

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77037

This is to certify that: B P BAR RANCH INC
 C/O JIM SPECK
 SPECK & AANESTAD
 PO BOX 987
 KETCHUM ID 83340-0987
 (208)726-4421

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>
73-7121	WR/License	07/04/1993	1.88 cfs	357 af	N/A	102.0	GROUND WATER
73-10112	WR/Decreed	03/01/1900	5.4 cfs	N/A	N/A	204.7	MORGAN CREEK
73-4098A	WR/Decreed	02/18/1926	6.41 cfs	N/A	N/A	305.7	PATTERSON CREEK
73-10110A	WR/Decreed	03/24/1891	7.0 cfs	N/A	N/A	305.7	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>
73-7121	NO	NO	YES	NO	NO	NO
73-10112	YES	NO	YES	NO	NO	NO
73-4098A	NO	NO	YES	NO	NO	NO
73-10110A	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>
73-7121	73-7121	1.88 cfs	357 af	102.0	412.7		N/A	N/A	N/A	N/A
73-10112	73-12178	1.45 cfs	N/A	55.0	412.7	73-12177	5.4 cfs	N/A	N/A	204.7
73-4098A	73-4098A	6.41 cfs	N/A	305.7	412.7		N/A	N/A	N/A	N/A
73-10110A	73-10110A	7.0 cfs	N/A	305.7	412.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		16.74 cfs	N/A	412.7	412.7		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 73-4098A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77037

Detailed Water Right Description(s) attached

Dated this 13th day of May, 2011



Water Resources Program Manager



WATER RIGHT NO. 73-10110A
As Modified by Transfer No. 77037

In accordance with the approval of Transfer No. 77037, Water Right No. 73-10110A is now described as follows.

Right Holder: B P BAR RANCH INC
 C/O JIM SPECK
 SPECK & AANESTAD
 PO BOX 987
 KETCHUM ID 83340-0987

Priority Date: March 24, 1891

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 7.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

PATTERSON CREEK NWNE Sec. 27 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	8														3.1	1.5		4.6
15N	21E	16			29.7		36.9	38.8	37.4	31.0		34.8		30.9					239.5
15N	21E	17	39.7	40.0	27.9	40.0									21.0				168.6

Total Acres: 412.7

CONDITIONS OF APPROVAL

1. Rights 73-4098A and 73-10110A when combined shall not exceed the irrigation of 305.7 acres.
2. Rights 73-4098A, 73-7121, 73-10110A and 73-12178 when combined shall not exceed the irrigation of 412.7 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.
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.

WATER RIGHT NO. 73-10110A
As Modified by Transfer No. 77037

CONDITIONS OF APPROVAL

7. Water is delivered through the PBSC-1 diversion.
8. Source is also known as Spring Creek, Big Spring Creek, or O Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another.
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 transfer is cause for the Director to rescind approval of the transfer.
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 13th day of May, 20 11


Water Resources Program Manager

WATER RIGHT NO. 73-4098A
As Modified by Transfer No. 77037

In accordance with the approval of Transfer No. 77037, Water Right No. 73-4098A is now described as follows.

Right Holder: B P BAR RANCH INC
 C/O JIM SPECK
 SPECK & AANESTAD
 PO BOX 987
 KETCHUM ID 83340-0987

Priority Date: February 18, 1926

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01 to 10/31

To

Diversion Rate

6.41 CFS

LOCATION OF POINT(S) OF DIVERSION:

PATTERSON CREEK NWNE Sec. 27 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	8														3.1	1.5		4.6
15N	21E	16		29.7			36.9	38.8	37.4	31.0		34.8		30.9					239.5
15N	21E	17	39.7	40.0	27.9	40.0									21.0				168.6

Total Acres: 412.7

CONDITIONS OF APPROVAL

1. Rights 73-4098A and 73-10110A when combined shall not exceed the irrigation of 305.7 acres.
2. Rights 73-4098A, 73-7121, 73-10110A and 73-12178 when combined shall not exceed the irrigation of 412.7 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.
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.

WATER RIGHT NO. 73-4098A
As Modified by Transfer No. 77037

CONDITIONS OF APPROVAL

7. Water is delivered through the PBSC-1 diversion.
8. Source is also known as Spring Creek, Big Spring Creek, or O Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another.
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 transfer is cause for the Director to rescind approval of the transfer.
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 13th day of May, 2011


Water Resources Program Manager

WATER RIGHT NO. 73-7121
As Modified by Transfer No. 77037

In accordance with the approval of Transfer No. 77037, Water Right No. 73-7121 is now described as follows.

