

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
77204

RECEIVED
MAY 31 2011
DEPARTMENT OF
WATER RESOURCES

May 31, 2011

1. Matter being protested

Amended Application for Transfer No. 77204 for Big Springs Creek LLC.

2. Name of protestant

United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

3. Protestant's Representative for service (if different than protestant)

Fredric W. Price (contact person)

4. Service mailing address

same as above

5. Service telephone no.

(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based).

Big Springs Creek LLC claimed places of use (listed below) which describe lands entirely owned by the United States. Big Springs Creek LLC is not authorized to use federal public land.

SWSW, S30, T15N, R21E (32 acres)
NENW, S31, T15N, R21E (18.5 acres)
NWNW, S31, T15N, R21E (32 acres)

The Transfer does not state under Purpose of Transfer under (Part 1 A.2.) that the transfer is changing the place of use, however, the newspaper publication states that Big Springs Creek LLC is changing the place of use. The Partial Decree filed on June 10, 2009 (right as recorded) only contains private land POUs in S25 and S26, T15N, R21E. The transfer adds an additional 4 POUs (+146.5 acres) thereby creating a 276.35 acre permissible place of use for a right that is limited to 130 acres. The additional 4 POUs are described in the SWSW, S30 (BLM); NENW, S31 (BLM); NWNW, S31 (BLM); NENE, S36 (Private), all in T15N, R21E.

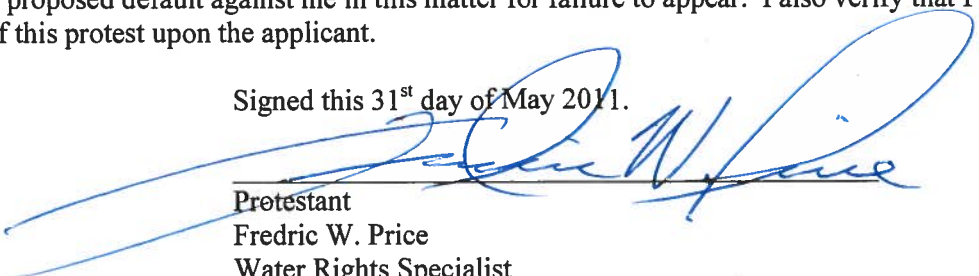
7. What would resolve your protest?

File a 2nd Amended Application for Transfer which excludes federal public land from the place of use description in the SWSW, S30, NENW, and NWNW, S31, T15N, R21E.

Big Springs Creek LLC has filed 4 transfers (77203, 77204, 77205 and 77208). In the other 3 transfers the places of use on BLM land described above (R21E) were listed in R22E (private). It appears that a clerical error occurred. If that is the case, then amending the 3 POUs on BLM land, so that they are described in R22E on private land, would resolve BLM's concerns and protest.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 31st day of May 2011.


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

- ◆Map prepared by BLM for illustrative purposes.
- ◆Master Title Plat: T15N, R21E and T15N, R22E.
- ◆IDWR's representation of Application for Transfer No. 77204.
- ◆Amended Application for Transfer No. 77204 for Big Springs Creek, LLC form #202 submitted by applicant to IDWR for Water Right Report dated May 02, 2011.
- ◆Affidavit of Publication received by IDWR on May 23, 2011
- ◆Partial Decree Filed on June 10, 2009

FOR DEPARTMENT USE ONLY

Received by VW Date 5/31/11
Fee Paid \$25.00 Date 5/31/11 Received by VW Receipt # 0093198

CERTIFICATE OF SERVICE

I certify that on May 31, 2011, I served a true and correct copy of the **"Protest of Amended Application for Transfer No. 73-00255"** for Big Springs Creek LLC with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Jeff Peppersack, Administrator
Idaho Department of Water Resources (IDWR)
Idaho State Office
Water Management Division,
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources (IDWR)
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Big Springs Creek LLC
7 West Main Street Suite 202
Bozeman, MT 59715

