

04/14/2005

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

RIGHT NUMBER: 74-37

NAME AND ADDRESS: LEADORE LAND PARTNERS LTD PARTNERSHIP
C/O KARL TYLER
3663 N RESERVE
MISSOULA MT 59808

SOURCE: BIG TIMBER CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 3.350 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.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/01/1874

POINT OF DIVERSION:

T16N R26E S33 NWNW 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	3.350 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R26E S20	NWSW	25.0	T16N R26E S20	SWSW	40.0
T16N R26E S20	SESW	25.0	T16N R26E S20	SWSE	9.0
T16N R26E S29	NENE	1.2	T16N R26E S29	NWNE	40.0
T16N R26E S29	SWNE	36.8	T16N R26E S29	SENE	0.5
T16N R26E S29	NENW	40.0	T16N R26E S29	NWNW	40.0
T16N R26E S29	SWNW	30.0	T16N R26E S29	SENW	40.0
T16N R26E S29	NESW	9.8	T16N R26E S29	NWSW	0.2
T16N R26E S29	NWSE	3.3	T16N R26E S30	NENE	40.0
T16N R26E S30	SWNE	40.0	T16N R26E S30	SENE	40.0
T16N R26E S30	NENW	40.0	T16N R26E S30	SENW	40.0
T16N R26E S30	NESW	10.0	T16N R26E S30	NESE	40.0
T16N R26E S30	NWSE	36.0			

626.8 ACRES TOTAL

Rights 74-37 and 74-39A when combined shall not exceed the irrigation of 548 acres in a single irrigation season.

Rights 74-37, 74-38, 74-39A and 74-996 when combined shall not exceed the irrigation of 626.8 acres.

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

State 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 Water District No. 74W.

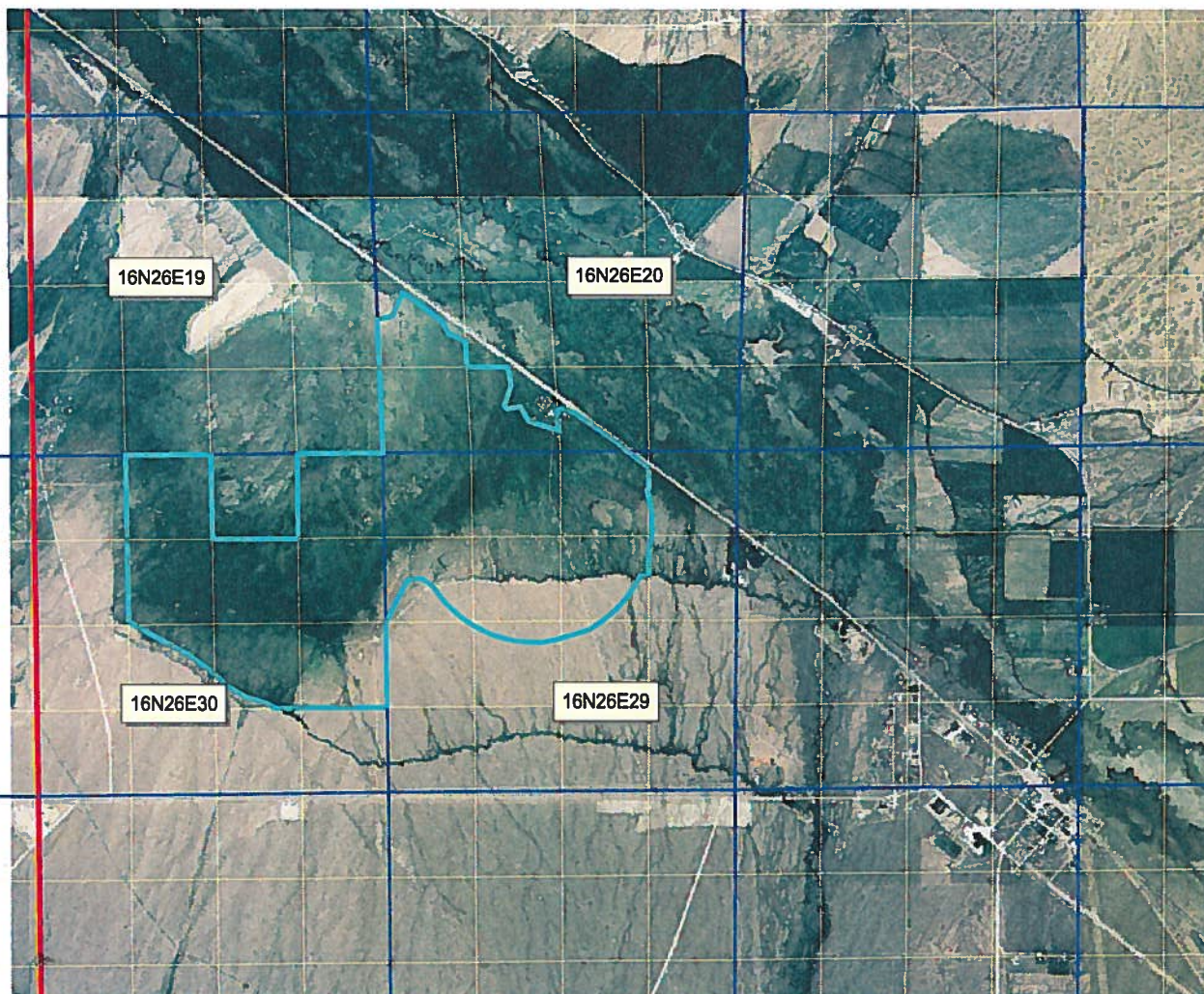
EXPLANATORY MATERIAL: Decreed

Water Right 74-37

1

Idaho Dept. of Water Resources

Water Right No. 74-37, 74-38, 74-39A, 74-996



0.7 0 0.7 1.4 Miles



prepared by:

Adjudication

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702
- 208.327.4800 -

-  Place of Use
-  Township/Range
-  Sections
- QQ



Roxanne Brown
April 14, 2005
1988 True Color Photography

Place of Use Overlaps in the Lemhi Decree
Basin 74

<u>Right No.</u>	<u>POU (acres)</u>	<u>Irrigated (acres)</u>	<u>Total (acres)</u>	<u>Notes</u>
74-37	548	548.0	548.0	
74-38	366	365.5	0.0	complete overlap with 74-37
74-39A	548	548.0	0.0	complete overlap with 74-37
74-996	278	277.1	78.8	partial overlap with 74-37, 38, 39A

Total Acres =	626.8
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STATE OF IDAHO)
COUNTY OF Madison) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 17 DAY
OF April 19 90

SEAL

[Signature]
NOTARY PUBLIC

RESIDING AT Rexburg, Idaho
MY COMMISSION EXPIRES 4-6-93

Adj.

RECEIVED
APR 26 2005
 Department of Water Resources

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 71253**

This is to certify that: LEADORE LAND PARTNERS LTD PARTNERSHIP
 C/O KARL TYLER
 3663 N RESERVE
 MISSOULA MT 59808
 (406)721-2438

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>
74-37	AJC/Decreed	09/01/1874	3.35 cfs	N/A	N/A	548.0	BIG TIMBER CREEK
74-39A	AJC/Decreed	06/10/1901	2.53 cfs	N/A	N/A	548.0	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>
74-37	NO	NO	YES	NO	NO	NO
74-39A	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>
74-37	74-37	3.35 cfs	N/A	548.0	626.8		N/A	N/A	N/A	N/A
74-39A	74-39A	2.53 cfs	N/A	548.0	626.8		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.88 cfs	N/A	548.0	626.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of April, 2005


 Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 74-37

WATER RIGHT NO. 74-37
As Modified by Transfer No. 71253

In accordance with the approval of Transfer No. 71253, Water Right No. 74-37 is now described as follows.

Right Holder: LEADORE LAND PARTNERS LTD PARTNERSHIP
 C/O KARL TYLER
 3663 N RESERVE
 MISSOULA MT 59808

Priority Date: September 01, 1874

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	3.35 CFS	
			3.35 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK NWNW Sec. 33 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 20									25.0	40.0	25.0				9.0		99.0
16N 26E 29	1.2	40.0	36.8	.5	40.0	40.0	30.0	40.0	9.8	.2				3.3			241.8
16N 26E 30	40.0		40.0	40.0	40.0			40.0	10.0				40.0	36.0			286.0

Total Acres: 626.8

CONDITIONS OF APPROVAL

1. Rights 74-37, 74-38, 74-39A and 74-996 when combined shall not exceed the irrigation of 626.8 acres.
2. Rights 74-37 and 74-39A when combined shall not exceed the irrigation of 548 acres in a single irrigation season.
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. 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.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 74-37
As Modified by Transfer No. 71253

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 14th day of April, 2005


Chief, Water Allocation Bureau

WATER RIGHT NO. 74-39A
As Modified by Transfer No. 71253

In accordance with the approval of Transfer No. 71253, Water Right No. 74-39A is now described as follows.

Right Holder: LEADORE LAND PARTNERS LTD PARTNERSHIP
 C/O KARL TYLER
 3663 N RESERVE
 MISSOULA MT 59808

Priority Date: June 10, 1901

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	11/15	2.53 CFS	
			2.53 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK NWNW Sec. 33 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 20									25.0	40.0	25.0				9.0		99.0
16N 26E 29	1.2	40.0	36.8	.5	40.0	40.0	30.0	40.0	9.8	.2				3.3			241.8
16N 26E 30	40.0		40.0	40.0	40.0		40.0	10.0					40.0	36.0			286.0

Total Acres: 626.8

CONDITIONS OF APPROVAL

1. Rights 74-37, 74-38, 74-39A and 74-996 when combined shall not exceed the irrigation of 626.8 acres.
2. Rights 74-37 and 74-39A when combined shall not exceed the irrigation of 548 acres in a single irrigation season.
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. 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.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 74-39A
As Modified by Transfer No. 71253

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 14th day of April, 20 05



Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2003

Leadore Land Partners
C/O Karl Tyler
Box 16025
Missoula MT 59808

Mr. Taylor:

I have received your transfer application to move water right 74-38 to a new place of use.

I have checked the associated rights, 74-37, 74-996 and 74-^{39A}~~34A~~ and find that your initial concept would result in an expansion in use. Therefore I will hold your transfer until I get additional information from the Snake River Basin Adjudication team in the Lemhi drainage.

When this additional information comes in I will contact you with probable changes that need to be made to the application.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ:sc