



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 2, 2020

BEYELER RANCHES LLC
4861 LEMHI RD
LEADORE, ID 83464-5039

RE: Transfer No. 83870
Water Right No(s). 74-158, 74-159, 74-160, 74-2289

Dear Applicant(s):

The legal notice for this transfer was published on August 20 and 27, 2020 in the Recorder Herald. However, the protest end date was published as August 24, 2020. The Department of Water Resources is required by statute to give a 10 day protest period after the second publication. Since the protest end date that was published was before the second publication date, the Department is required to re-publish this application.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 9/10/2020 and 9/17/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 2, 2020

JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

RE: Protest of Application for Transfer 83870 In the name of Beyeler Ranches, LLC

Dear Protestant:

The Department of Water Resources received a protest from you for the above mentioned Application for Transfer. This application is being re-advertised due to circumstances beyond the Department's control, but you are **not** required to submit another protest.

If you have any questions, please contact me at (208) 287-4942. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: rhlegals@custertel.net
Sent: Thursday, September 10, 2020 9:22 AM
To: Hersley, Jean
Subject: Re: Legal Notice for your paper

Good morning,

Yes, it is in today's issue and set for next week as well.

Thank you,
Barbara Armstrong

From: [Hersley, Jean](#)
Sent: Wednesday, September 09, 2020 1:57 PM
To: rhlegals@custertel.net
Subject: RE: Legal Notice for your paper

This was sent last Wednesday, September 2. I wanted to make sure it was going to be run in tomorrow's paper and the paper on the 17th of September. Please respond. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Hersley, Jean
Sent: Wednesday, September 2, 2020 3:38 PM
To: 'rhlegals@custertel.net' <rhlegals@custertel.net>
Subject: RE: Legal Notice for your paper

There were a few errors in the previous email attachment. Please use this attachment. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Hersley, Jean
Sent: Wednesday, September 2, 2020 3:35 PM
To: 'rhlegals@custertel.net' <rhlegals@custertel.net>
Subject: RE: Legal Notice for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have re-published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department. Please send the **affidavit** to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 28, 2020. Your cooperation is appreciated.

The Department of Water Resources first sent this request on July 30, 2020 to be published on August 6 & 13, 2020 with a protest end date of August 24, 2020. The legal notice was not published. I received word from Barbara Armstrong that the second page of my legal notice attachment was not received (see below). On Monday, August 17th, I submitted another legal notice with updated published dates, August 20 & 27 and a protest end date of September 8. The notice was published but the protest end date was the original date of August 24, 2020, from the notice that I was told was not received by the Recorder Herald. The Department of Water Resources is required by statute to give 10 days after the last publication date for protests. I'm assuming this attached legal notice will be run again at no cost to the Department of Water Resources on the dates indicated. We have received the affidavit for the notice that ran on August 20 & 27. I will authorize our fiscal section to pay that invoice.

Please let me know if you have any questions.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: rhlegals@custertel.net [<mailto:rhlegals@custertel.net>]
Sent: Monday, August 17, 2020 2:39 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Legal Notice for your paper

Hi Jean,

I did receive the notice from both you and Mike, and will get it published in this week and next week's papers. So sorry - that second page never came through with the Witte notice earlier.

Have a great day,

Barbara Armstrong

From: [Hersley, Jean](#)
Sent: Monday, August 17, 2020 11:33 AM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper

It was brought to my attention that the attached legal notice was not published in your paper earlier this month. I understand you spoke with Mike Demick from the Idaho Fish & Game regarding this notice. I am sending you the legal notice and this request. I need to document the file so please let me know you received this. I will also fax a copy to you.

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 8, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 28, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83870**

BEYELER RANCHES LLC, 4861 LEMHI RD, LEADORE, ID 83464-5039 has filed Application No. 83870 for changes to the following water rights within LEMHI County(s): Right No(s). 74-158, 74-159, 74-160, 74-2289; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

Replace two existing points of diversion (PODs) on Canyon Creek with a single POD approximately 100 yards upstream from the original PODs. The proposed POD is 1.7 miles northeast of Leadore, in the SWSW of Sec. 23, Township 16N, Range 26E. The purpose of this transfer is to remove unscreened diversions and allow for the placement of a fish screen on the diverting works.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 09/28/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/10/2020 and 9/17/2020

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, September 2, 2020 3:35 PM
To: 'rhlegals@custertel.net'
Subject: RE: Legal Notice for your paper
Attachments: Recorder Herald attempt 3.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have re-published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department. Please send the **affidavit** to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 28, 2020. Your cooperation is appreciated.

The Department of Water Resources first sent this request on July 30, 2020 to be published on August 6 & 13, 2020 with a protest end date of August 24, 2020. The legal notice was not published. I received word from Barbara Armstrong that the second page of my legal notice attachment was not received (see below). On Monday, August 17th, I submitted another legal notice with updated published dates, August 20 & 27 and a protest end date of September 8. The notice was published but the protest end date was the original date of August 24, 2020, from the notice that I was told was not received by the Recorder Herald. The Department of Water Resources is required by statute to give 10 days after the last publication date for protests. I'm assuming this attached legal notice will be run again at no cost to the Department of Water Resources on the dates indicated. We have received the affidavit for the notice that ran on August 20 & 27. I will authorize our fiscal section to pay that invoice.

Please let me know if you have any questions.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: rhlegals@custertel.net [mailto:rhlegals@custertel.net]
Sent: Monday, August 17, 2020 2:39 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Legal Notice for your paper

Hi Jean,

I did receive the notice from both you and Mike, and will get it published in this week and next week's papers. So sorry - that second page never came through with the Witte notice earlier.

Have a great day,

Barbara Armstrong

From: [Hersley, Jean](#)

Sent: Monday, August 17, 2020 11:33 AM

To: rhlegals@custertel.net

Subject: Legal Notice for your paper

It was brought to my attention that the attached legal notice was not published in your paper earlier this month. I understand you spoke with Mike Demick from the Idaho Fish & Game regarding this notice. I am sending you the legal notice and this request. I need to document the file so please let me know you received this. I will also fax a copy to you.

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 8, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before October 5, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83870**

BEYELER RANCHES LLC, 4861 LEMHI RD, LEADORE, ID 83464-5039 has filed Application No. 83870 for changes to the following water rights within LEMHI County(s): Right No(s). 74-158, 74-159, 74-160, 74-2289; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

Replace two existing points of diversion (PODs) on Canyon Creek with a single POD approximately 100 yards upstream from the original PODs. The proposed POD is 1.7 miles northeast of Leadore, in the SWSW of Sec. 23, Township 16N, Range 26E. The purpose of this transfer is to remove unscreened diversions and allow for the placement of a fish screen on the diverting works.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 09/28/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/10/2020 and 9/17/2020

Hersley, Jean

From: rhlegals@custertel.net
Sent: Monday, August 17, 2020 2:39 PM
To: Hersley, Jean
Subject: Re: Legal Notice for your paper

Hi Jean,

I did receive the notice from both you and Mike, and will get it published in this week and next week's papers. So sorry - that second page never came through with the Witte notice earlier.

Have a great day,

Barbara Armstrong

From: Hersley, Jean
Sent: Monday, August 17, 2020 11:33 AM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper

It was brought to my attention that the attached legal notice was not published in your paper earlier this month. I understand you spoke with Mike Demick from the Idaho Fish & Game regarding this notice. I am sending you the legal notice and this request. I need to document the file so please let me know you received this. I will also fax a copy to you.

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 8, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov