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MAY 02 2011

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Big Springs Creek, LLC Telephone No: (406) 551-4104
(Name of Applicant)
7 West Main Street, Suite 202 Bozeman, MT 59715 Email: court.smith@beartoothcap.com
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 73-44, 73-46
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant _____ Telephone No: _____
(Name of Co-applicant)

(Mailing Address) (Zip Code) Email: _____

Co-applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION – Complete Part A or Part B to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

- made available to the co-applicant for diversion at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____

OR

- released from storage by the co-applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B-- For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 7.0 cfs and/or _____ acre feet per year of water at NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____ Sec. 36 Township 15N Range 21E B.M., Lemhi County. Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, 7.0 cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. diverted from _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County and injected into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

OR

2. released from storage by the applicant into Patterson/Big Springs Creek at SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____ Sec. 9 Township 14N Range 22E B.M., Lemhi County.

Additional Explanation – Attach additional sheets if necessary.

This exchange would allow us to essentially leave 7.0 cfs of water currently being diverted from Patterson/Big Springs Creek to provide additional stream flows along a critical stretch of anadromous fish spawning & rearing habitat. Exchanging the PoD & source to Mayrick Creek would allow us the ability to install a much more efficient sprinkler irrigation system while contributing to in-stream flows.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. _____

5. MAPS – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 $\frac{1}{2}$ "x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 $\frac{1}{2}$ -minute topographic quadrangles are preferred as base maps.

See maps attached to 73-44, 73-46, & 73-60 Transfer Application.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
Applicant's Signature (and title if application is for an organization)

4/28/11
Date

FOR DEPARTMENT USE ONLY

This exchange application contains _____ pages, including attachments.
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Preliminary review by _____
Published in _____
Publication dates _____
Protests filed by _____
Copies of protests forwarded by _____
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____
Recommended for Approval _____ Denial _____ By _____