

RECEIVED

MAR 18 2011

Department of Water Resources
Eastern Region

AMENDED

Rev. 10/09

Page 1 of 26STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77037APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) BP Bar Ranch, Inc. c/o Jim Speck of Speck & AarnestadPhone 208-726-4421Mailing address P. O. Box 987 Ketchum, Idaho 83340-0987Email n/a

- ☒ 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 RepresentativeName of Representative Custer Soil and Water Conservation District c/o Karma BraggPhone 208-879-4428Mailing address P. O. Box 305 Challis, Idaho 83226Email csacd@custertel.net

- ☒ 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.

W. Coleman
Signature of Applicant or Authorized Representative

William C. Coleman
Print Name and Title if applicable

Revised 2/21/2011
Date

Karma Bragg
Signature of Applicant or Authorized Representative

Karma Bragg
Print Name and Title if applicable

Revised 2/21/2011
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change of Ownership 73-10112
2. 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. See attached:

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BP Bar Ranch, Inc.

Application for Transfer of Water Rights

Part 1 A. 2.

We are proposing an irrigation improvement project. To complete this project we need to transfer the place of use of the water rights 73-4098A, 73-10110A, 73-7121 and 73-10112. This would be a total of 412.7 water rights which is the same acres currently under water rights now. In order to more effectively utilize the irrigation water for this property, we are proposing to install two small irrigation pivots and one larger $\frac{1}{2}$ circle pivot. We would like to continue to flood irrigate approximately 107 acres to maintain wildlife and fisheries habitat. See enclosed map for details. In addition we plan to adjust the flow on the existing $\frac{3}{4}$ pivot to match the irrigated acres shown on the map and therefore connect this pivot to the existing ground water system. We are not asking for an increase in irrigated acres, but only want to transfer the acres that can be irrigated more effectively and better utilized for beneficial use.

We are working in cooperation with the Custer Soil and Water Conservation District on this project. Ultimately if this plan is approved, we plan to sign an agreement not to divert a portion of the water right for this property to enhance fish and habitat and provide stream connectivity on the Patterson Big Springs in the Pahsimeroi.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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 ☒ ☐	73-1011A	7 cfs	Irrigation	04/01 to 10/31	Patterson Big Springs Creek
☒ ☐	73-4098A	6.41 cfs	Irrigation	04/01 to 10/31	Patterson Big Springs Creek
☒ ☐	73-7121	1.88 cfs	Irrigation	04/01 to 10/31	Groundwater
☐ ☒	73-10112	1.45 cfs	Irrigation	04/01 to 10/31	Little Morgan Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 16.74 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 16.74 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 #

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	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									21.0				168.6

Total Acres (for irrigation use) 412.7

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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: Diversion Structure until 2010 was a board structure that spanned Patterson/Big Springs Creek. This was replaced with a fish passage structure in fall 2010. There is a lockable, measurable head-gate & a measuring device was installed in the fall of 2010 with the technical support of the Bureau of Reclamation.

b. Who owns the property at the point(s) of diversion? Kent and Marty Moen

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Right of way exists to allow access along IDFG screen tender road.

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: Zions Bank - Mortgage

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: Most of the land will be irrigated with a new irrigation system. Flood irrigation will remain in parts of the property to reduce negative effect on the natural springs that rise on the property. The well water will be retained and used as needed to irrigate areas not currently converted to the main system.

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: _____

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

2/16/2010

WATER RIGHT NO. 73-10110A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B P BAR RANCH INC C/O JIM SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421
Original Owner	ED BROWN
Original Owner	FD KEARNS
Original Owner	MINNIE W KERR
Original Owner	I R WILSON , ID
Original Owner	A M HATCH & SONS C/O RALPH HATCH 434 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4230
Original Owner	LAST CHANCE RANCH INC PO BOX 5737 KETCHUM, ID 83340

Priority Date: 03/24/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IRRIGATION	04/01	10/31	7 CFS	
Total Diversion			7 CFS	

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Location of Point(s) of Diversion:

PATTERSON CREEK	NWNE	Sec. 27	Township 15N	Range 21E	LEMHI County
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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	8		NWSE	8.4		SWSE	20						
		16		NWNW	21		SWNW	37		SENE	1.5			
				NWSW	40		SESW	40						
		17		NENE	40		NWNE	20		SWNE	3.8		SENE	37
				NESE	14									
		21		NENW	23									

Total Acres: 305.7

Conditions of Approval:

1.	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.
2.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3.	B01	Source is also known as Spring Creek, Big Spring Creek, or O Neal Creek.
4.	E55	Right Nos. 73-4098A and 73-10110A are limited to the irrigation of a combined total of 305.7 acres in a single irrigation season.
5.	P29	This right is a combination of old Right Nos part 73-92, 73-94, and 73-118.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 73

Generic Max Rate per Acre:

77037

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Close

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

77037

2/16/2010

WATER RIGHT NO. 73-4098A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B P BAR RANCH INC C/O JIM SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421
Original Owner	A M HATCH & SONS C/O RALPH HATCH 434 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4230
Original Owner	LAST CHANCE RANCH INC PO BOX 5737 KETCHUM, ID 83340

Priority Date: 02/18/1926

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6.41 CFS	
Total Diversion			6.41 CFS	

Location of Point(s) of Diversion:

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PATTERSON CREEK	NWNE	Sec. 27	Township 15N	Range 21E	LEMHI County
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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	8		NWSE	8.4		SWSE	20						
		16		NWNW	21		SWNW	37		SENE	1.5			
				NWSW	40		SESW	40						
		17		NENE	40		NWNE	20		SWNE	3.8		SENE	37
				NESE	14									
		21		NENW	23									

Total Acres: 305.7

Conditions of Approval:

1.	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.
2.	E55	Right Nos. 73-4098A and 73-10110A are limited to the irrigation of a combined total of 305.7 acres in a single irrigation season.
3.	B01	Source is also known as Spring Creek, Big Spring Creek, or O Neal Creek.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 73

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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[Close](#)

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/21/2011

WATER RIGHT NO. 73-7121

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B P BAR RANCH INC C/O JIM SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421
Original Owner	LAST CHANCE RANCH INC C/O JAMES SPECK PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421

Priority Date: 07/04/1993

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.88 CFS	357 AFA
Total Diversion			1.88 CFS	

Location of Point(s) of Diversion:

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Water Right Report

Part 2A.1
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GROUND WATER NENENW Sec. 16 Township 15N Range 21E LEMHI County

Place(s) of use:

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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	16		NWNE	34									
				NENW	34		SENE	34						

Total Acres: 102

Conditions of Approval:

1.	R63	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.
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Dates:

Licensed Date: 02/12/2003

Decreed Date:

Permit Proof Due Date: 9/1/1998

Permit Proof Made Date: 9/28/1998

Permit Approved Date: 9/7/1993

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 06/07/1993

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

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Water Right Report

Part 2 A.

12 of 26

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Close

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

2/21/2011

WATER RIGHT NO. 73-10112

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RALPH HATCH
Current Owner	RUTH HATCH 434 PAHSIMEROI RD ELLIS, ID 83235-2002 (208)876-4230
Original Owner	DELL E GRUBB
Original Owner	JOHN L HAMMOND
Original Owner	FRED D PRATT , ID
Original Owner	A M HATCH & SONS C/O RALPH HATCH 434 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4230
Original Owner	HENRY H NICHOLS JR 4429 FROZEN DOG RD EMMETT, ID 83617

Priority Date: 03/01/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MORGAN CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	5.4 CFS	

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Total Diversion		5.4 CFS	
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Location of Point(s) of Diversion:

MORGAN CREEK	NENE	Sec. 11	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	9		SESW	25									
				NESE	40		NWSE	5.7		SWSE	39		SESE	40
		16		NWNE	39									
				NENW	16									

Total Acres: 204.7

Conditions of Approval:

1.	C05	Right includes accomplished change in place of use 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: 03/12/2010

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:

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Water Right Report

Page 3 of 3

Page 15 of 21

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

77 037

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: 73-10112

- [illegible]

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

[illegible]

Total Acres (for irrigation use)	55.0
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

77 037

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments.

