

04/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-31

NAME AND ADDRESS: BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE ID 83464

SOURCE: BIG TIMBER CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 1.400 CFS

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).

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T16N R26E S28 SWNW Within LEMHI County

T16N R26E S28 SENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R26E S21	SWSW	5.70	T16N R26E S28	NENW	4.00
T16N R26E S28	NWNW	33.50	T16N R26E S28	SWNW	18.00
T16N R26E S28	SENW	27.00			

88.2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Right 74-31 is subject to the delivery provisions described under Exchange of Water No. 3187 approved on 09-21-1988, and pursuant to the provisions of Section 42-240, Idaho Code, governing exchanges of water. The Right holder of 74-31 is authorized to divert 1.40 cfs of water from the Lemhi River in the SESE, S28, T16N, R26E in exchange for the diversion of 1.40 cfs of water under Right 74-996 to be diverted from Big Timber Creek in the NWNW, S33, T16N, R26E. Diversion of water under each right will be regulated by the watermasters for each source; Lemhi River, Water District 74 and Big Timber Creek, Water District 74W.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

04/28/2006

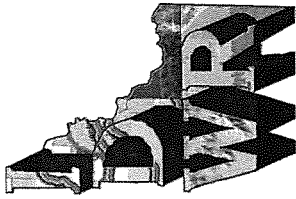
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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. 74W.

The right holder shall accomplish the change authorized by transfer #72611 by April 27, 2007.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

