

RECEIVED

DEC 21 2012

DEPARTMENT OF
WATER RESOURCES

Transfer No. 78400

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 31 2012

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

Name of Applicant(s) Big Creek Ranch LLC

Phone (208) 720-7082

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 Roxanne Brown, SPF Water Engineering LLC

Phone (208) 383-4140

Mailing 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



Print Name and Title if applicable

12/17/12

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
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**. The applicant proposes corrections to the legal descriptions of the place of use and point of diversion from Sulphur Creek after installation of a new diversion works and pivots. Groundwater and surface water from Sulphur Creek are delivered in a common system.

78400

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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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒	☐ 73-2B	0.53 cfs	irrigation	4/1 to 10/31	Sulphur Cr./Pahsimeroi River
☒	☐ 73-7A	0.89	irrigation	4/1 to 10/31	Sulphur Cr./Pahsimeroi River
☒	☐ 73-7B	0.89	irrigation	4/1 to 10/31	Sulphur Cr./Pahsimeroi River
☒	☐ 73-8B	1.07	irrigation	4/1 to 10/31	Sulphur Cr./Pahsimeroi River
☒	☐ 73-113	2.50	irrigation	4/1 to 10/31	Sulphur Cr./Pahsimeroi River
☒	☐ 73-140	2.85	irrigation	4/1 to 10/31	Sulphur Cr./Pahsimeroi River
☒	☐ 73-2164	5 cfs*/1281 af	irrigation	3/1 to 10/1	groundwater
☒	☐ 73-7000	3 cfs*/696 af	irrigation	3/1 to 10/1	groundwater
☐	☐			to	

Total authorized under rights 16.33 cfs and/or 1977 ac-ft *7.6 cfs combined limit

2. Total amount of water proposed to be transferred or changed 16.33 cubic feet per second and/or 1977 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 #
Y		SW	NW	NW	25	14N	21E	Custer	Sulphur Creek	
N		SE	NW	NE	24	14N	21E	Custer	groundwater	

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	
14N	21E	24		26	24	37	9			11			2.3	36	40	9	31	3.7	229.0
14N	21E	25		34			38	3											75.0
14N	22E	18											8	29			18		55.0
													GL 4						
14N	22E	19		40	32		40	28	34	40		25							239.0
								GL 1	GL 2			GL 3							

Total Acres (for irrigation use) 598

"Total acres" represents a permissible place of use for the water rights from Sulphur Creek.

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 diversion system includes the wells, pumps, mainlines and pivots. Measuring devices and lockable controlling works can be installed on the existing system to meet the requirements of Water District 73 and Water District 170.
- b. Who owns the property at the point(s) of diversion? Big Creek Ranch LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- 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: None.
- 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:
The application corrects the legal description of the irrigated land; no changes to the land now irrigated are anticipated.
- 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.: 73-2B

Current Owner: BIG CREEK RANCH LLC

Priority Date: 5/1/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.53 CFS

0.53 CFS

Annual Volume

Location of Point(s) of Diversion

SULPHUR CREEK

CUSTER County

SW1/4SW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

SULPHUR CREEK

CUSTER County

SE1/4NW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	1.40	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	18.00
T14N R21E S24	SENW	25.00	T14N R21E S24	SWSW	4.10
T14N R21E S24	SESW	40.00	T14N R21E S24	NESE	40.00
T14N R21E S24	NWSE	40.00	T14N R21E S24	SWSE	40.00
T14N R21E S24	SESE	40.00	T14N R21E S25	NWNE	40.00
T14N R21E S25	NENW	40.00	T14N R21E S25	NWNW	22.00
T14N R22E S18	SWSW	10.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19	NWNE	40.00
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00
T14N R22E S19	NWNW	39.00	T14N R22E S19	SWNW	36.00
T14N R22E S19	SENW	40.00	T14N R22E S19	NWSW	37.00

Total Acres: 847.5

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
2. The rights listed below are limited to the irrigation of a combined total of 847.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, and 73-113
3. E55 Right Nos. 73-2B and 73-113 are limited to the irrigation of a combined total of 142.6 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.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. F06 The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
7. K06 This right is limited to the irrigation of 142.6 acres within the place of use described above in a single irrigation season.

Decreed Date: 8/5/2010

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

Current Water Right No.: 73-7A

Current Owner: BIG CREEK RANCH LLC

Priority Date: 7/20/1915

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.89 CFS

0.89 CFS

Annual Volume

Location of Point(s) of Diversion

SULPHUR CREEK

CUSTER County

SW1/4SW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

SULPHUR CREEK

CUSTER County

SE1/4NW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	1.40	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	18.00
T14N R21E S24	SENE	25.00	T14N R21E S24	SWSW	4.10
T14N R21E S24	SESW	40.00	T14N R21E S24	NESE	40.00
T14N R21E S24	NWSE	40.00	T14N R21E S24	SWSE	40.00
T14N R21E S24	SESE	40.00	T14N R21E S25	NWNE	40.00
T14N R21E S25	NENW	40.00	T14N R21E S25	NWNW	22.00
T14N R22E S18	Lot 4 SWSW	10.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19	NWNE	40.00
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00
T14N R22E S19	Lot 1 NWNW	39.00	T14N R22E S19	Lot 2 SWNW	36.00
T14N R22E S19	SENE	40.00	T14N R22E S19	Lot 3 NWSW	37.00

Total Acres: 847.5

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
2. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 71.3 acres in a single irrigation season.
5. 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(8), Idaho Code.

Decreed Date: 8/5/2010

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

Current Water Right No.: 73-7B

Current Owner: BIG CREEK RANCH LLC

Priority Date: 9/16/1912

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.89 CFS

Annual Volume

Total Diversion

0.89 CFS

Location of Point(s) of Diversion

SULPHUR CREEK

SE1/4NW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

CUSTER County

SULPHUR CREEK

SW1/4SW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	1.40	T14N R21E S24	NENE	18.00		
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00		
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	18.00		
T14N R21E S24	SENW	25.00	T14N R21E S24	SWSW	4.10		
T14N R21E S24	SESW	40.00	T14N R21E S24	NESE	40.00		
T14N R21E S24	NWSE	40.00	T14N R21E S24	SWSE	40.00		
T14N R21E S24	SESE	40.00	T14N R21E S25	NWNE	40.00		
T14N R21E S25	NENW	40.00	T14N R21E S25	NWNW	22.00		
T14N R22E S18	Lot 4	SWSW	10.00	T14N R22E S18	SESW	38.00	
T14N R22E S18	SWSE	40.00	T14N R22E S19	NWNE	40.00		
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00		
T14N R22E S19	Lot 1	NWNW	39.00	T14N R22E S19	Lot 2	SWNW	36.00
T14N R22E S19	SENW	40.00	T14N R22E S19	Lot 3	NWSW	37.00	

Total Acres: 847.5

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. Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 71.3 acres in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
5. F06 The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.

Decreed Date: 8/5/2010

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

Current Water Right No.: 73-8B

Current Owner: BIG CREEK RANCH LLC

Priority Date: 1/20/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1.07 CFS

Annual Volume

Total Diversion

1.07 CFS

Location of Point(s) of Diversion

SULPHUR CREEK

SW1/4SW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

CUSTER County

SULPHUR CREEK

SE1/4NW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	1.40	T14N R21E S24	NENE	18.00		
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00		
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	18.00		
T14N R21E S24	SENE	25.00	T14N R21E S24	SWSW	4.10		
T14N R21E S24	SESW	40.00	T14N R21E S24	NESE	40.00		
T14N R21E S24	NWSE	40.00	T14N R21E S24	SWSE	40.00		
T14N R21E S24	SESE	40.00	T14N R21E S25	NWNE	40.00		
T14N R21E S25	NENW	40.00	T14N R21E S25	NWNW	22.00		
T14N R22E S18	Lot 4	SWSW	10.00	T14N R22E S18	SESW	38.00	
T14N R22E S18		SWSE	40.00	T14N R22E S19	NWNE	40.00	
T14N R22E S19		SWNE	40.00	T14N R22E S19	NENW	40.00	
T14N R22E S19	Lot 1	NWNW	39.00	T14N R22E S19	Lot 2	SWNW	36.00
T14N R22E S19		SENE	40.00	T14N R22E S19	Lot 3	NWSW	37.00

Total Acres: 847.5

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
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 53.5 acres within the place of use described above in a single irrigation season.
5. F06 The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.