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

Fee Paid _____ Date _____ Received by _____ Receipt # _____

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

7 2 0 3 7

Beginning of
Property
BP Bar Ranch

Das ist:

Deputy 10

Given in

204-204-1

2007

December 1997

Carter Ditch
 Johns Ditch
 Halloran Ditch
 Paksimerai River

Big Spring Creek

fish screen

lockable headgate

board diversion

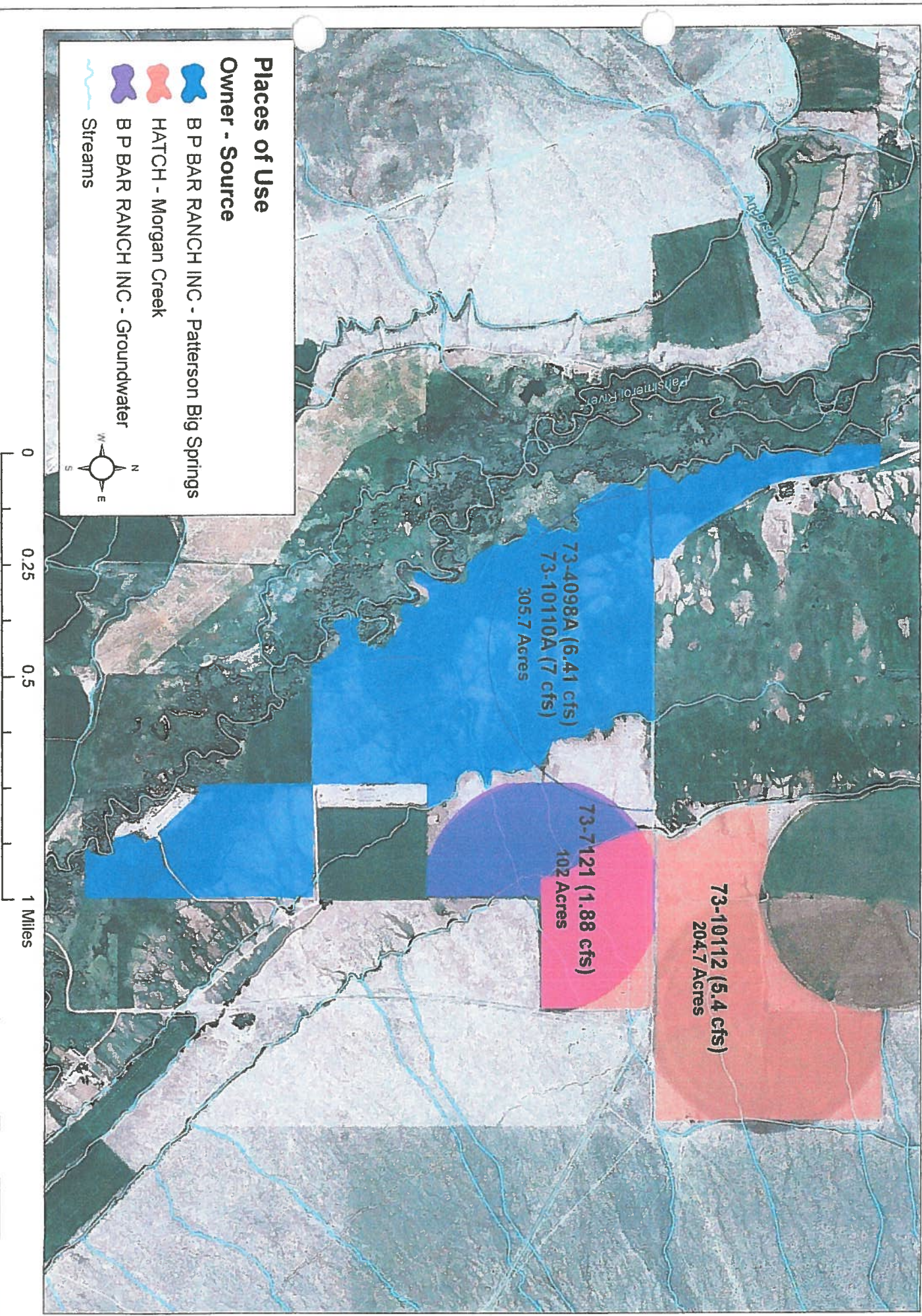
PBSC1

© 2010 Google – Map data © 2010 Google –

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B P Bar Ranch Inc Water Rights

1907
7a,



Idaho Department of Water Resources



Proposed Place of Use

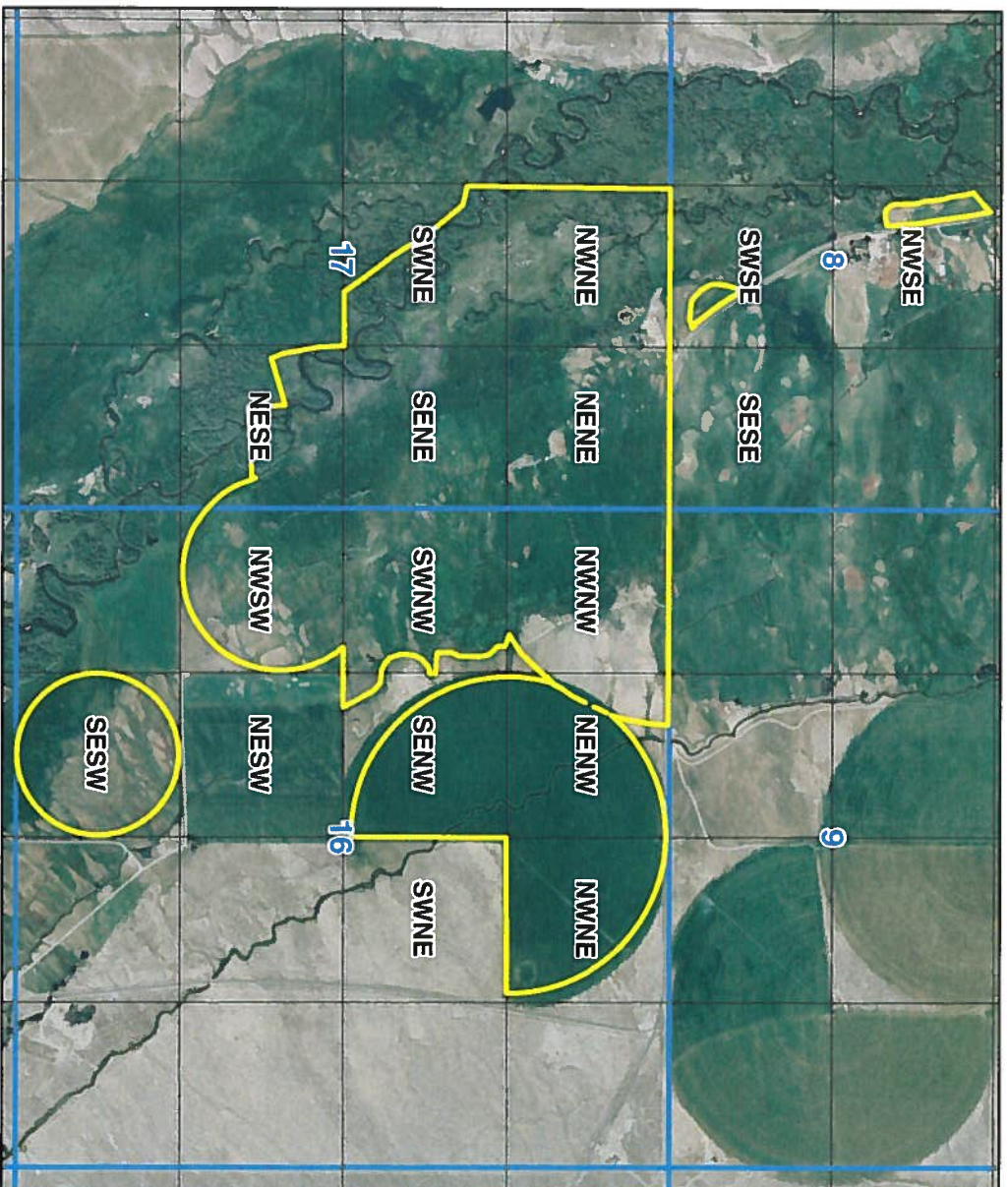
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

