

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 22 2017

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Beyeler Ranches LLC Phone 208-940-0223

2. MAILING ADDRESS PO Box 62 City Leadore

State ID Zip 83464 Email

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 74-2326, 74-871

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 3.16 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

6. 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:

The new diversion will consist of a weir, a fish screen, a lockable control gate, and an IDWR-approved flow meter.

- b. Who owns the property at the point(s) of diversion? Ellsworth Angus Ranch

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

There is currently a verbal agreement allowing access.

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Merrill Beyeler
Signature of applicant or authorized agent

Merrill Beyeler
Print name and title if applicable

16 Feb. 2017
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$740 Date 2/24/17

Received by VC Receipt # C103058

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-2326

Current Owner: BEYELER RANCHES LLC

Priority Date: 4/11/1960

Origin: Water Right

Status: Active

Basis: Decreed

Source

HAWLEY CREEK

Tributary

EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	03/15 to 11/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
1.36 CFS	
1.36 CFS	

Location of Point(s) of Diversion

HAWLEY CREEK

NE1/4NE1/4

Sec. 34, Twp 16N, Rge 26E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T16N R26E S21	NESW	31.60	T16N R26E S21	SESW	13.60
T16N R26E S21	NESE	33.50	T16N R26E S21	NWSE	40.00
T16N R26E S21	SWSE	39.30	T16N R26E S21	SESE	29.90
T16N R26E S27	SWNE	31.10	T16N R26E S27	SWNW	33.20
T16N R26E S27	SENW	40.00	T16N R26E S27	NESW	37.80
T16N R26E S27	NWSW	28.30	T16N R26E S28	NENE	35.90
T16N R26E S28	NWNE	40.00	T16N R26E S28	SWNE	28.10
T16N R26E S28	SENE	40.00	T16N R26E S28	NENW	11.90
T16N R26E S28	NWNW	3.60	T16N R26E S28	SWNW	5.90
T16N R26E S28	SENW	19.10	T16N R26E S28	NESE	30.10
T16N R26E S28	NWSE	0.40			

Total Acres: 573.3

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-871

Current Owner: BEYELER RANCHES LLC

Priority Date: 8/9/1948

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRINGS

Tributary

EIGHTEENMILE CREEK

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

1.8 CFS

1.8 CFS

Annual Volume

Location of Point(s) of Diversion

SPRINGS

LEMHI County

SW1/4NW1/4

Sec. 35, Twp 16N, Rge 26E B.M.