Nathaniel Arave, Geologist
U.S., Department of the Interior,
Bureau of Land Management,
Challis Field Office
801 Blue Mountain Road
Challis, ID 83226

Timothy Vanek, Realty Specialist
Department of the Interior
Bureau of Land Management
Challis Field Office
801 Blue Mountain Road
Challis, ID 83226

Brandon Anderson

Person Serving Documents (print name)



Signature of Person Serving Documents

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

TRANSFER NO. 77204

BIG SPRINGS CREEK LLC, 7
WEST MAIN STREET SUITE 202,
BOZEMAN, MT 59715 has filed Appli-
cation No. 77204 for changes to the
following water rights within LEMHI
County(s): Right No(s). 73-255; to see
a full description of these rights and
the proposed transfer, please see
[www.idwr.idaho.gov/apps/ExtSearch/
WRFFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFFiling.asp).

The purpose of the transfer is to
change the above rights as follows:

The applicant proposes to change
the point of diversion and to change
the place of use. The points of diver-
sion are in the NENW Sec 36 (new)
and the SESW Sec 25 (existing) T15N
R21E for 2.0 cfs. The place of use is
within Sec 25, 26, 30, 31 and 36 T15N
R21E for 276.5 acres with a 130 acre
limit.

EXCHANGE NO. 77208

BIG SPRINGS CREEK LLC, 7
WEST MAIN STREET SUITE 202,
BOZEMAN, MT 59715 has filed Appli-
cation No. 77208 for changes to the
following water rights within LEMHI
County(s): Right No(s). 73-44, 73-46;
to see a full description of these rights
and the proposed exchange, please
see [www.idwr.idaho.gov/apps/
ExtSearch/WRFFiling.asp](http://www.idwr.idaho.gov/apps/
ExtSearch/WRFFiling.asp).

The purpose of the exchange is to
change a portion of the above rights
as follows:

The applicant proposes to ex-
change the point of diversion and
source from Patterson/Big Springs
Creek, SWSW Sec 9 T14N R22E to
Mayrick Creek, NENW Sec 36 T15N
R21E, to allow them the ability the abil-
ity to install a much more efficient
sprinkler irrigation system while con-
tributing to in-stream flows.

TRANSFER NO. 77205

BIG SPRINGS CREEK LLC, 7
WEST MAIN STREET SUITE 202,
BOZEMAN, MT 59715 has filed Appli-
cation No. 77205 for changes to the
following water rights within LEMHI
County(s): Right No(s). 73-44, 73-60,
73-46; to see a full description of these
rights and the proposed transfer,
please see [www.idwr.idaho.gov/apps/
ExtSearch/WRFFiling.asp](http://www.idwr.idaho.gov/apps/
ExtSearch/WRFFiling.asp).

The purpose of the transfer is to
change the above rights as follows:

The applicant proposes to change

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MAY 23 2011

Department of Water Resources
Eastern Region

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **PROPOSED CHANGES**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereof for **TWO (2)** consecutive issue(s), commencing with the issue dated **5-12-2011** and ending with the issue dated **5-19-2011**.

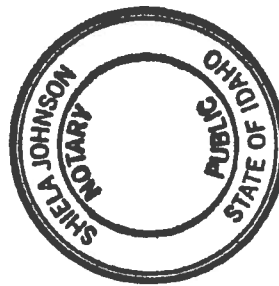
STATE OF IDAHO }
County of Lemhi } ss.

On this **20th day of May** in this year of **2011** before me, A Notary Public, personally appeared **RICKY G. HODGES**, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheila Johnson
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 01-16-2013



Publication Fee \$219.60

the place of use to enhance the irrigation efficiency. The place of use is within Sec 25 and 36 T15N R21E and Sec 30 and 31 T15N R22E for 146.5 acres.