Right Holder: B P BAR RANCH INC
 C/O JIM SPECK
 SPECK & AANESTAD
 PO BOX 987
 KETCHUM ID 83340-0987

Priority Date: July 04, 1993

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.88 CFS	357.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENW Sec. 16 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	8														3.1	1.5		4.6
15N	21E	16			29.7		36.9	38.8	37.4	31.0		34.8		30.9					239.5
15N	21E	17	39.7	40.0	27.9	40.0									21.0				168.6

Total Acres: 412.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 102.0 acres within the authorized place of use in a single irrigation season.
2. Rights 73-7121 and 73-12178 when combined shall not exceed the irrigation of 107.0 acres.
3. Rights 73-4098A, 73-7121, 73-10110A and 73-12178 when combined shall not exceed the irrigation of 412.7 acres.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 73-7121
As Modified by Transfer No. 77037

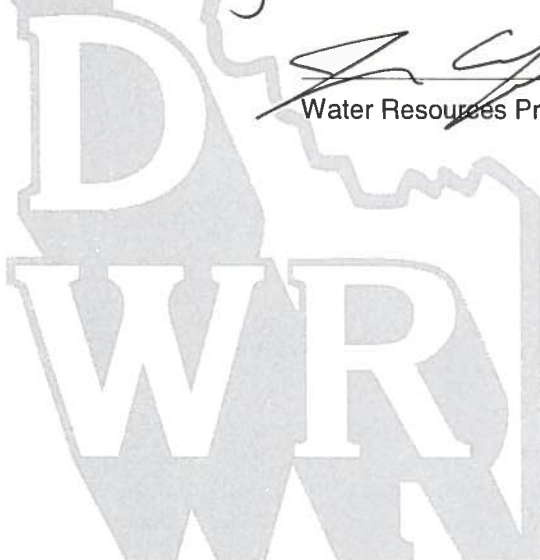
CONDITIONS OF APPROVAL

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 13th day of May, 20 11


Water Resources Program Manager



WATER RIGHT NO. 73-12177
As Modified by Transfer No. 77037

In accordance with the approval of Transfer No. 77037, Water Right No. 73-12177 is now described as follows.

Right Holder: RALPH HATCH And
 RUTH HATCH
 434 PAHSIMEROI RD
 ELLIS ID 83235-2002

Priority Date: March 01, 1900

Source: MORGAN CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01 to 10/31

To

Diversion Rate

5.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

MORGAN CREEK

NENE

Sec. 11 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	9												25.0	40.0	5.7	39.0	40.0	149.7
15N	21E	16			39.0				16.0										55.0

Total Acres: 204.7

CONDITIONS OF APPROVAL

- 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 13th day of May, 20 11


 Water Resources Program Manager

WATER RIGHT NO. 73-12178
As Modified by Transfer No. 77037

In accordance with the approval of Transfer No. 77037, Water Right No. 73-12178 is now described as follows.

Right Holder: B P BAR RANCH INC
 C/O JIM SPECK
 SPECK & AANESTAD
 PO BOX 987
 KETCHUM ID 83340-0987

Priority Date: March 01, 1900

Source: MORGAN CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From 04/01 **to** 10/31

Diversion Rate

1.45 CFS

LOCATION OF POINT(S) OF DIVERSION:

MORGAN CREEK NENE Sec. 11 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	8														3.1	1.5		4.6
15N	21E	16		29.7			36.9	38.8	37.4	31.0	34.8		30.9						239.5
15N	21E	17	39.7	40.0	27.9	40.0									21.0				168.6

Total Acres: 412.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 55.0 acres within the authorized place of use in a single irrigation season.
2. Rights 73-7121 and 73-12178 when combined shall not exceed the irrigation of 107.0 acres.
3. Rights 73-4098A, 73-7121, 73-10110A and 73-12178 when combined shall not exceed the irrigation of 412.7 acres.
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).
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.

WATER RIGHT NO. 73-12178
As Modified by Transfer No. 77037

CONDITIONS OF APPROVAL

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. Water is delivered through the LM-1 diversion.
9. This right does not grant any right-of-way or easement across the land of another.
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 transfer is cause for the Director to rescind approval of the transfer.
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 13th day of May, 20 11


Water Resources Program Manager