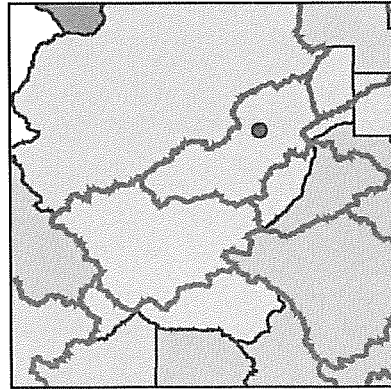


Idaho Department of Water Resources

SRBA Recommendation:
74-31

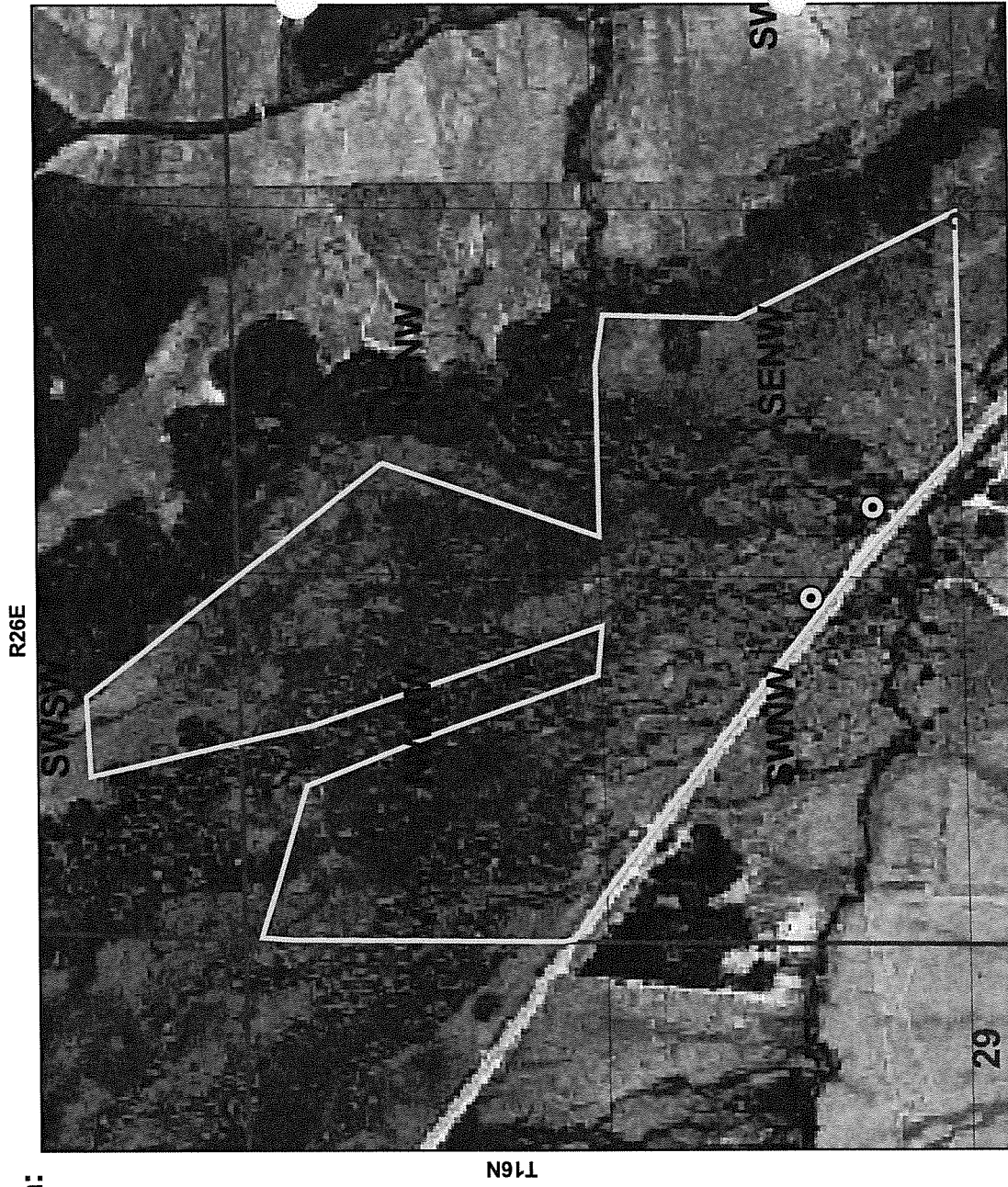
Legend

- ⊙ Point of Diversion
- Place of Use
- ▤ Townships
- ▥ PLS Sections
- ▧ Quarter Quarters



Lemhi County
IDWR Basin 74

Prepared by R. Brown
On Friday, April 28, 2006
1987/88 Aerial Photography



0.6 Miles

0.3

0

11/09/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-31
NAME AND ADDRESS: BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE ID 83464

DRAFT

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 1.400 CFS
PRIORITY DATE: 06/01/1884
POINT OF DIVERSION:

T16N R26E S28 SWNW Within LEMHI County
T16N R26E S28 SENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R26E S21	SWSW	17.7	T16N R26E S28	NENW	10.0
T16N R26E S28	NWNW	33.5	T16N R26E S28	SENW	27.0

88.2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

INDICATES TOTAL

SOURCE: BIG PIMBER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0037	CLINGER ENTERPRISES INC. 230 HARVARD AVE. REXBURG REMARKS: AC. IRR.=549. P/U: T16N R26E S30 NENE(40) NESE(40) S29 NENE(37) NWESE(29) S20 NWSW(25) ID 83440	09-01-1874	IRRIGATION 03-15 11-15	3.36 CFS	NWNW S33 T16N R26E		DECREE
74-0040	PURCELL, KERMIT P.O. BOX 5 LEADORE REMARKS: AC. IRR.=429.6. SOURCES ARE BIG TIMBER CK. & LITTLE TIMBER CK. 3.0 CFS DIVERTED FROM LITTLE TIMBER CK. & 1.2 CFS DIVERTED FROM BIG TIMBER CK. P/U: T16N R25E S24 NENE(40) SWSE(36) P/U: T16N R26E S19 NESW(37) ID 83464	06-01-1879	IRRIGATION 03-15 11-15	4.20 CFS	SENE S05 T15N R26E SWNW S24 T15N R25E	* 550 ACRES*	DECREE
74-0031	MC REA, TERRY E. MC REA, MARJORIE E. LEADORE REMARKS: AC. IRR.=88.2. ID 83464	06-01-1884	IRRIGATION 03-15 11-15	1.40 CFS	SWNW S28 T16N R26E SENW(27) SENA S28 S28 T16N R26E T16N R26E SWSW(18) S21 T16N R26E	* 429 ACRES*	DECREE
74-0042	ELLSWORTH, JAMES ELLSWORTH, MAYHELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR.=209. P/U: T16N R26E S35 SWNW(18) P/U: T15N R26E S02 SWNE(14) ID 83464	11-01-1888	IRRIGATION 03-15 11-15	4.80 CFS	NWSE S08 T15N R26E	* 89 ACRES*	DECREE
74-0032	ADAMS, ROBERT H. ADAMS, OPAL C. REMARKS: AC. IRR.=208. P/U: T16N R26E S35 SWNW(18) P/U: T15N R26E S02 SWNE(14) ID 83464	06-01-1895	IRRIGATION 03-15 11-15	3.24 CFS	SWSW(24) T02 (NENE)(16) T03 (NWSW)(38) T04 (SWSW)(36)	* 208 ACRES*	DECREE