TRANSFER NO. 77203

BIG SPRINGS CREEK LLC, 7 WEST MAIN STREET SUITE 202, BOZEMAN, MT 59715 has filed Application No. 77203 for changes to the following water rights within LEMHI County(s): Right No(s). 73-65; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change the above rights as follows:

The applicant proposes to change the place of use to a new location for new wheel line system. The point of diversion will remain the same for .60 cfs. The place of use is in the SENW Sec 31 T15N R22E for 28.2 acres.

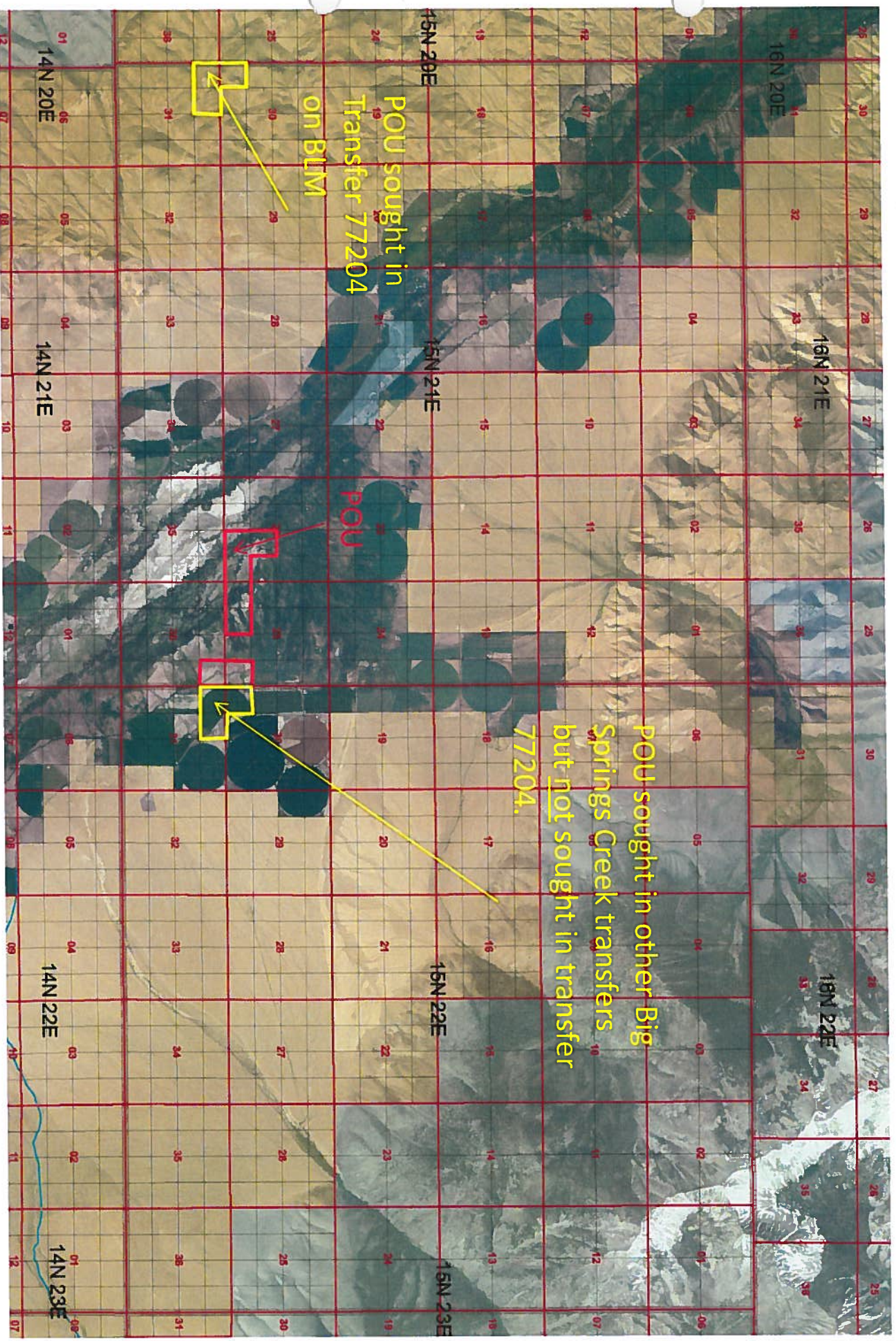
Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 31, 2011. The protestant must also send a copy of the protest to the applicant.