AMENDEL
AMENDEL

T15N

R21E

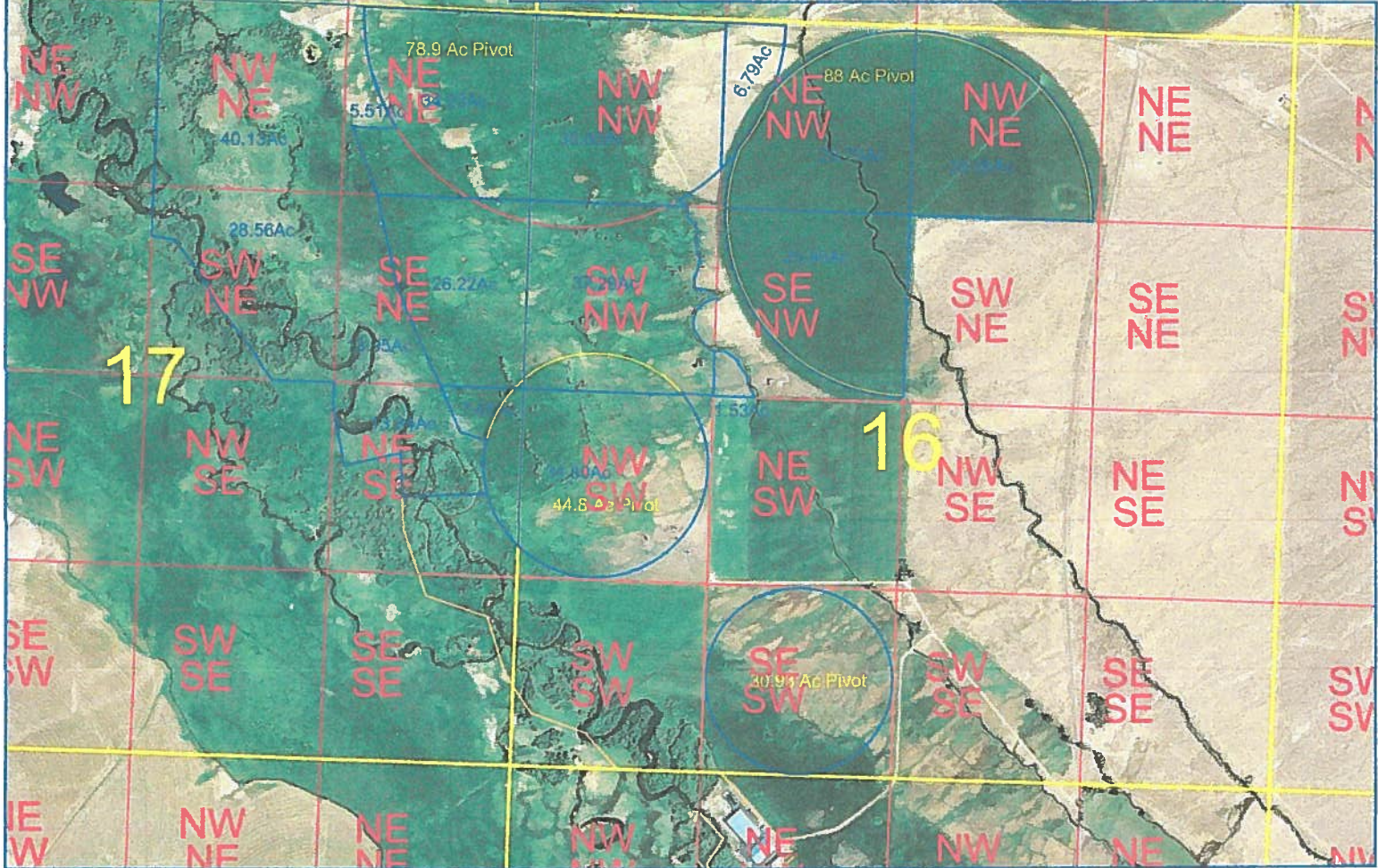
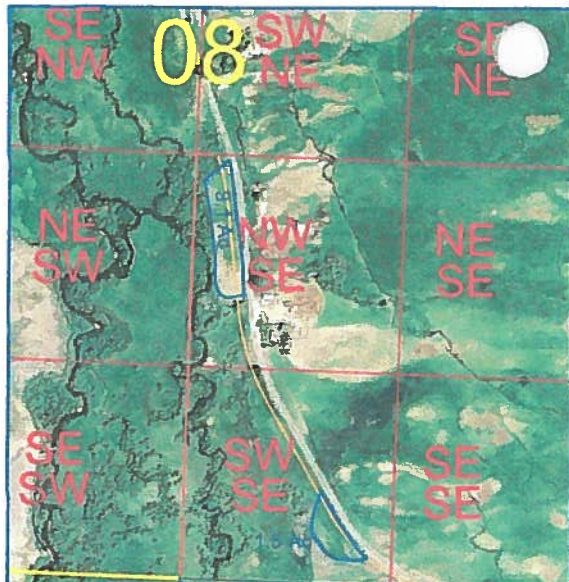


Lemhi, Custer Counties
IDWR Basin 73

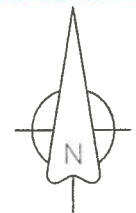


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New		Right		
Township	Range	Section	Acres	
15N	21E	8	NWSE	3.10
			SWSE	1.50
		17	NENE	34.20
			SENE	28.20
		16	NESE	7.45
			NWNW	38.80
			SWNW	37.28
			NWSW	34.80
			NENW	38.40
			SESW	28.90
			SESW	30.93
			NWNE	28.98
			TOTAL ACRES	310.7
Well Water		Right		
15N	21E	17	NWNE	40.13
			NENE	6.51
			SWNE	28.56
			SENE	13.95
			NESE	13.84
			TOTAL ACRES	102.0
			GRAND TOTAL	412.7



SECTIONS 8, 16 AND 17
T15N R21E
BOISE MERIDIAN LEMHI CO. IDAHO



1" = 1200'

1200 0 1200 2400 3600

Scale in Feet



Natural Resources Conservation Service
United States Department of Agriculture

B P BAR RANCH INC
WATER RIGHT TRANSFER MAP

Designed _____
Drawn T.E.D. February 18, 2011
Checked _____
Approved _____

Date _____
File Name _____
Drawing Name
Downton Water Rights.dwg
Sheet 1 OF 1

F:\ENGINEERING\TIM'S PROJECTS\PROJECTS\STAN DOWNTON\DOWNTON WATER RIGHTS.DWG, Tab: ADOBE, Date: 02/18/2011 12:19:46 PM, File Last Updated: Fri, 18 Feb 2011

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ZIONS AGRICULTURAL FINANCE

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Attachment #6

500 Fifth Street
Ames, Iowa 50010-6063
Facsimile: (515) 232-3002
Telephone: (515) 232-7310
(800) 641-9619
www.zionsag.com

April 16, 2010

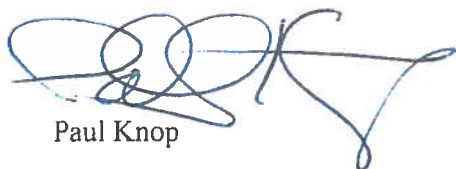
Karma Bragg
Custer Soil & Water Conservation District
Box 305
Challis, Idaho 83226

Dear Ms. Bragg:

RE: 20201415-Last Chance Ranch/ BP Bar Ranch Inc.

We have reviewed the attached application regarding the change in land use for water rights 73-0498A and 73-10110A. Since it will still be on the land under the mortgage filed in #252226 of Lemhi County and #225840 of Custer County, Idaho we don't object to the transfer. It's subject to the final agreement for the new water right remaining the same as in this application. The new water right location is described on the last page of this agreement; on the NRCS map.

Sincerely,



Paul Knop

Signed before me this 16th day of April, 2010.

