

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 77801

This is to certify that: BIG CREEK RANCH LLC  
PO BOX 5987  
KETCHUM ID 83340-5987  
(208) 788-1771

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>   |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|-----------------|
| 73-42        | WR/Decreed          | 02/20/1886      | 10.0 cfs    | N/A           | N/A               | 432.3              | PATTERSON CREEK |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 73-42                 | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 73-42                 | <b>73-42</b>                     | 10.0 cfs             | N/A                    | N/A               | 432.3              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>10.0 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>432.3</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 24<sup>th</sup> day of July, 2012

  
\_\_\_\_\_  
Water Resources Program Manager

SUPPORT DATA  
IN FILE # 73-42

**WATER RIGHT NO. 73-42**  
**As Modified by Transfer No. 77801**

In accordance with the approval of Transfer No. 77801, Water Right No. 73-42 is now described as follows.

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

**Priority Date:** February 20, 1886

**Source:** PATTERSON CREEK

**Tributary:** PAHSIMEROI RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 10.00 CFS             |
| STOCKWATER            | 01/01       | to 12/31  | 0.23 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

PATTERSON CREEK      SENE      Sec. 16 Twp 14N Rge 22E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |     |      |     | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|-----|------|-----|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW  | SW   | SE  | NE   | NW   | SW   | SE   |        |
| 14N 22E 16  |      |      |      |      |      |      | 3.6  |      |      |     | 17.0 | 1.1 |      |      |      |      | 21.7   |
| 14N 22E 17  |      | 34.0 | 33.0 | 31.0 | 29.0 | 32.0 | 36.0 | 36.0 | 24.0 | 2.2 |      | .4  | 35.0 | 35.0 | 14.0 | 17.0 | 358.6  |
| 14N 22E 18  | 35.0 |      |      | 17.0 |      |      |      |      |      |     |      |     |      |      |      |      | 52.0   |

Total Acres: 432.3

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N 22E 16  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 14N 22E 17  |    |    |    |    |    |    | X  |    | X  | X  |    |    |    |    | X  | X  |        |
| 14N 22E 18  |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 73-42, 73-157, 73-158, 73-2102 and 73-2155 when combined shall not exceed a total of the irrigation of 432.3 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

**WATER RIGHT NO. 73-42**  
**As Modified by Transfer No. 77801**

**CONDITIONS OF APPROVAL**

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. An additional weir or other measuring device will be installed and maintained at a point in the existing ditch within one hundred yards of the existing weir above the island pasture.
9. Source is also known as the West Branch of Spring Creek, Big Spring Creek, Spring Creek, or O Neal Creek.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24<sup>th</sup> day of July, 20 12

  
Water Resources Program Manager