Decreed Date: 8/5/2010

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

Current Water Right No.: 73-113

Current Owner: BIG CREEK RANCH LLC

Priority Date: 5/11/1911

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total DiversionDiversion Rate

2.5 CFS

2.5 CFS

Annual VolumeLocation of Point(s) of Diversion

SULPHUR CREEK

CUSTER County

SE1/4NW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

SULPHUR CREEK

CUSTER County

SW1/4SW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

Place of UseIRRIGATION Within CUSTER County

T14N R21E S13	SWSE	1.40	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	18.00
T14N R21E S24	SENW	25.00	T14N R21E S24	SWSW	4.10
T14N R21E S24	SESW	40.00	T14N R21E S24	NESE	40.00
T14N R21E S24	NWSE	40.00	T14N R21E S24	SWSE	40.00
T14N R21E S24	SESE	40.00	T14N R21E S25	NWNE	40.00
T14N R21E S25	NENW	40.00	T14N R21E S25	NWNW	22.00
T14N R22E S18	SWSW	10.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19	NWNE	40.00
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00
T14N R22E S19	NWNW	39.00	T14N R22E S19	SWNW	36.00
T14N R22E S19	SENW	40.00	T14N R22E S19	NWSW	37.00

Total Acres: 847.5

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. F06 The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
4. Right Nos. 73-2B and 73-113 are limited to the irrigation of a combined total of 142.6 acres in a single irrigation season.
5. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.

Decreed Date: 8/5/2010

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

Current Water Right No.: 73-140

Current Owner: BIG CREEK RANCH LLC

Priority Date: 12/15/1894

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

2.85 CFS

2.85 CFS

Annual Volume

Location of Point(s) of Diversion

SULPHUR CREEK

CUSTER County

SE1/4NW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

SULPHUR CREEK

CUSTER County

SW1/4SW1/4

Sec. 24, Twp 14N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	1.40	T14N R21E S24	NENE	18.00		
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00		
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	18.00		
T14N R21E S24	SENE	25.00	T14N R21E S24	SWSW	4.10		
T14N R21E S24	SESW	40.00	T14N R21E S24	NESE	40.00		
T14N R21E S24	NWSE	40.00	T14N R21E S24	SWSE	40.00		
T14N R21E S24	SESE	40.00	T14N R21E S25	NWNE	40.00		
T14N R21E S25	NENW	40.00	T14N R21E S25	NWNW	22.00		
T14N R22E S18	Lot 4	SWSW	10.00	T14N R22E S18	SESW	38.00	
T14N R22E S18	SWSE	40.00	T14N R22E S19	NWNE	40.00		
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00		
T14N R22E S19	Lot 1	NWNW	39.00	T14N R22E S19	Lot 2	SWNW	36.00
T14N R22E S19	SENE	40.00	T14N R22E S19	Lot 3	NWSW	37.00	

Total Acres: 847.5

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
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. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2184, 73-7000, 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211.
4. K06 This right is limited to the irrigation of 142.6 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: 8/5/2010

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

Current Water Right No.: 73-2164

Current Owner: BIG CREEK RANCH LLC

Priority Date: 10/6/1966

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	03/01 to 10/01	5 CFS	1281 AF
	<u>Total Diversion</u>	5 CFS	1281 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4NE1/4 Sec. 24, Twp 14N, Rge 21E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19	Lot 1 NWNW	39.00

Total Acres: 368

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000
2. E51 Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.
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. S38 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 9/27/2010

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

Current Water Right No.: 73-7000

Current Owner: BIG CREEK RANCH LLC

Priority Date: 10/26/1967

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	03/01 to 10/31	3 CFS	696 AF
	<u>Total Diversion</u>	3 CFS	696 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4NE1/4 Sec. 24, Twp 14N, Rge 21E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S24	NESW	36.00	T14N R22E S19	NWNE	40.00
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00
T14N R22E S19	SWNW	36.00	T14N R22E S19	SENE	40.00
Total Acres: 232					

Conditions of Approval:

