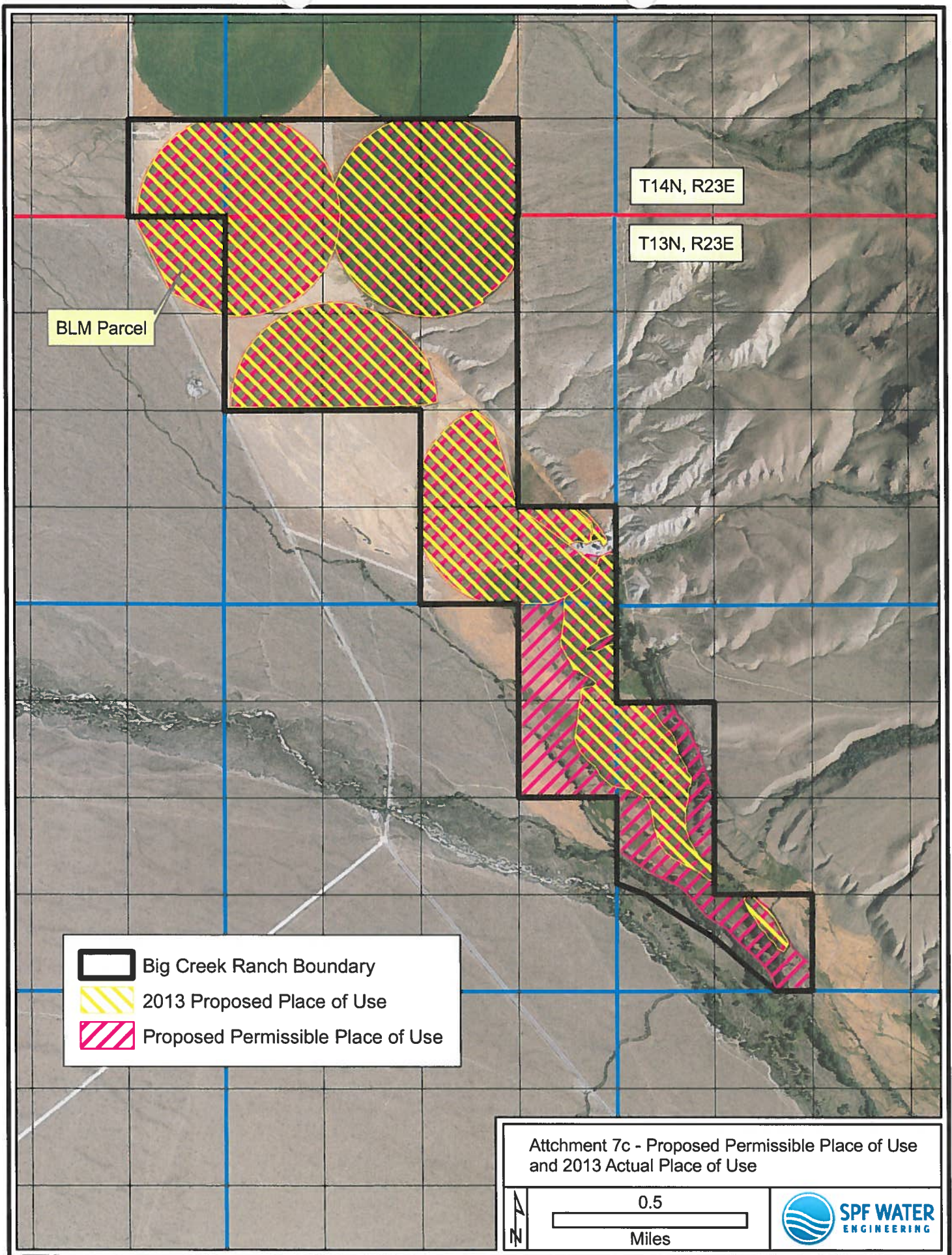
0.5

Miles





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Attachment #9

78574

APPLICATION FOR TRANSFER OF WATER RIGHT ADDITIONAL INFORMATION

Big Creek Ranch LLC acquired the subject property in 2009. The prior owner had installed several pivots, portions of which were on federal public land managed by the Bureau of Land Management (BLM). In addition, irrigation had historically occurred on federal public land in other areas. BLM filed objections to IDWR's recommendations of the Big Creek Ranch water rights in the Snake River Basin adjudication (SRBA), and the litigation was resolved by the "Stipulation to Resolve Objections" signed by the parties and filed with the SRBA court on November 1, 2011.