Pattilee R. Frei
Pattilee R. Frei
Notary Public for the County of Story, State of Iowa
My commission expires 6/15/10



SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING

Pursuant to Idaho Code Section 30-1-821, the undersigned Directors, being all of the Directors of BP Bar Ranch, Inc. (the "Corporation") hereby consent in writing to the following actions and adopt the following resolutions with the same force and effect as though said actions and resolutions were taken and adopted by vote of such Directors at the annual meeting duly called and attended:

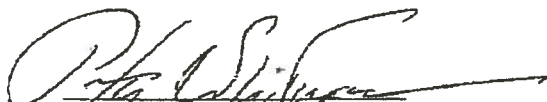
WHEREAS, the Corporation is considering participation in an irrigation improvement project sponsored by the Custer Soil and Water Conservation District and the Natural Resources Conservation Service; and

WHEREAS, the project will require certain changes to the Corporation's water rights accomplished by applications to the Idaho Department of Water Resources and Idaho Water Resource Board;

IT IS RESOLVED that William Coleman is hereby authorized to sign on behalf of the Corporation all documents relating to the irrigation improvement project and any changes in the Corporation's water rights required by that project.

This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: 3/31/2010


PETER WHITMAN

Date: _____

CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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WHEREAS, the Corporation is considering participation in an irrigation improvement project sponsored by the Custer Soil and Water Conservation District and the Natural Resources Conservation Service; and

WHEREAS, the project will require certain changes to the Corporation's water rights accomplished by applications to the Idaho Department of Water Resources and Idaho Water Resource Board;

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This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: April 5, 2010



CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

24 of 26

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: _____

CHARLES PORTER

Date: April 16, 10

Patrick Wilmerding
PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

25 of 26

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: _____

CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: 3/30/2010

W. Coleman

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

77037

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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Date: _____

PETER WHITMAN

Date: _____

CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: 5/4/10

Charles J. Foley
CHARLES FOLEY

RECEIVED

MAR 18 2011

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
73-10112	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Ralph Hatch and Ruth Hatch
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Last Chance Ranch, Inc. dba; BP Bar Ranch Inc
Name of each new owner as listed on the conveyance document
dba; BP Bar Ranch Inc % Jim Speck, Speck & Aarstad
New owner continued Name connector ☐ and ☐ or ☐ and/or
P. O. Box 987
Mailing address
Ketchum Idaho 83340-0987
City State ZIP
208-726-4421 n/a
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: June 19, 1992
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: W. Tolman Owner-special consent of Directors 2/21/2011
Signature of new owner/claimant Title, if applicable Date
Signature: _____ Title, if applicable Date
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____
Approved by _____ Processed by _____ Date _____

Form 42-248/42-1409(6) Rev. 07/10

77037

WARRANTY DEED

0201766

For Value Received

A.M. HATCH AND SONS, A PARTNERSHIP, BY RALPH HATCH AND BERT L. HATCH, PARTNERS,

the grantor, do hereby grant, bargain, sell and convey unto
LAST CHANCE RANCH, INC., an Idaho Corporation,

the grantee, whose current address is, PO Box 5737, Ketchum, ID 83340,
the following described premises, to wit:

See Exhibit "A" attached hereto and made a
part hereof.

State of Idaho)
County of Lemhi) No. **214833**

This instrument was filed for record at the request of American Hard Hat at 4:10 o'clock P.M. 6-16 1992 and duly filed and indexed in the records of Lemhi County

Alberta Wiederlich
Ex-Officio Recorder
By: Lynn J. Murphy Deputy
Fees 18.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that ~~he~~ it is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that ~~he~~ it will warrant and defend the same from all lawful claims whatsoever.
Dated: June 10, 1992.

A.M. HATCH & SONS, A PARTNERSHIP

By: Ralph Hatch
Ralph Hatch, Partner

By: Bert L. Hatch
Bert L. Hatch, Partner

STATE OF IDAHO, COUNTY OF Custer
On this 19th day of June, 1992,
before me, a Notary Public in and for said State, personally
appeared RALPH HATCH and BERT L. HATCH,
known to me to be partners in A.M.
HATCH & SONS, A PARTNERSHIP, and

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Donna R. Brummitt
Notary Public
Residing at Challis, Idaho
Comm. Expires 1-13-93

STATE OF IDAHO, COUNTY OF Custer
I hereby certify that this instrument was filed for record at
the request of Lynn Stevenson
at 8 minutes past 11 o'clock A.M.
this 16th day of June,
1992, in my office, and duly recorded in Book
of Deeds at page

Ethel M. Peck
Ex-Officio Recorder
By: L. Vandy Murphy Deputy
Fees \$ 18.00
Mail to:

INSTRUMENT NO.

77037

EXHIBIT "A"

REAL PROPERTY LOCATED IN LEMHI AND CUSTER COUNTIES, IDAHO:

PARCEL NO. 1:

ALL OF THAT PART OF THE NW1/4NE1/4, SECTION 17, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, LYING AND BEING ON THE NORTH AND EAST SIDE OF THE PAHSINEROI RIVER;

ALL OF THAT PART OF THE SW1/4NE1/4, SECTION 17, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, LYING AND BEING ON THE NORTH AND EAST SIDE OF THE PAHSINEROI RIVER;

ALL OF THAT PART OF THE SE1/4NE1/4, SECTION 17, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, LYING AND BEING ON THE NORTH AND EAST SIDE OF THE PAHSINEROI RIVER;

ALL OF THAT PART OF THE NE1/4SE1/4, SECTION 17, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, LYING AND BEING ON THE NORTH AND EAST SIDE OF THE PAHSINEROI RIVER.

THE NW1/4SW1/4, SW1/4NW1/4, NW1/4NE1/4, N1/2NW1/4, SE1/4 NW1/4, SECTION 16; NE1/4NE1/4, SECTION 17, ALL IN TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

THE FOLLOWING PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF LEMHI, STATE OF IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

ALL THAT PART OF THE NE1/4NW1/4, SECTION 21, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, LYING AND BEING ON THE NORTH AND EAST SIDE OF THE PAHSINEROI RIVER.

ALSO: THE SE1/4SW1/4, SECTION 16, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

EXCEPTING: A FRACTION OF THE NE1/4NW1/4 OF SECTION 21, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN, IN LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF THE SAID NE1/4NW1/4 OF SECTION 21, RUN THENCE N. 89 DEGREES 53' E., 76.0 FEET; THENCE S. 43 DEGREES 21' E., 867.0 FEET; THENCE S. 46 DEGREES 39' W., 212.0 FEET; THENCE S. 20 DEGREES 13' E., 310.2 FEET TO A POINT IN THE CENTER OF THE PAHSINEROI RIVER; THENCE MEANDERING THE CENTER OF THE PAHSINEROI RIVER AS FOLLOWS: S. 06 DEGREES 02' W., 330.0 FEET; THENCE S. 42 DEGREES 21' W., 209.0 FEET; N. 39 DEGREES 28' W., 89.0 FEET; THENCE N. 36 DEGREES 07' E., 146.0 FEET; N. 1 DEGREES 26' W., 178.0 FEET; N. 23 DEGREES 47' W., 292.0 FEET; N. 3 DEGREES 38' E., 209.0 FEET; N. 37 DEGREES 00' W., 128.0 FEET, MORE OR LESS, TO A POINT ON THE WEST BOUNDARY OF THE NE1/4NW1/4 OF SECTION 21; THENCE N. 0 DEGREES 03' W., 315.0 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 11:

A PARCEL OF LAND SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 15 NORTH, RANGE 21 EAST, BOISE MERIDIAN, LENHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 15 NORTH, RANGE 21 EAST, BOISE MERIDIAN, LENHI COUNTY, IDAHO; THENCE S. 44 DEGREES 46' 48" W., 7469.20 FEET TO A BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 8; THENCE N. 80 DEGREES 55' 00" E., 2653.30 FEET TO A 5/8" IRON ROD WHICH IS THE TRUE POINT OF BEGINNING; THENCE N. 0 DEGREES 20' 16" W., 2643.23 FEET TO A 5/8" IRON ROD; THENCE N. 89 DEGREES 44' 16" E., 148.61 FEET TO A POINT ON A CURVE OF THE WEST RIGHT-OF-WAY LINE OF THE PAHSINEROI ROAD, RADIAL LINE BEARS S. 71 DEGREES 12' 18" W; THENCE ALONG SAID WEST RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE RIGHT 351.75 FEET, DELTA 10 DEGREES 44' 14", RADIUS 1877.00 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S. 8 DEGREES 03' 28" E., 639.50 FEET TO A POINT OF CURVATURE, RADIAL LINE BEARS N. 81 DEGREES 56' 32" E; THENCE ALONG SAID WEST RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE LEFT 604.49 FEET, DELTA 23 DEGREES 38' 00", RADIUS 1465.50 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S. 31 DEGREES 41' 28" E., 782.10 FEET TO A POINT OF CURVATURE, RADIAL LINE BEARS N. 58 DEGREES 18' 33" E; THENCE ALONG SAID WEST RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE LEFT, 753.06 FEET; DELTA 43 DEGREES 40' 14", RADIUS 988.00 FEET TO A POINT ON A CURVE OF SAID WEST RIGHT-OF-WAY LINE; THENCE S. 89 DEGREES 55' 00" W., 1310.14 FEET TO THE POINT OF BEGINNING...