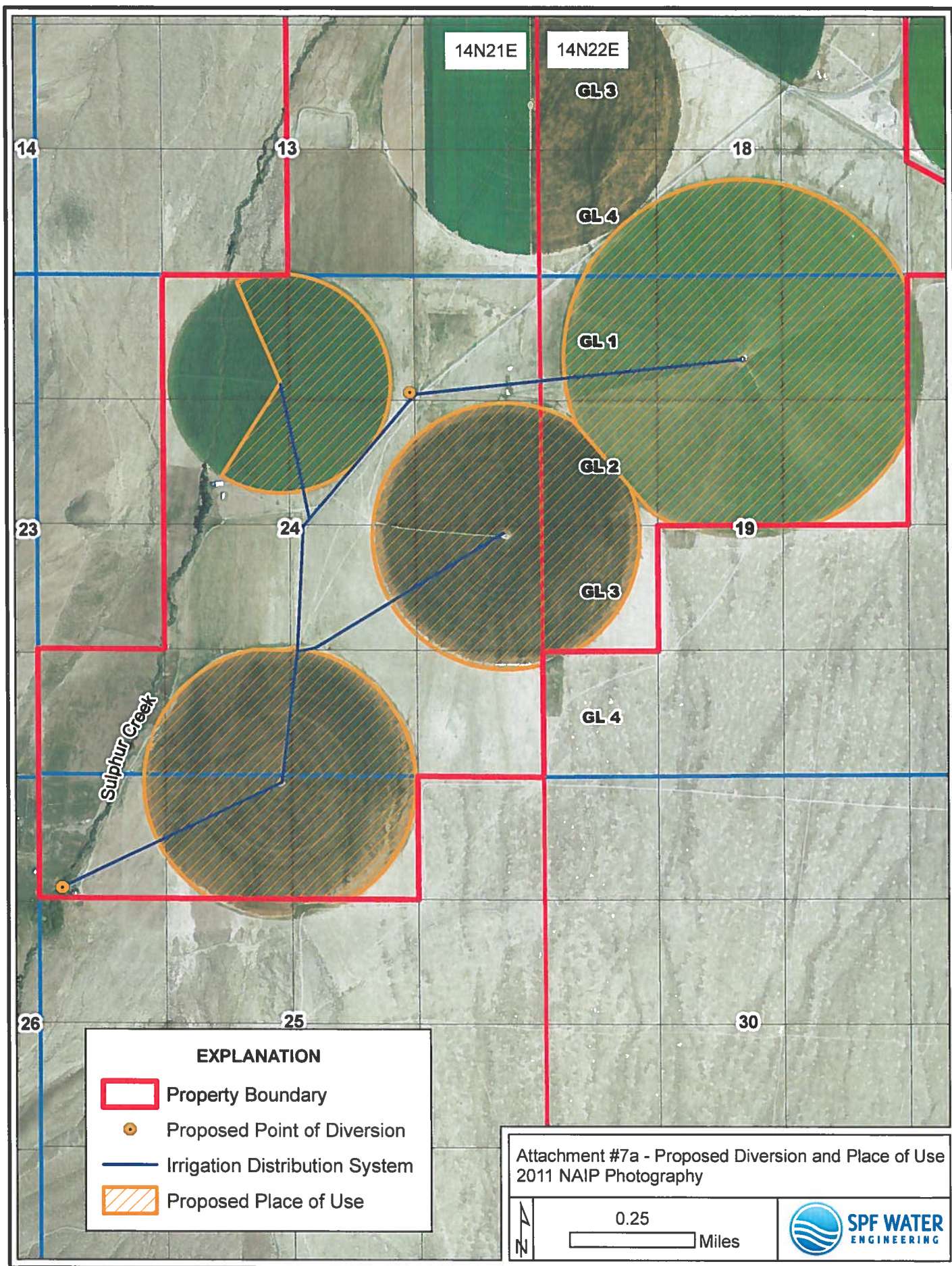
1. E56 The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000
2. C18 This partial decree is subject to such general provisions necessary for the definition 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. E51 Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.