5-12-2tc



73-00255, Big Springs Creek LLC.
Transfer 77204



LEMHI COUNTY 059
IDAHO FALLS DISTRICT SEC.

MT PLAT

IDH 09142 Del PL 167 (Act of Cong 07/23/1955)
completed 12/10/1962. All NF surface Mgmt by
USFS

Bozho Meer
T. 15 N
R. 22 E



DISCLAIMER

Close

TRANSFER NO. 77204

BIG SPRINGS CREEK LLC

7 WEST MAIN STREET SUITE 202

BOZEMAN MT 59715, has filed Application No. 77204 for changes to the following water rights within
County: LEMHI

Applicant's Statement of Purpose: We propose transferring one of the current Points of Diversion (POD) associated with water right 73-255. The new location for the proposed POD will be the location of a new pump station that will provide water for the ranch.

Purpose of Transfer	Water Right Number
Change Point Of Diversion	73-255
Change Place of Use	73-255

Right No. 73-255**Priority** May 30 1899 12:00AM**Source** MAYRICK CREEK,**Use** IRRIGATION(130 acres) 2 CFS,**Total Amount** 2 CFS**Point(s) of Diversion**

Township	Range	Section	QQQ	QQ	Quarter	GovernmentLotNumber
15N	21E	25		SW	SW	
15N	21E	25		SE	SW	

Place Of Use

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	21E	25		SWSW	40		SESW	35						
		26		NWSE	12		SWSE	5		SESE	38			

Total Acres: 130

The purpose of the transfer is to change the above rights a follows:

Proposed Right No. 73-255

Priority May 30 1899 12:00AM**Source** MAYRICK CREEK,**Use** IRRIGATION(276.5 acres) (130 acre limit) 2 CFS,**Total Amount** 2 CFS

Township	Range	Section	QQQ	QQ	Quarter	GovernmentLotNumber
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15N	21E	25	SE	SW
15N	21E	36	NE	NW

Place Of Use

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	21E	25		SWSW	40		SESW	35						
				SESE	32									
		26		NWSE	12		SWSE	5		SESE	38			
		30		SWSW	32 BLM									
		31		NENW	18.5 BLM		NWNW	32 BLM						
		36		NENE	32									

Total Acres: 276.5

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MAY 02 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77204MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

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 always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part I.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. 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 for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf
- ☒ * 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. (Fee schedule 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 not 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 I.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #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).
- ☐ ☒ #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 I.)
- ☐ ☒ #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/wrt_default.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 I.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.)
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Big Springs Creek, LLC Phone (406) 551-4104Mailing address 7 West Main Street, Suite 202, Bozeman, MT 59715 Email court.smith@beartoothcap.com

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

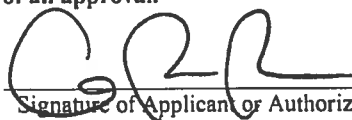
OR

☐ 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

Carl Palmer, Managing Partner
 Print Name and Title if applicable

4/28/11
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**. We propose transferring one of the current Points of Diversion (POD) associated with water right 73-255.
The new location for the proposed POD will be the location of a new pump station that will provide irrigation water
for the ranch.