PARCEL NO. III:

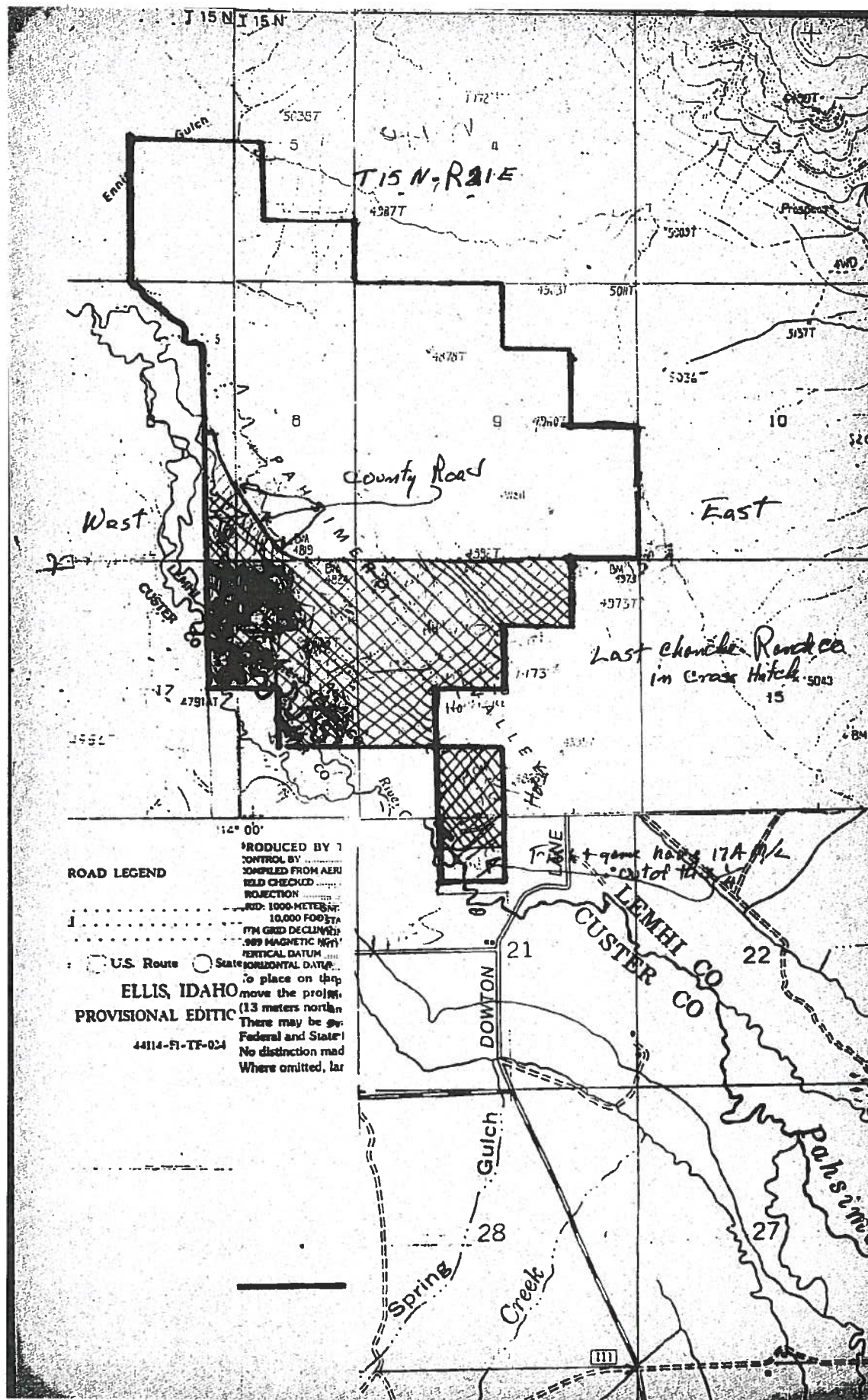
SECTION 16, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN,
CUSTER COUNTY, IDAHO, BEING A FRACTION OF THE SE1/4SW1/4
SOUTHWEST OF THE PAHSIMEROI RIVER.

PARCEL NO. IV:

SECTION 17, TOWNSHIP 15 N., RANGE 21 E., BOISE MERIDIAN,
CUSTER COUNTY, IDAHO, BEING THAT PORTION OF THE NW1/4NE1/4,
THE S1/2NE1/4 AND THE NE1/4SE1/4, SOUTH AND WEST OF THE
PAHSIMEROI RIVER.

EXCEPTING AND RESERVING THEREFROM reasonable ditch and maintenance
right-of-way across the conveyed lands for the purpose of
delivering water as customary to the lands of Grantors lying
to the North of the conveyed lands.

TOGETHER WITH 7.0 cfs March 24, 1891 priority water as
represented on each Claim No. A73-04098 and A73-10110, with
Grantor, however, specifically reserving and excepting the
remaining 2.6 cfs represented upon the above claims and
reserving all of the water represented by Claim Nos.
A73-10111 and A73-04097. All other water or water rights
appurtenant to said property are hereby conveyed.



2/11/11

PMO100 - PARCEL MASTER INQUIRY

14:58:53

PARCEL: RP 15N21E160600 A

BP BAR RANCH INC

C/O 104 S WARPATH

SALMON ID 83467

F17=DD

F23=AG

LEGAL DESCRIPTION

NW4SW4 SW4NW4 NW4NE4

N2NW4 SE4NW4

16 15 21

ProVal Area Number 2

CODE AREA 5-0000 OWNER CD

PARC TYPE LOC CODE 2000

EFFDATE EXPDATE

PREV PARCEL

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1 1	2010	202136	AC	129199				
2 1	2010	12455	AC	11322				
4 1	2010	19000	AC	15561				
5 1	2010	4136	AC	157				
TOTALS		240000		156239				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

SUPERCEDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77037**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: _____

77037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77037APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) BP Bar Ranch, Inc. c/o Jim Speck of Speck & Aarstad Phone 208-726-4421Mailing address P.O. Box 987 Ketchum, ID 83340-0987 Email n/a

- ☒ 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 RepresentativeName of Representative Custer Soil & Water Conservation District c/o Karma Bragg Phone 208-879-4428Mailing address P.O. Box 305 Challis, ID 83226 Email cswwd@custerel.net☒ 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**.

RECEIVED

JAN 25 2011

Department of Water Resources
Eastern Region

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

William C. Coleman

Print Name and Title if applicable

May 3, 2010

Date

Signature of Applicant or Authorized Representative

Karma Bragg

Print Name and Title if applicable

12/1/2010

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. 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. See attached**

77037

Page 2 of 15

BP Bar Ranch, Inc.

Application for Transfer of Water Right

Part 1A.2.

We are proposing an irrigation improvement project. To complete this project we need to transfer the place of use of the water rights, 73-4098A and 73-10110A. Currently, there are 305.7 total acres flood irrigated by these two water rights. In order to more efficiently utilize the irrigation water for this property, we are proposing to install two small irrigation pivots and one larger $\frac{1}{2}$ circle pivot. We would like to continue to flood irrigate approximately 63 acres to maintain wildlife habitat. See enclosed map for details. In addition, we plan to remove the end gun from the existing $\frac{3}{4}$ pivot, thereby reducing the irrigated acres there to 83.1, and connect it to this new system. We would then abandon the ground water well and accompanying water right (73-7121) for this system, which is currently expensive to operate. We are **not** asking for an increase in irrigated acres, but only want to transfer water rights from acres that are not being irrigated effectively to acres that can be better utilized.

