

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77205

This is to certify that: BIG SPRINGS CREEK LLC
 7 WEST MAIN STREET SUITE 202
 BOZEMAN MT 59715
 (406) 551-4104

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>
73-44	WR/Decreed	04/01/1895	6 cfs	N/A	N/A	109.0	PATTERSON CREEK
73-60	WR/Decreed	03/24/1899	6 cfs	N/A	N/A	109.0	FALLS CREEK
73-46	WR/Decreed	07/10/1895	1 cfs	N/A	N/A	37.5	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>
73-44	NO	NO	YES	NO	NO	NO
73-60	NO	NO	YES	NO	NO	NO
73-46	NO	NO	YES	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>
73-44	73-44	6 cfs	N/A	109.0	146.5		N/A	N/A	N/A	N/A
73-60	73-60	6 cfs	N/A	109.0	146.5		N/A	N/A	N/A	N/A
73-46	73-46	1 cfs	N/A	37.5	146.5		N/A	N/A	N/A	N/A
COMBINED TOTALS		13 cfs	N/A	146.5	146.5		N/A	N/A	N/A	N/A

SUPPORT DATA

Detailed Water Right Description(s) attached

IN FILE # 73-44

Dated this 18th day of July, 2011

for Camela S. Skaggs
 Chief, Water Allocation Bureau

WATER RIGHT NO. 73-44
As Modified by Transfer No. 77205

In accordance with the approval of Transfer No. 77205, Water Right No. 73-44 is now described as follows.

Right Holder: BIG SPRINGS CREEK LLC
 7 WEST MAIN STREET SUITE 202
 BOZEMAN MT 59715

Priority Date: April 01, 1895

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01 to 10/31

To

Diversion Rate

6.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

PATTERSON CREEK SWSW Sec. 9 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	
15N 21E 25																32.0	32.0
15N 21E 36	32.0																32.0
15N 22E 30											32.0						32.0
15N 22E 31					18.5	32.0					L 4						50.5
					L 1	L 1											

Total Acres: 146.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109 acres within the authorized place of use in a single irrigation season.
2. Rights 73-44 and 73-60 when combined shall not exceed a total diversion rate of 6 cfs and the irrigation of 109 acres.
3. 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.
4. 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).
5. 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.

WATER RIGHT NO. 73-44
As Modified by Transfer No. 77205

CONDITIONS OF APPROVAL

6. 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.
7. Source is also known as Spring Creek.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 18th day of July, 20 11

for Camela S Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 73-46
As Modified by Transfer No. 77205

In accordance with the approval of Transfer No. 77205, Water Right No. 73-46 is now described as follows.

Right Holder: BIG SPRINGS CREEK LLC
 7 WEST MAIN STREET SUITE 202
 BOZEMAN MT 59715

Priority Date: July 10, 1895

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	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

PATTERSON CREEK SWSW Sec. 9 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	
15N 21E 25																32.0	32.0
15N 21E 36	32.0																32.0
15N 22E 30											32.0						32.0
15N 22E 31					18.5	32.0					L 4						50.5
					L 1	L 1											

Total Acres: 146.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37.5 acres within the authorized place of use in a single irrigation season.
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).
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.

WATER RIGHT NO. 73-46
As Modified by Transfer No. 77205

CONDITIONS OF APPROVAL

5. 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.
6. Source is also known as Spring Creek.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 18th day of July, 2011

for Camela S Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 73-60
As Modified by Transfer No. 77205

In accordance with the approval of Transfer No. 77205, Water Right No. 73-60 is now described as follows.

Right Holder: BIG SPRINGS CREEK LLC
 7 WEST MAIN STREET SUITE 202
 BOZEMAN MT 59715

Priority Date: March 24, 1899

Source: FALLS CREEK

Tributary: PATTERSON CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	6.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

FALLS CREEK L6 (NENENE) Sec. 6 Twp 14N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
15N 21E 25																32.0	32.0
15N 21E 36	32.0																32.0
15N 22E 30											32.0						32.0
15N 22E 31					18.5	32.0					L 4						50.5
					L 1	L 1											

Total Acres: 146.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109 acres within the authorized place of use in a single irrigation season.
2. Rights 73-44 and 73-60 when combined shall not exceed a total diversion rate of 6 cfs and the irrigation of 109 acres.
3. This right may only be exercised to make up for any deficiency there may be in the waters of Patterson Creek (Spring Creek) and only when there is less than 6 cfs of water in Patterson Creek (Spring Creek) to supply the place of use described below.
4. 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.
5. 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. 73-60
As Modified by Transfer No. 77205

CONDITIONS OF APPROVAL

6. 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.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 18th day of July, 2011

for Danella S. Skaggs
Chief, Water Allocation Bureau