STATE OF IDAHO
DEPARTMENT OF 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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	73-255	2.0	Irrigation	04/01 to 10/31	Mayrick Creek, Patterson Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.0 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 2.0 cubic feet per second and/or 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 #
yes			NE	NW	36	15N	21E	Lemhi	Mayrick Creek	
no			SE	SW	25	15N	21E	Lemhi	Mayrick Creek	

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	
15N	21E	25											40	35					75
15N	21E	26														12	5	38	55
15N	21E	25																32	32
15N	21E	36	32																32
15N	21E	30																	32
15N	21E	31																	50.5

Total Acres (for irrigation use) 276.5 *

*up to a maximum of 130 acres

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 new POD will incorporate a ~30-hp and a ~50-hp pump with 8" mainline to 2 pivots. There will be a lockable control valve and a rate/volume flow meter on the mainline above ground, about 25 feet from the pump.
- b. Who owns the property at the point(s) of diversion? Big Springs Creek, 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: Howard R. Cutler and Zella M. Cutler (husband and wife), mortgage to secure indebtedness.
- 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: Not applicable.
- 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: _____
- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount	(cfs/ac-ft) for	purposes from	to	
amount	for	purposes from	to	
amount	for	purposes from	to	
amount	for	purposes from	to	
amount	for	purposes from	to	
amount	for	purposes from	to	
amount	for	purposes from	to	
amount	for	purposes from	to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

RECEIVED

APR 26 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77204**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 always required 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 for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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. (Fee schedule 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 not 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.
- ☐ ☒ #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).
- ☐ ☒ #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/wrt_default.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.)
- ☐ ☒ #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: _____

RECEIVED

APR 26 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77204

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPARTMENT OF
WATER RESOURCES

Name of Applicant(s) Big Springs Creek, LLC

Phone (406) 551-4104

Mailing address 7 West Main Street, Suite 202, Bozeman, MT 59715

Email court.smith@beartoothcap.com

- ☐ 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

Phone

Mailing address

Email

- ☐ 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

Carl Palmer, Managing Partner
Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☐ Change place of use
☐ Other
- 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**. We propose transferring one of the current Points of Diversion (POD) associated with water right 73-255. The new location for the proposed POD will be the location of a new pump station that will provide irrigation water for the ranch.

STATE OF IDAHO
DEPARTMENT OF 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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	73-255	2.0		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.0 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 2.0 cubic feet per second and/or 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 #
yes			NE	NW	36	15N	21E	Lemhi	Mayrick Creek	
no			SE	SW	25	15N	21E	Lemhi	Mayrick Creek	

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	
current	15N	21E	25											40	35					75
point	15N	21E	26													12	5	38		55
OR																				
alt. #	15N	21E	25															32		32
point	15N	21E	36	32																32
	15N	21E	30											32						32
	15N	21E	31					18	32											50

Proposed PPU - Water from Mayrick Creek may be used to water either of the PPU's, up to a maximum of 130 acres.

Total Acres (for irrigation use) 130

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 new POD will incorporate a ~30-hp and a ~50-hp pump with 8" mainline to 2 pivots. There will be a lockable control valve and a rate/volume flow meter on the mainline above ground, about 25 feet from the pump.
- b. Who owns the property at the point(s) of diversion? Big Springs Creek, 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: Howard R. Cutler and Zella M. Cutler (husband and wife), mortgage to secure indebtedness.
- 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: Not applicable.
- 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: _____
- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a Part 2A report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount	(cfs/ac-ft) for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	
amount	for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid \$290- Date 4/26/2011 Received by SR7 Receipt # C092949

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Attachment 1

ACTION TAKEN BY WRITTEN CONSENT
OF THE
SOLE MEMBER
OF
BIG SPRINGS CREEK, LLC
(a Delaware limited liability company)

The undersigned, being the Sole Member of Big Springs Creek, LLC, a Delaware limited liability company (the "Company"), does hereby consent to and adopt the following resolutions:

WHEREAS, pursuant to Section 6 of the Limited Liability Company Agreement, the Sole Member may appoint officers of the Company when deemed to be necessary and advisable;

AND WHEREAS, it is in the best interest of the Company to appoint the following officer:

Carl Palmer Managing Director

AND WHEREAS, it is in the best interest of the Company to authorize Mr. Palmer to act on behalf of the Company;

NOW, THEREFORE, BE IT RESOLVED that Carl Palmer is hereby elected Managing Director and is further authorized, directed and empowered to: (1) execute, endorse, acknowledge and deliver on behalf of the Company, any document, covenant, lease, application, instrument, set-aside letter, letter agreement, authorization, check, draft, letter of credit, bond, agreement, note, deed of trust, certificate, consent, affidavit, tax form or other writing; (2) to negotiate with any attorney, agent, guild or other person or persons, whether for the purposes of collective bargaining or individual agreement: and (3) to further advance the business and purpose of the Company, without limitation.