A74-00031

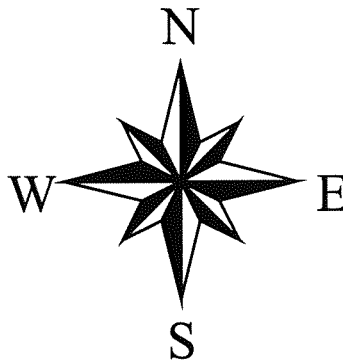


2000

0

2000 Feet

T16N, R26E, S21 & S28



Shift
expand

shape O.K. $\frac{2}{3}$

**Prepared by Anita Warntjes
January 6, 2003
1993/94 True Color Aerial Photo**

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-31

WATER RIGHT NUMBER: 74-31

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	TERRY E MC REA
Current Owner	LEADORE, ID 83464 SHARAL L BEYELER PO BOX 62 LEADORE, ID 83464 (208)768-2651
Original Owner	MARJORIE E MC REA
Current Owner	LEADORE, ID 83464 MERRILL BEYELER PO BOX 62 LEADORE, ID 83464 (208)768-2651

Priority Date: 06/01/1884 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS ✓	

Location of Point(s) of Diversion

BIG TIMBER CREEK	SE1/4NW1/4	Sec. 28, Twp 16N, Rge 26E, B.M.
LEMHI County		
BIG TIMBER CREEK	SW1/4NW1/4	Sec. 28, Twp 16N, Rge 26E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T16N R26E S21	SWSW 17.7	T16N R26E S28	NENW 10.0
T16N R26E S28	NWNW 33.5	T16N R26E S28	SENEW 27.0

Total Acres: 88.2

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

Remarks:

1. General AC. IRR.=88.2. ✓

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-31

Dates and Other Information:

Claim Received Date: 5/2/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 74W
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

RRV
3/27/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72611

This is to certify that: BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE ID 83464
(208)768-2651

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>
74-31	AJC/Decreed	06/01/1884	1.40 cfs	N/A	N/A	88.2	BIG TIMBER 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>
74-31	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>
74-31	74-31	1.40 cfs	N/A	N/A	88.2		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.40 cfs	N/A	N/A	88.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of April, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-31
As Modified by Transfer No. 72611

In accordance with the approval of Transfer No. 72611, Water Right No. 74-31 is now described as follows.

Right Holder: BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE ID 83464

Priority Date: June 01, 1884

Source: BIG TIMBER CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	1.40 CFS	
			1.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK	SWNW	Sec. 28 Twp 16N Rge 26E LEMHI County
BIG TIMBER CREEK	SENE	Sec. 28 Twp 16N Rge 26E 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	
16N	26E	21																	5.7
16N	26E	28					4.0	33.5	18.0	27.0									82.5

Total Acres: 88.2

CONDITIONS OF APPROVAL

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 74W.
4. 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.
5. 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.

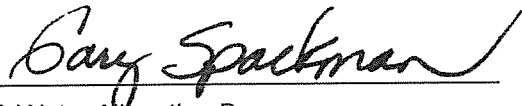
WATER RIGHT NO. 74-31
As Modified by Transfer No. 72611

CONDITIONS OF APPROVAL

6. 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).
7. Right 74-31 is subject to the delivery provisions described under Exchange of Water No. 3187 approved on 09-21-1988, and pursuant to the provisions of Section 42-240, Idaho Code, governing exchanges of water. The Right holder of 74-31 is authorized to divert 1.40 cfs of water from the Lemhi River in the SESE, S28, T16N, R26E in exchange for the diversion of 1.40 cfs of water under Right 74-996 to be diverted from Big Timber Creek in the NWNW, S33, T16N, R26E. Diversion of water under each right will be regulated by the watermasters for each source; Lemhi River, Water District 74 and Big Timber Creek, Water District 74W.

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 27th day of April, 20 06



Chief, Water Allocation Bureau