We are working in cooperation with the Custer Soil and Water Conservation District on this project. Ultimately, if this plan is approved, we plan to sign an agreement with them to be able to not divert a portion of the water for this property to enhance endangered fish habitat and provide for stream connectivity on Patterson/Big Spring Creek in the Pahsimeroi valley.

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 ☒ ☐	73-10110A	7 cfs	irrigation	04/01 to 11/01	Patterson Big Spring Creek
☒ ☐	73-4098A	6.41 cfs	irrigation	04/01 to 11/01	Patterson Big Spring Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13.41 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 13.41 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 #

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	8				3.1								1.5					4.6
		17	34.2			7.5									26.2				67.9
		16		34.5			27.7	38.8	34.8			37.3				29.2	30.9		233.2

Total Acres (for irrigation use) 305.7

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: Current diversion is a board structure that spans Big Spring Creek. There is a lockable headgate and fish screen near the diversion. Currently, there is no measuring device because we have not been able to identify one that will work with the width of the ditch and lack of fall at the diversion area. Brian Hamilton from the Salmon office of Bureau of Reclamation has plans to reconstruct this PBSC1 diversion with a measuring device.
- b. Who owns the property at the point(s) of diversion? Kent or Marty Moen
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Ditch has an existing right of way.
- 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: Zions Bank - mortgage
- 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: Some of the land that has a water right will not be irrigated in order to be able to irrigate the acres above the Halloran ditch that will be irrigated with this transfer.
- 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: n/a

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: _____

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

2/16/2010

WATER RIGHT NO. 73-10110A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B P BAR RANCH INC C/O JIM SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421
Original Owner	ED BROWN
Original Owner	FD KEARNS
Original Owner	MINNIE W KERR
Original Owner	I R WILSON , ID
Original Owner	A M HATCH & SONS C/O RALPH HATCH 434 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4230
Original Owner	LAST CHANCE RANCH INC PO BOX 5737 KETCHUM, ID 83340

Priority Date: 03/24/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
-----------------------	-------------	-----------	-----------------------	---------------

77037

IRRIGATION	04/01	10/31	7 CFS	
Total Diversion			7 CFS	

Location of Point(s) of Diversion:

PATTERSON CREEK	NWNE	Sec. 27	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	8		NWSE	8.4		SWSE	20						
		16		NWNW	21		SWNW	37		SENE	1.5			
				NWSW	40		SESW	40						
		17		NENE	40		NWNE	20		SWNE	3.8		SENE	37
				NESE	14									
		21		NENW	23									

Total Acres: 305.7

Conditions of Approval:

1.	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.
2.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3.	B01	Source is also known as Spring Creek, Big Spring Creek, or O Neal Creek.
4.	E55	Right Nos. 73-4098A and 73-10110A are limited to the irrigation of a combined total of 305.7 acres in a single irrigation season.
5.	P29	This right is a combination of old Right Nos part 73-92, 73-94, and 73-118.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 73

Generic Max Rate per Acre:

77037

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

77037

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

2/16/2010

WATER RIGHT NO. 73-4098A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B P BAR RANCH INC C/O JIM SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340-0987 (208)726-4421
Original Owner	A M HATCH & SONS C/O RALPH HATCH 434 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4230
Original Owner	LAST CHANCE RANCH INC PO BOX 5737 KETCHUM, ID 83340

Priority Date: 02/18/1926

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6.41 CFS	
Total Diversion			6.41 CFS	

Location of Point(s) of Diversion:

77037

PATTERSON CREEK	NWNE	Sec. 27	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	8		NWSE	8.4		SWSE	20						
		16		NWNW	21		SWNW	37		SENE	1.5			
				NWSW	40		SESW	40						
		17		NENE	40		NWNE	20		SWNE	3.8		SENE	37
				NESE	14									
		21		NENW	23									

Total Acres: 305.7

Conditions of Approval:

1.	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.
2.	E55	Right Nos. 73-4098A and 73-10110A are limited to the irrigation of a combined total of 305.7 acres in a single irrigation season.
3.	B01	Source is also known as Spring Creek, Big Spring Creek, or O Neal Creek.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 73

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

77037

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:

- [illegible]

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

[illegible]

Total Acres (for irrigation use)

77 037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:_____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

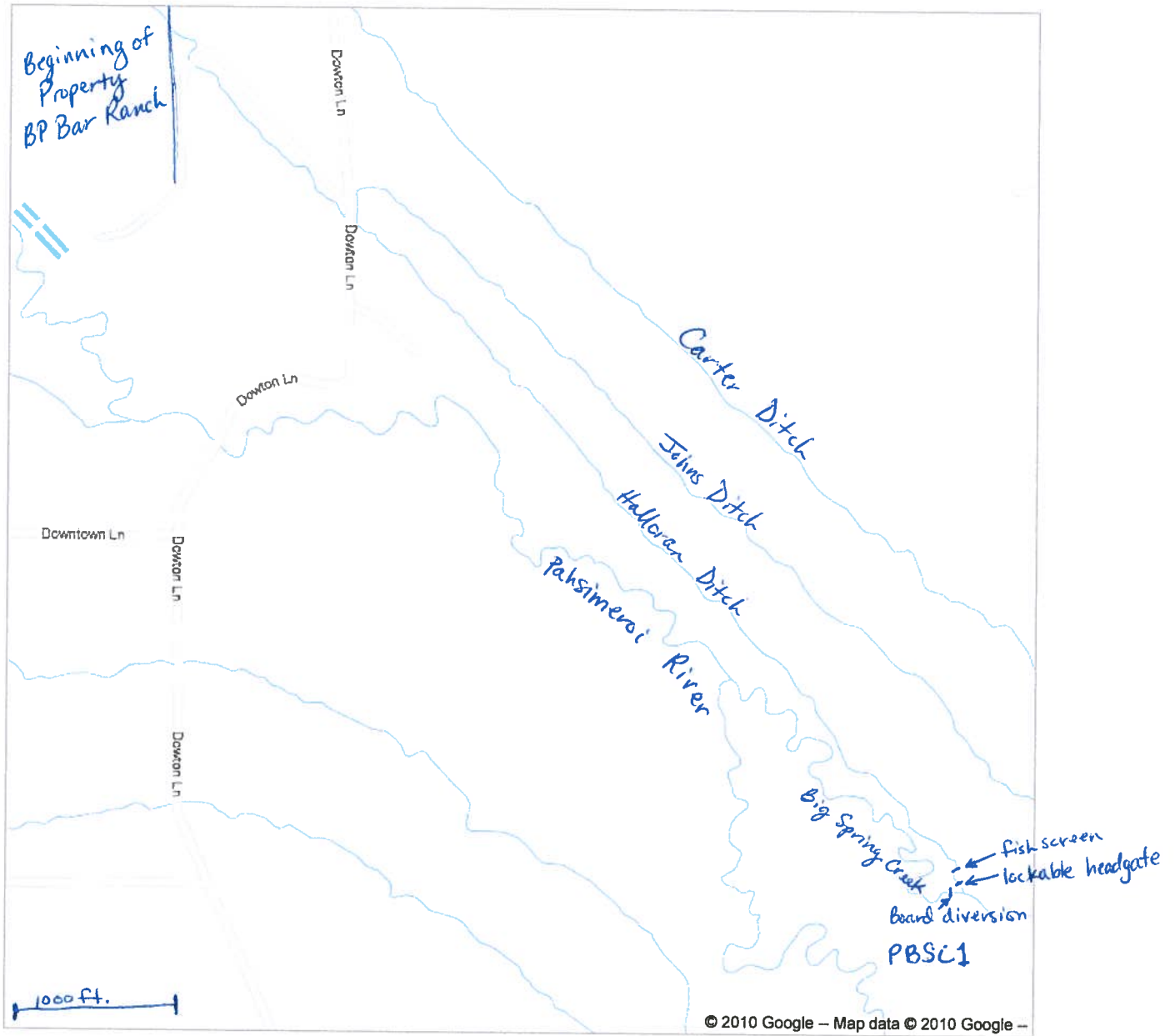
Received by	Date	Prelim. Check by	Date
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Fee Paid 770.00 Date 1/25/2011 Received by Blake Receipt # E034375