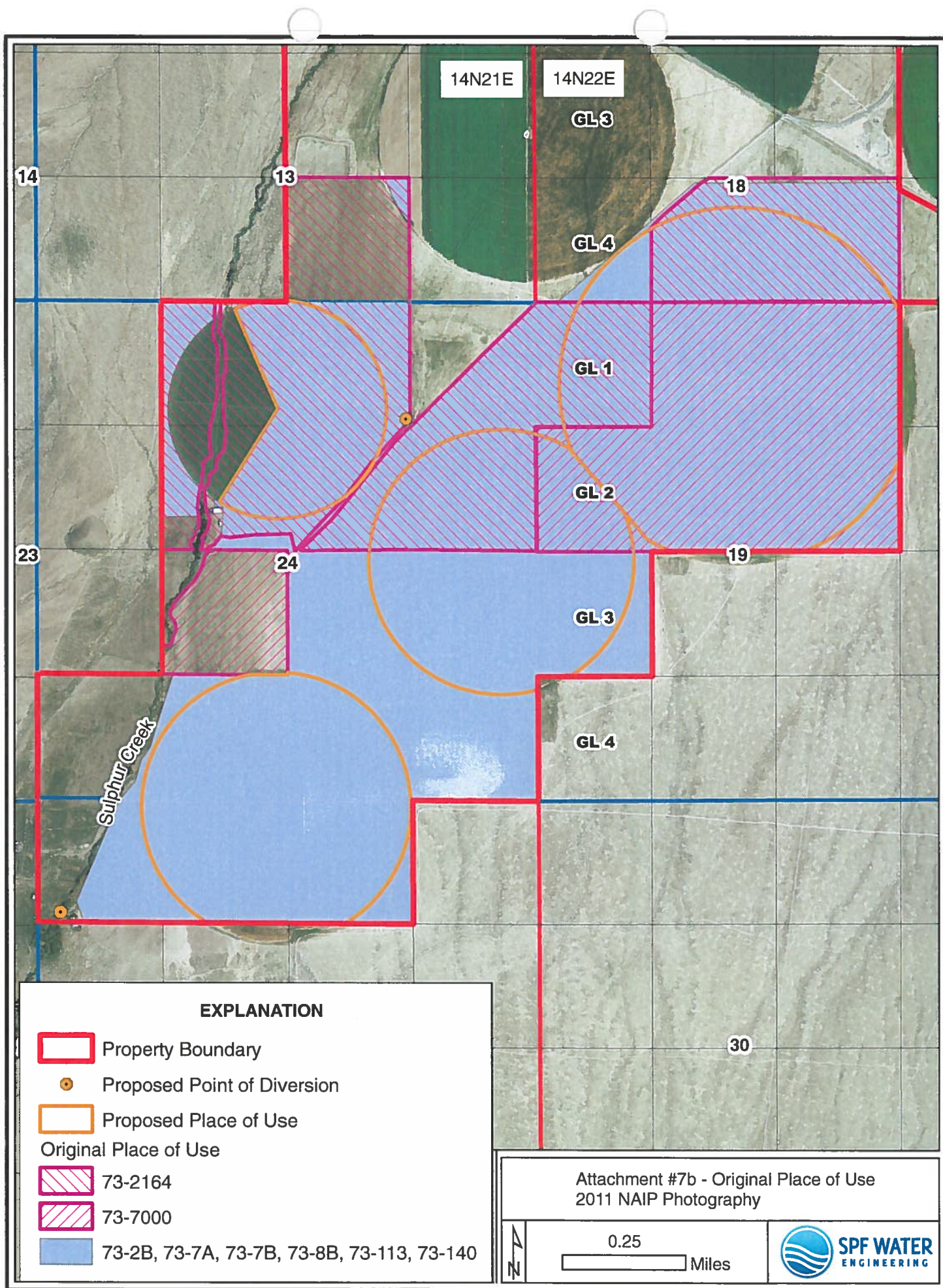
Decreed Date: 9/27/2010

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

Transfer contains _____	pages and _____	attachments.
Received by <u>HP</u>	Date <u>12-21-12</u>	Prelim. Check by _____ Date _____
Fee Paid <u>\$1,780.00</u>	Date <u>12-21-12</u>	Received by <u>HP</u> Receipt # <u>CO96358</u>
Add'l Fee Paid _____	Date _____	Received by _____ Receipt # _____





RECEIVED

RECEIVED

DEC 31 2012

DEC 21 2012

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

DEPARTMENT OF
WATER RESOURCES**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 <u>for each water right</u> for which <u>only a portion</u> 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. (<u>Fee schedule</u> 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. 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: _____ |