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Department of Water Resources
Eastern Region

February 27, 2012

James Cephalo
Idaho Department of Water Resources –
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Subject: Transfer Application – Water Right 73-42 (Big Creek Ranch LLC)

Dear James,

Please find enclosed an *Application for Transfer* to correct the legal description of the point of diversion for water right 73-42. A claim was filed in the Snake River Basin Adjudication for the water right in 1990. The original claim described the point of diversion in the NWNESE, Section 16, T14N, R22E. The claimant also stated "The exact location of the diversion point cannot be determined without a land survey as it falls on the section line." (We assume the claimant meant the 40-acre tract line; the claimed point of diversion is not close to a section line.) IDWR's Director's Report of the claim, and the subsequent partial decree, describe the point of diversion in the NESE of the claimed section.

Tim Luke investigated the location of the point of diversion for this water right prior to issuing a *Pending Notice of Violation* (Notice) in 2011. The following information was provided on page 2 of the Notice:

Note that actual head gate location is in 14N 22E Sec 16 SWSENE but water right POD is in the NWNESE of same section (actual GPS head gate location is about 115 ft. northeast of water right POD).

The enclosed transfer seeks to change the legal description of the point of diversion as shown on the partial decree to the correct location as found by Tim Luke. No physical change will occur.

Big Creek Ranch LLC (BCR) is currently working with state and federal agencies on several conservation projects in the Pahsimeroi Valley and hopes to upgrade the diversion facility for this right in the near future to comply with IDWR's Notice as it concerns a measuring device for water right 73-42. The ultimate place of use for this right has not been determined and it does not make sense to change the legal description of the place of use at this time. We anticipate filing applications to transfer the place of use for several of BCR's water rights (including 73-42) in the future.

As we recently discussed, this transfer seeks only to correct the legal description of the point of diversion, based on a better understanding of the actual location of the diversion works (as determined by IDWR using GPS technology). It is my understanding this qualifies the transfer for special processing by Eastern Region and for this reason we enclose payment of a \$200.00 fee, rather than the normal fee of \$1,220.00 which would be based on the diversion rate of water right 73-42.

Please contact me with any questions concerning this application.

Sincerely,



Roxanne Brown
Sr. Water Rights Specialist

cc: Michael Page, Big Creek Ranch LLC

Enclosure:

SPF Project No.: 836.0021