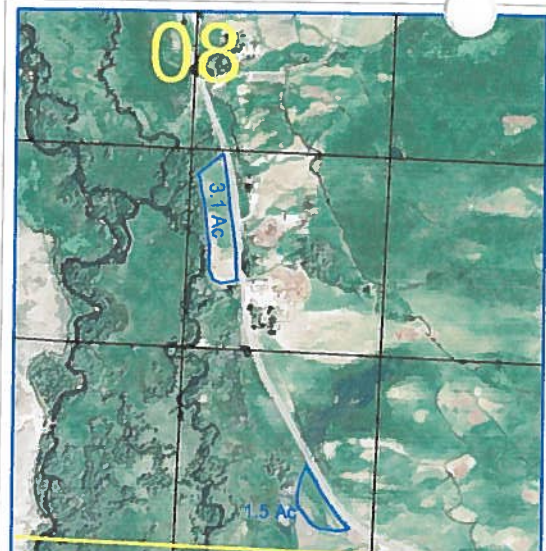
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

77037

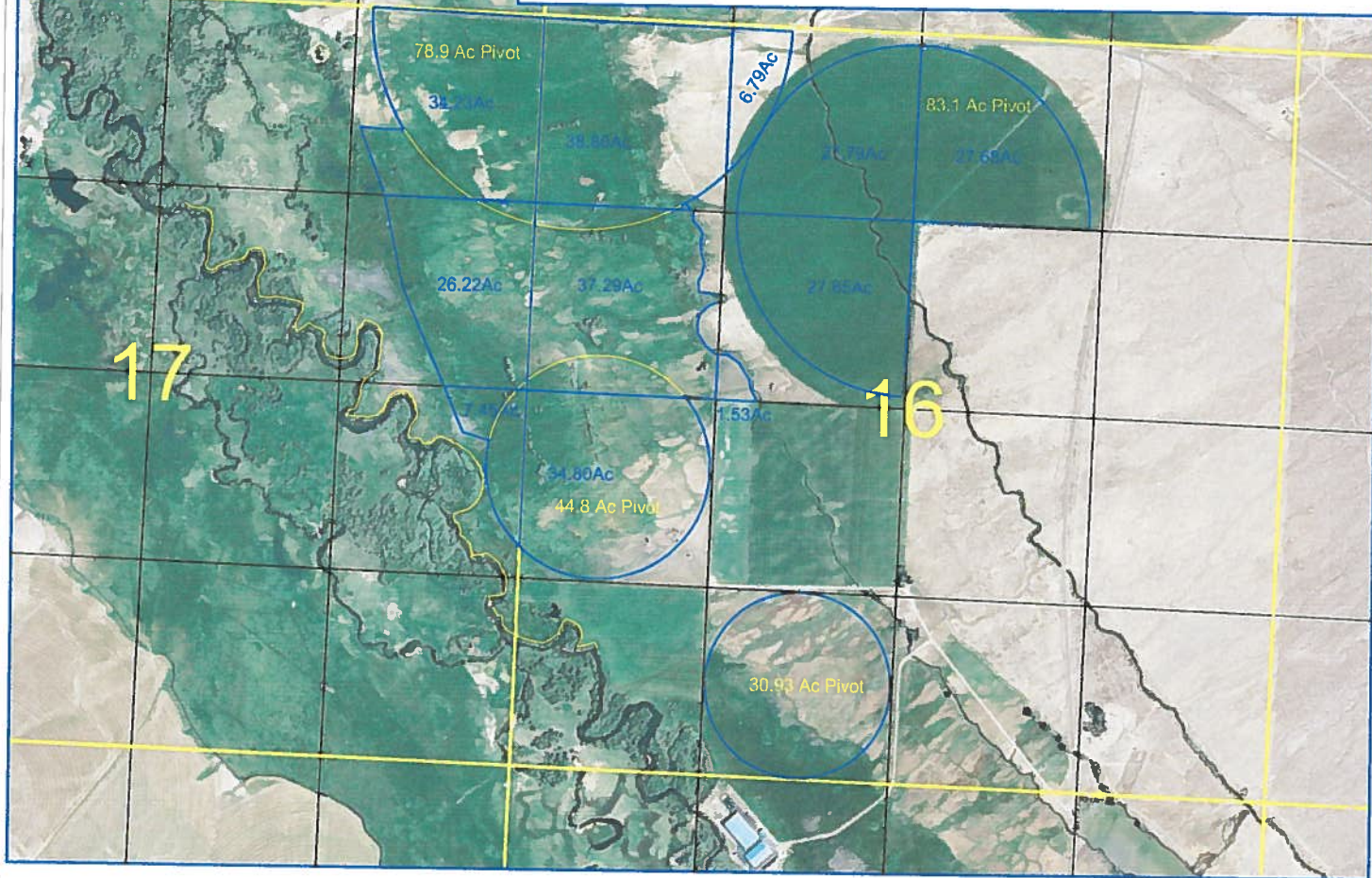
Google maps



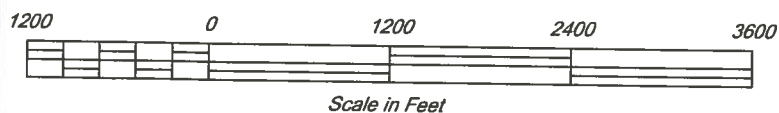
77037



New Water Right				
Township	Range	Section	QQ Section	Acres
15N	21E	8	NWSE	3.10
			SWSE	1.50
		17	NENE	34.20
			SENE	26.20
			NESE	7.45
		16	NWNW	38.80
			SWNW	37.28
			NWSW	34.80
			NENW	34.58
			SENW	29.18
			SESW	30.93
			NWNE	27.68
			TOTAL ACRES	305.70



SECTIONS 8, 16 AND 17
T15N R21E
BOISE MERIDIAN LEMHI CO. IDAHO



1" = 1200'



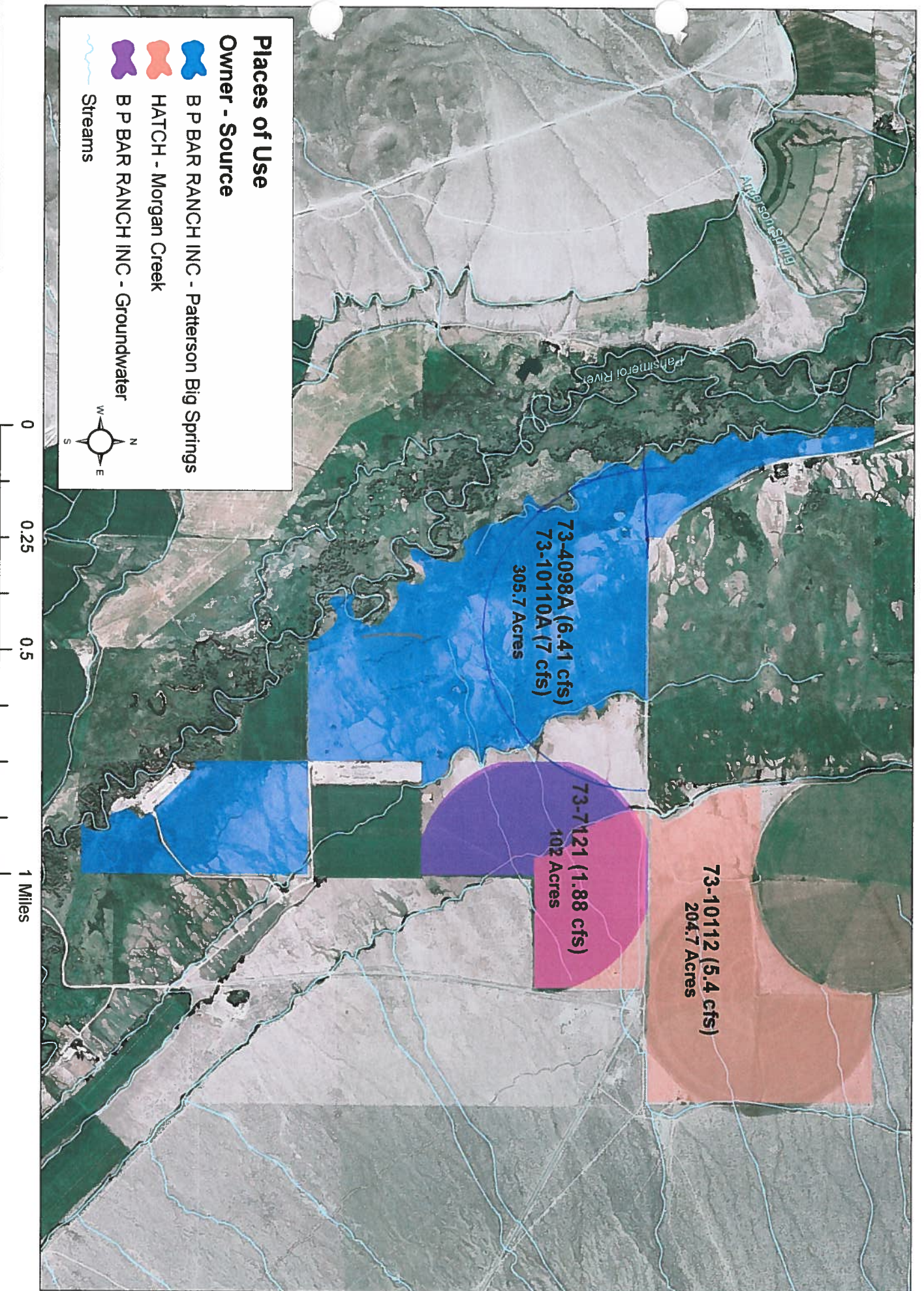
B P BAR RANCH INC
WATER RIGHT TRANSFER MAP

