

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXCHANGE OF WATER RIGHT
EXCHANGE NO. 77208

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
73-46	WR/Decreed	07/10/1895	1 cfs	N/A	N/A	37.5	PATTERSON CREEK

Purpose of Exchange (Changes Proposed)

Change the point of diversion from Patterson Creek to a point of diversion on Mayrick Creek upstream of the confluence of Patterson Creek and Mayrick Creek.

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Exchange Rate</u>	<u>Exchange 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
73-46	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

Detailed Water Right Description(s) attached

Dated this 20th day of July, 2011

for Camela S. Stagg
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 73-44

WATER RIGHT NO. 73-44
As Modified by Exchange No. 77208

In accordance with the approval of Exchange No. 77208, 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: MAYRICK 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:

PATTERSON CREEK	SWSW	Sec. 9 Twp 14N Rge 22E LEMHI County
MAYRICK CREEK	NENW	Sec. 36 Twp 15N Rge 21E 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).

WATER RIGHT NO. 73-44
As Modified by Exchange No. 77208

CONDITIONS OF APPROVAL

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.
6. Exchange 77208 authorizes diversion of this right from Mayrick Creek at the point of diversion described above, which is upstream of the confluence of the original source, Patterson Creek, and Mayrick Creek.
7. Diversion of water from Mayrick Creek is limited to those times water is available under this right and priority from Patterson Creek at the original point of diversion described above.
8. Changes to Rights 73-44 and 73-46 authorized under Exchange 77208 will remain in effect unless the right holder notifies the director that the exchange has been discontinued.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this exchange is cause for the Director to rescind approval of the exchange.
12. 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 20th day of July, 20 11

for Camela S Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 73-46
As Modified by Exchange No. 77208

In accordance with the approval of Exchange 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: MAYRICK CREEK

Tributary: PATTERSON CREEK

<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
MAYRICK CREEK	NENW Sec. 36	Twp 15N	Rge 21E	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 Exchange No. 77208

CONDITIONS OF APPROVAL

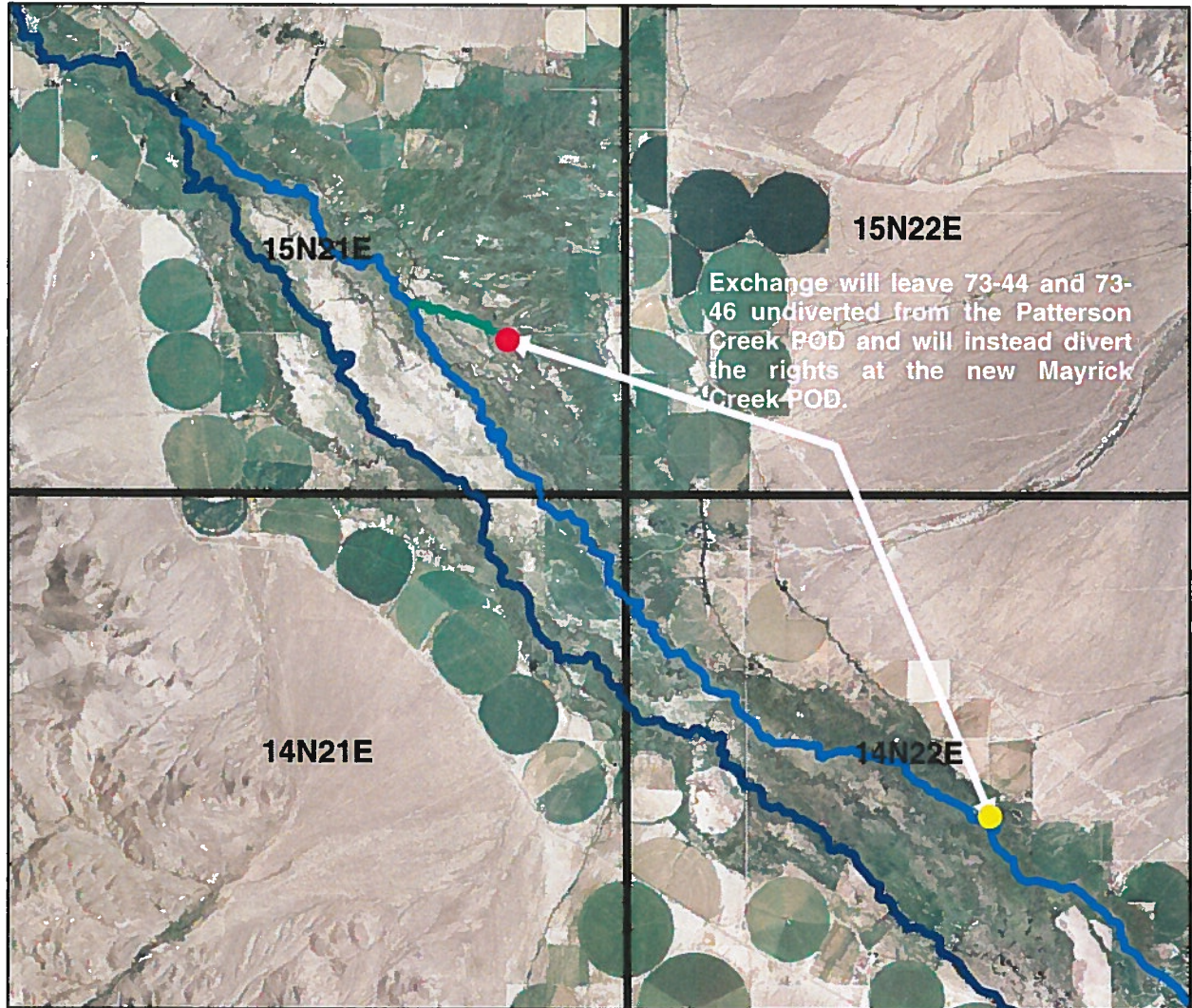
5. Exchange 77208 authorizes diversion of this right from Mayrick Creek at the point of diversion described above, which is upstream of the confluence of the original source, Patterson Creek, and Mayrick Creek.
6. Diversion of water from Mayrick Creek is limited to those times water is available under this right and priority from Patterson Creek at the original point of diversion described above.
7. Changes to Rights 73-44 and 73-46 authorized under Exchange 77208 will remain in effect unless the right holder notifies the director that the exchange has been discontinued.
8. 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.
9. Failure of the right holder to comply with the conditions of this exchange is cause for the Director to rescind approval of the exchange.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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 20th day of July, 20 11

for Camela S. Skaggs
Chief, Water Allocation Bureau

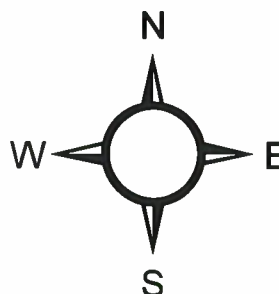
State of Idaho
Department of Water Resources
Exchange Of Water Right
Exchange No. 77208
Exchange of Rights 73-44 and 73-46
(For Illustrative Purposes)



0 0.5 1 2 Miles

Legend

- Mayrick_Creek_POD
- Patterson_Creek_POD
- Mayrick_Creek
- Patterson_Creek
- Pahsimeroi_River
- Townships



2009 Aerial Imagery