IN WITNESS WHEREOF, the undersigned has executed this Action Taken By Written Consent as of the January 30, 2008.

SOLE MEMBER

BEARTOOTH CAPITAL I, L.P.

BY: BEARTOOTH CAPITAL GP, LLC
its General Partner

BY:



Carl Palmer, Managing Director

LIMITED LIABILITY COMPANY AGREEMENT**OF****BIG SPRINGS CREEK, LLC**

This Limited Liability Company Agreement (this "Agreement") of Big Springs Creek, LLC (the "Company"), is entered into and is effective as of January 30, 2008, by Beartooth Capital I, L.P., a Delaware limited partnership, as the sole member (the "Member").

The Member hereby forms a limited liability company pursuant to and in accordance with the Delaware Limited Liability Company Act (6 Del. C. §18-101, et seq.), as amended from time to time (the "Act"), and hereby agrees as follows:

Section 1. Name. The name of the limited liability company formed is and continues to be Big Springs Creek, LLC.

Section 2. Purpose. The Company is formed for the object and purpose of, and the nature of the business to be conducted and promoted by the Company is, engaging in any lawful act or activity for which limited liability companies may be formed under the Act and engaging in any and all activities necessary or incidental to the foregoing.

Section 3. Registered Office. The address of the registered office of the Company in the State of Delaware is 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

Section 4. Registered Agent. The name and address of the registered agent of the Company for service of process on the Company in the State of Delaware is c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

Section 5. Members. The name and address of the Member is as follows:

Name	Address
Beartooth Capital I, L.P.	402 North 5 th Avenue Bozeman, MT 59715

Section 6. Powers. The Company shall be wholly managed by its Member. The Member may appoint officers of the Company from time to time, as the Member deems appropriate, to perform the duties and management of the Company on behalf of the Member pursuant to the provisions of this Agreement and the Act.

Section 8. Dissolution. The Company shall dissolve and its affairs shall be wound up upon the first to occur of the following: (a) the unanimous written consent of the members to dissolve the Company, (b) at any time there are no members unless there is an agreement in writing to continue the Company as provided in Section 18-801(a)(4) of the Act, or (c) the entry of a decree of judicial dissolution under Section 18-802 of the Act.

Unless otherwise provided by this Agreement, the death, retirement, resignation, expulsion, bankruptcy or dissolution of any member or the occurrence of any other event that terminates the continued membership of any member shall not cause the Company to be dissolved or its affairs to be wound up, unless within 90 days following the occurrence of such event, the members agree in writing to dissolve the Company as provided in Section 18-801(b) of the Act.

Section 9. Capital Contributions. The Member has contributed the following amounts, in cash, and no other property, to the Company:

Beartooth Capital I, L.P. \$1,000.00

Section 10. Additional Contributions. No member is required to make any additional capital contribution to the Company.

Section 11. Allocation of Profits and Losses. Allocation of the Company's profits and losses shall be allocated to the members pro rata according to their respective membership percentages.

Section 12. Distributions. Distributions shall be made to the members at the times and in the aggregate amounts determined by the Member.

Section 13. Assignments. A member may not assign in whole or in part his or her limited liability company interest without the prior written consent of the Member, which consent may be given or withheld in the sole and absolute discretion of the Member.

Section 14. Admission of Additional Members. One or more additional members of the Company may be admitted to the Company with the consent of the Member provided that such new member executes this Agreement.