A copy of the Stipulation is attached. The settlement allows Big Creek Ranch to move 36.0 acres of the water rights decreed to BLM onto Big Creek Ranch-owned lands via an administrative transfer filed with IDWR. The settlement also provides for the transfer of a 2.4-acre portion of water rights currently owned by BLM to 26.4 acres of BLM-owned land which is the subject of a pending application for Land Use Authorization. The BLM-owned land is located in Lot 1 (NENE), S03, T13N, R23E. (This tract was originally decreed only 24 acres.)

As part of the settlement, BLM agreed to participate in this transfer process. Because the water rights are combined in a single delivery system to both Big Creek Ranch and BLM-owned land, BLM also agreed to be a co-applicant. BLM will convey to Big Creek Ranch LLC the portions of the BLM-owned water rights that are successfully transferred onto Big Creek Ranch land and Big Creek Ranch LLC will file a *Notice of Change in Water Right Ownership* at that time, if necessary to clarify IDWR's records. BLM will continue to hold title to the water rights appurtenant to 26.4 acres in the NENE (Lot 1), S3, T13N, R23E after the transfer is approved. Big Creek Ranch LLC will irrigate the BLM-owned land (using BLM-owned water rights) pursuant to the terms of a BLM-issued Land Use Authorization, should one be issued in the future.

Big Creek Ranch will irrigate the lands currently described and shown under the pivots each year. Lands within the permissible place of use (PPU) described by this application (aside from the pivot areas) will be irrigated to rehabilitate areas currently impacted by invasive weed species and establish native vegetation (the "habitat" area). A map showing the entire initial irrigated area within the PPU is attached to this application. The combined total is 495.9 acres, including the pivots (on BLM and Big Creek Ranch lands) and the habitat area. The habitat area may change from year-to-year. Big Creek Ranch LLC will file an amended map with IDWR when the area within the PPU is changed.

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 1 2011

By _____

Clerk
Deputy Clerk

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
550 West Fort Street, MSC 033
Boise, Idaho 83724
Phone: (208) 334-1936; Fax: (208) 334-1414

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 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.

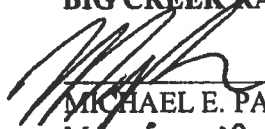
8. This Stipulation comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this Stipulation are contractual and not merely a recital.

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

Julian Connor
Person serving documents

RECEIVED

APR 04 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78574

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 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.
 - ☒ * 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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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/resources.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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: supplemental information, "Stipulation to Resolve Objections"

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No. W 83995	Due no later than May 31, 2013 Annual Report Form		2. Registered Agent and Address (NO PO BOX)														
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. BIG CREEK RANCH, LLC MICHAEL E PAGE PO BOX 5987 KETCHUM ID 83340-5987		MICHAEL E PAGE 318 BROADWAY KETCHUM ID 83340														
			3. <u>New</u> Registered Agent Signature:*														
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MANAGER</td> <td>MICHAEL E PAGE</td> <td>318 BROADWAY BLVD.</td> <td>KETCHUM</td> <td>ID</td> <td>USA</td> <td>83340</td> </tr> </tbody> </table>				Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MANAGER	MICHAEL E PAGE	318 BROADWAY BLVD.	KETCHUM	ID	USA	83340
Office Held	Name	Street or PO Address	City	State	Country	Postal Code											
MANAGER	MICHAEL E PAGE	318 BROADWAY BLVD.	KETCHUM	ID	USA	83340											
5. Organized Under the Laws of: ID W 83995	6. Annual Report must be signed.* Signature: Michael Page Name (type or print): Michael Page Date: 03/29/2013 Title: Manager																
Processed 03/29/2013	* Electronically provided signatures are accepted as original signatures.																

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