Designed _____	Date _____	File Name _____
Drawn T.E.D. _____	10/12/2007	Drawing Name _____
Checked _____		Downton Water Rights.dwg
Approved _____		

F:\ENGINEERING\TIM'S PROJECTS\PROJECTS\STAN DOWNTON\DOWNTON WATER RIGHT.DWG, Date: 02/05/2010, 11:41:49 AM, File Last Updated: Fri, 5 Feb 2010

Sheet 1 OF 1

Pahsimeroi Basin B P Bar Ranch Inc Water Rights



WATER RIGHT TRANSFER FEE SCHEDULE

Transfer fees (cfs = cubic feet per second -- AF = Acre feet)

cfs		AF		cfs		AF	
0.00 -- 0.20		0 -- 20	\$100.00	11.01 -- 12.00		1101 -- 1200	\$690.00
0.21 -- 1.00		21 -- 100	\$250.00	12.01 -- 13.00		1201 -- 1300	\$730.00
1.01 -- 2.00		101 -- 200	\$290.00	13.01 -- 14.00		1301 -- 1400	\$770.00
2.01 -- 3.00		201 -- 300	\$330.00	14.01 -- 15.00		1401 -- 1500	\$810.00
3.01 -- 4.00		301 -- 400	\$370.00	15.01 -- 16.00		1501 -- 1600	\$850.00
4.01 -- 5.00		401 -- 500	\$410.00	16.01 -- 17.00		1601 -- 1700	\$890.00
5.01 -- 6.00		501 -- 600	\$450.00	17.01 -- 18.00		1701 -- 1800	\$930.00
6.01 -- 7.00		601 -- 700	\$490.00	18.01 -- 19.00		1801 -- 1900	\$970.00
7.01 -- 8.00		701 -- 800	\$530.00	19.01 -- 20.00		1901 -- 2000	\$1010.00
8.01 -- 9.00		801 -- 900	\$570.00	20.01 -- 100.00		2001 -- 10000	*
9.01 -- 10.00		901 -- 1000	\$610.00	101.01 -- 500.00		10001 -- 50000	**
10.01 -- 11.00		1001 -- 1100	\$650.00	500.01 & over		50001 & over	***

* \$1010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 20.0 cfs or 2,000 acre feet.

** \$2610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 100.0 cfs or 10,000 acre feet.

*** \$6610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 500.0 cfs or 50,000 acre feet.

ZIONS AGRICULTURAL FINANCE

500 Fifth Street
Ames, Iowa 50010-6063
Facsimile: (515) 232-3002
Telephone: (515) 232-7310
(800) 641-9619
www.zionsag.com

April 16, 2010

Karma Bragg
Custer Soil & Water Conservation District
Box 305
Challis, Idaho 83226

Dear Ms. Bragg:

RE: 20201415-Last Chance Ranch/ BP Bar Ranch Inc.

We have reviewed the attached application regarding the change in land use for water rights 73-0498A and 73-10110A. Since it will still be on the land under the mortgage filed in #252226 of Lemhi County and #225840 of Custer County, Idaho we don't object to the transfer. It's subject to the final agreement for the new water right remaining the same as in this application. The new water right location is described on the last page of this agreement; on the NRCS map.

Sincerely,



Paul Knop

Signed before me this 16th day of April, 2010.



Pattilee R. Frei
Pattilee R. Frei
Notary Public for the County of Story, State of Iowa
My commission expires 6/15/10

SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING

Pursuant to Idaho Code Section 30-1-821, the undersigned Directors, being all of the Directors of BP Bar Ranch, Inc. (the "Corporation") hereby consent in writing to the following actions and adopt the following resolutions with the same force and effect as though said actions and resolutions were taken and adopted by vote of such Directors at the annual meeting duly called and attended:

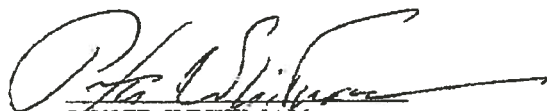
WHEREAS, the Corporation is considering participation in an irrigation improvement project sponsored by the Custer Soil and Water Conservation District and the Natural Resources Conservation Service; and

WHEREAS, the project will require certain changes to the Corporation's water rights accomplished by applications to the Idaho Department of Water Resources and Idaho Water Resource Board;

IT IS RESOLVED that William Coleman is hereby authorized to sign on behalf of the Corporation all documents relating to the irrigation improvement project and any changes in the Corporation's water rights required by that project.

This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date:

3/31/2010
PETER WHITMAN

Date: _____

CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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WHEREAS, the Corporation is considering participation in an irrigation improvement project sponsored by the Custer Soil and Water Conservation District and the Natural Resources Conservation Service; and

WHEREAS, the project will require certain changes to the Corporation's water rights accomplished by applications to the Idaho Department of Water Resources and Idaho Water Resource Board;

IT IS RESOLVED that William Coleman is hereby authorized to sign on behalf of the Corporation all documents relating to the irrigation improvement project and any changes in the Corporation's water rights required by that project.

This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: April 5, 2010



CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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WHEREAS, the project will require certain changes to the Corporation's water rights accomplished by applications to the Idaho Department of Water Resources and Idaho Water Resource Board;

IT IS RESOLVED that William Coleman is hereby authorized to sign on behalf of the Corporation all documents relating to the irrigation improvement project and any changes in the Corporation's water rights required by that project.

This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: _____

CHARLES PORTER

Date: April 16, 10

Patrick Wilmerding
PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

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This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: _____

CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: 3/30/2010

W. Coleman

WILLIAM COLEMAN

Date: _____

CHARLES FOLEY

**SPECIAL CONSENT OF THE DIRECTORS
OF
BP BAR RANCH, INC.
WITHOUT A MEETING**

Pursuant to Idaho Code Section 30-1-821, the undersigned Directors, being all of the Directors of BP Bar Ranch, Inc. (the "Corporation") hereby consent in writing to the following actions and adopt the following resolutions with the same force and effect as though said actions and resolutions were taken and adopted by vote of such Directors at the annual meeting duly called and attended:

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This Special Consent of the Directors of BP Bar Ranch, Inc., is executed by the undersigned Directors on the dates set forth opposite each name.

Date: _____

PETER WHITMAN

Date: _____

CHARLES PORTER

Date: _____

PATRICK WILMERDING

Date: _____

WILLIAM COLEMAN

Date: 5/4/10

Charles J. Foley
CHARLES FOLEY