Section 15. Liability of Members. The members shall not have any liability for the obligations or liabilities of the Company except to the extent provided in the Act.

Section 16. Amendment. This Agreement may be amended by the consent of the Sole Member but any amendment to this Agreement must be in writing and signed by the Member.

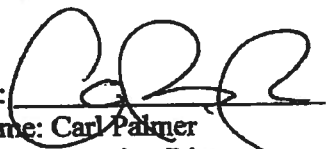
Section 17. Governing Law. This Agreement shall be governed by, and construed under, the laws of the State of Delaware, all rights and remedies being governed by said laws.

IN WITNESS WHEREOF, the undersigned, intending to be legally bound hereby, has duly executed and delivered this Agreement as of the 30th day of January, 2008.

MEMBER:

Beartooth Capital I, L.P.
a Delaware limited partnership

By: Beartooth Capital GP, LLC
Its: General Partner

By: 
Name: Carl Palmer
Title: Managing Director

Attachment 2

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/24/2011

WATER RIGHT NO. 73-255

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG SPRINGS CREEK RANCH LLC 7 W MAIN ST STE 202 BOZEMAN, MT 59715 (406)551-4104
Directors Report Owner	SPRING CREEK GRAZING ASSN C/O HOWARD CUTLER HC 67 BOX 2066 CHALLIS, ID 83226 (208)838-2366
Original Owner	IDAHO LIVESTOCK LANDS INC

Priority Date: 05/30/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAYRICK CREEK	PATTERSON CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

MAYRICK CREEK	SWSW	Sec. 25	Township 15N	Range 21E	LEMHI County
---------------	------	---------	--------------	-----------	--------------

MAYRICK CREEK	SESW	Sec. 25	Township 15N	Range 21E	LEMHI County
---------------	------	---------	--------------	-----------	--------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	21E	25		SWSW	40		SESW	35						
		26		NWSE	12		SWSE	5		SESE	38			

Total Acres: 130

Conditions of Approval:

1.	C03	Right includes accomplished change in point of diversion 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.

Dates:

Licensed Date:

Decreed Date: 06/10/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 73

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

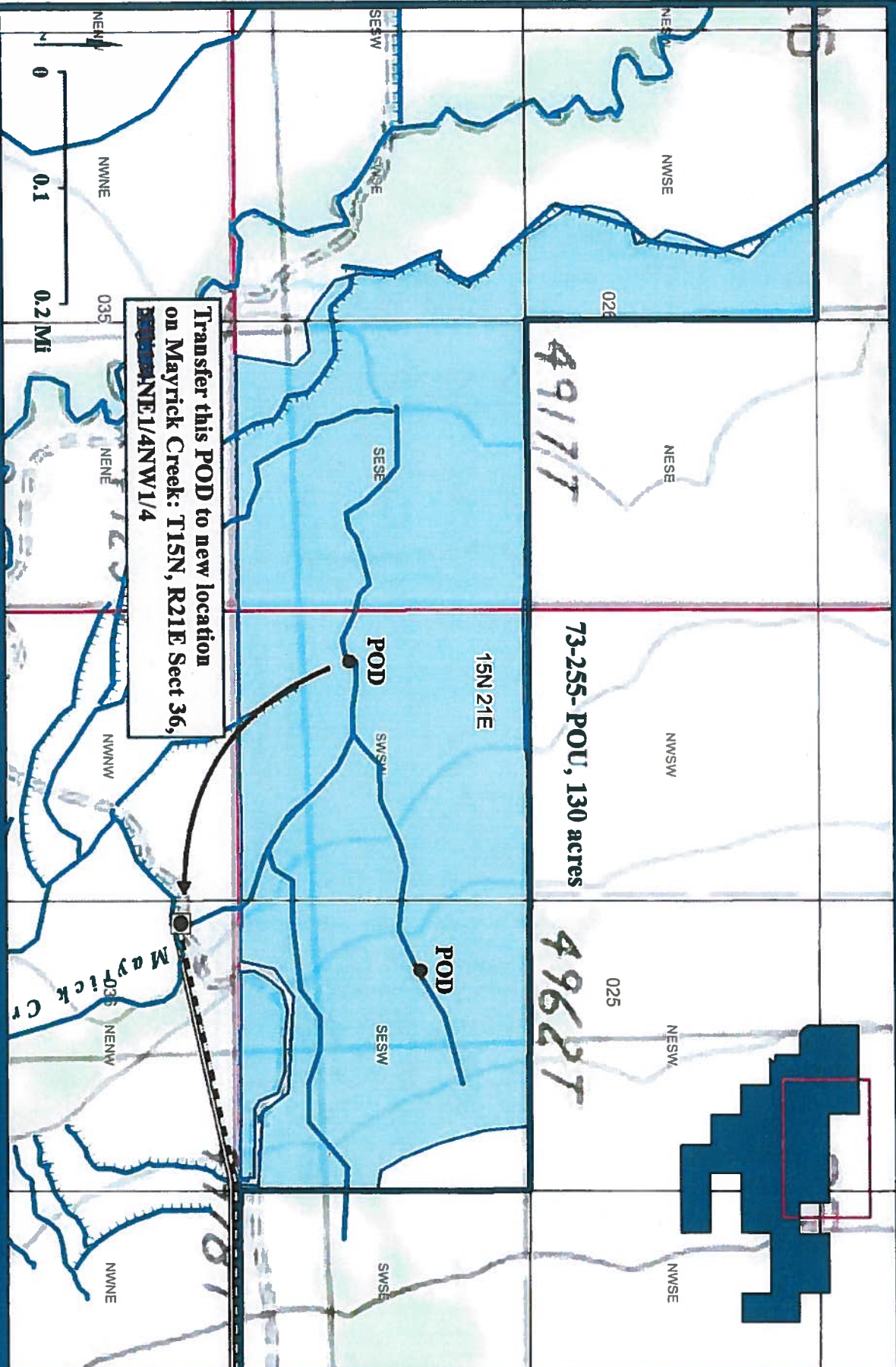
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

73-255
POI and POD

Attachment 7A (Part 2) of 73-44 & 73-46 Transfer Application for alternative roll.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED *M*

2009 JUN 10 / AM 9 12

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-00255

NAME AND ADDRESS: BIG SPRINGS CREEK RANCH LLC
PO BOX 3116
BOZEMAN, MT 59772

SOURCE: MAYRICK CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 05/30/1899

POINT OF DIVERSION: T15N R21E S25 SWSW Within Lemhi County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R21E S25 SWSW 40.0	SESW 35.0
	S26 NWSE 12.0	SWSE 5.0
	SESE 38.0	
	130.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 11 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 10 AM 9 11

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) Water Right Nos.: See Attached Exhibit A
) (Big Springs Creek Ranch LLC)
)

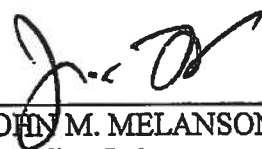
) ORDER OF PARTIAL DECREES
)
)
)

On January 25, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 73, Part 1, Reporting Area 23, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On July 29, 2008, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a substitution of party in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June 10, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

EXHIBIT A (BIG SPRINGS CREEK RANCH LLC)

Subcase Nos:

73-00044
73-00046
73-00057
73-00060
73-00065
73-00101
73-00102
73-00255

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 10, 2009, with sufficient first-class postage to the following:

BIG SPRINGS CREEK RANCH LLC
PO BOX 3116
BOZEMAN, MT 59772

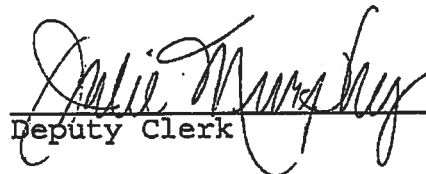
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 6/10/09

FILE COPY FOR 00251

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".