



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 9, 2005

BIG SKY PARTNERSHIP
C/O D MC FARLAND & T BULLERS
PO BOX 268
EDEN ID 83325-0268

RE: Water Right Permit Nos. 63-8067, 63-9672, 63-10272, 63-11513 and 63-11514

Dear Permit Holders:

The Department of Water Resources is reviewing the above referenced permits prior to issuing water right licenses. By issuing the licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on the permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, your permits must be amended to depict your water use as actually developed.

Based on the examiner's report, the following elements were developed differently than described on the permits:

☒ **Points of Diversion**

☒ **Place of Use – Adding a permissible place of use**

During review of Mr. Brockway's field examinations IDWR found that some revisions were needed in order to license these permits. Enclosed you will find a copy of a memo entitled "Review of Big Sky Partnership permits by Kay Walker of IDWR 11/02/2005" which discusses changes that have been incorporated in the proposed licensing of these permits.

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a \$50.00 filing fee per amendment application.

Please be advised that the Department has an Application for Amendment of Permit No. 63-8067 in the file that was submitted in March of 1991 and that has never been processed. The permit holder, at that time, submitted the amendment application along with a \$20.00 filing fee. The Department also has an Application for Amendment of

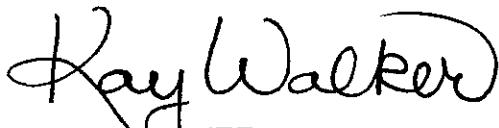
Permit No. 63-11514 that has not been processed. That application for amendment was submitted with a \$50.00 filing fee in July of 1996. The Department requests that you submit a letter withdrawing these amendment applications and upon receipt of your request for withdrawals, the Department will utilize the filing fees previously submitted towards the filing fees of the enclosed applications. If IDWR utilizes these fees, the total amount due for the enclosed amendment applications would be \$180.00.

You should also be advised that a Snake River Basin Adjudication (SRBA) claim has not been submitted for the water use under Permit No. 63-9672. A claim is required on all permits for which proof of beneficial use was submitted prior to November 19, 1987. The proof of beneficial use for Permit 63-9672 was submitted on September 28, 1982. If this right is not claimed in the SRBA it may be lost for failure to file a claim even if we issue a license as proposed on the enclosed licensing amendment. You should contact one of the Department's SRBA staff members to discuss claiming this water right.

As you will notice, not all of these permits are in the name of Big Sky Partnership. The licensing amendments have been prepared in the name of the current permit holders of record. Permits are considered personal property in the State of Idaho and IDWR can only change the name upon receipt of an Assignment of Permit. The Department can accept your signature on the amendment applications but the licenses will be issued in the names shown on the amendment applications unless the permits are assigned to Big Sky Partnership prior to issuance of the licenses.

If you have any questions in regard to this matter, please feel free to call me at 208-287-4953.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

KAY WALKER
Sr. Water Resource Agent

Enclosures