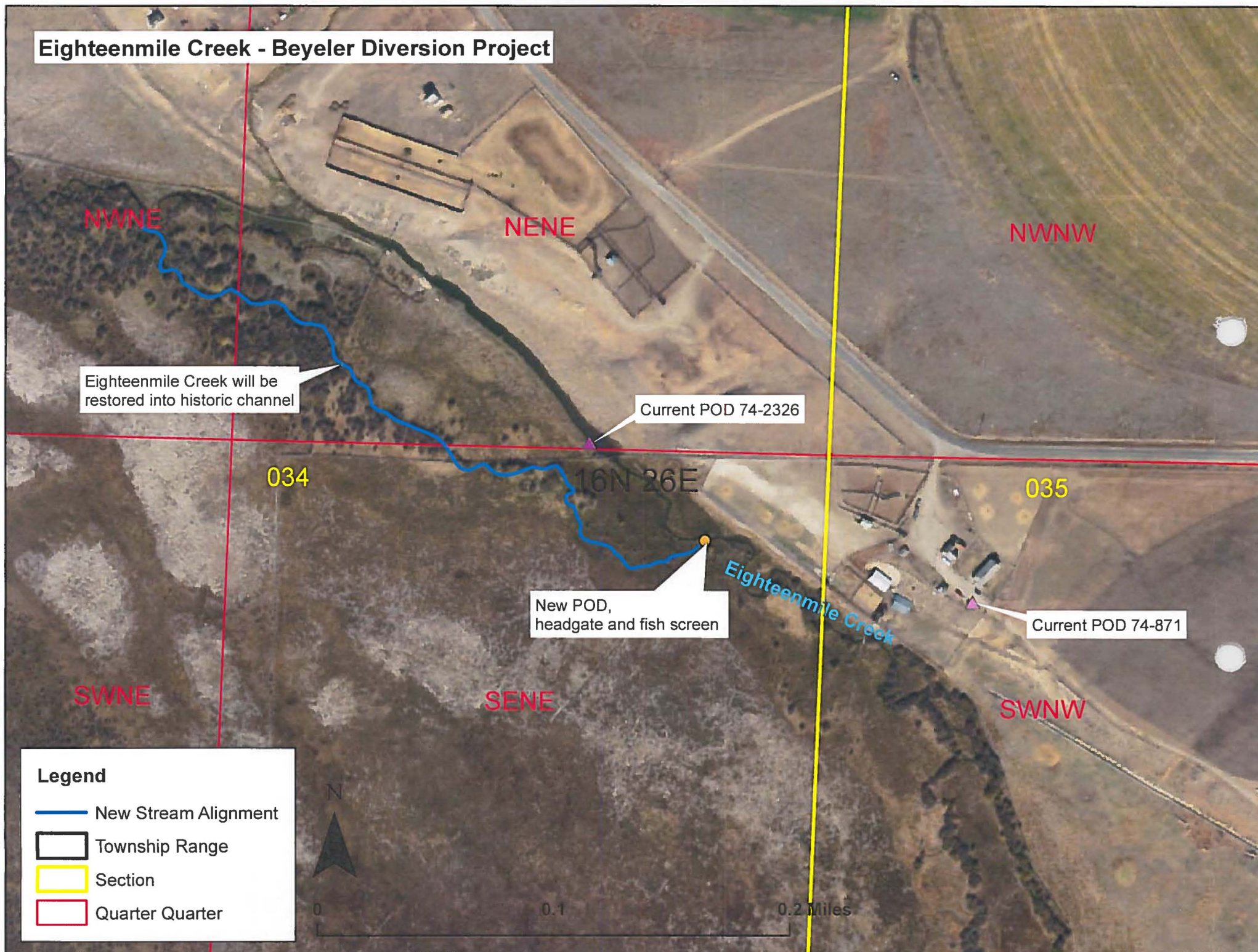
Place of Use

IRRIGATION Within LEMHI County

T16N R26E S21	NESW	31.60	T16N R26E S21	SESW	13.60
T16N R26E S21	NESE	33.50	T16N R26E S21	NWSE	40.00
T16N R26E S21	SWSE	39.30	T16N R26E S21	SESE	29.90
T16N R26E S27	SWNE	31.10	T16N R26E S27	SWNW	33.20
T16N R26E S27	SENE	40.00	T16N R26E S27	NESW	37.80
T16N R26E S27	NWSW	28.30	T16N R26E S28	NENE	35.90
T16N R26E S28	NWNE	40.00	T16N R26E S28	SWNE	28.10
T16N R26E S28	SENE	40.00	T16N R26E S28	NENW	11.90
T16N R26E S28	NWNW	3.60	T16N R26E S28	SWNW	5.90
T16N R26E S28	SENE	19.10	T16N R26E S28	NESE	30.10
T16N R26E S28	NWSE	0.40			

Total Acres: 573.3

Eighteenmile Creek - Beyeler Diversion Project



Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 30, 2017 8:41 AM
To: rhlegals@custertel.net
Subject: Notice of Proposed Change of Water Right Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean

208-756-2222 Page 1

March 30, 2017

*faxed on
3-30-17
8:45AM*

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 notice 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 April 24, 2017. 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. 81472**

BEYELER RANCHES LLC, PO BOX 62, LEADORE, ID 83464; has filed Application No. 81472 for changes to the following water rights within LEMHI County(s): Right No(s). 74-2326, 74-871; The purpose of the transfer is to change a portion of the above rights as follows:

change points of diversion from Springs tributary to Eighteenmile Creek and Hawley Creek diverted from Eighteenmile Creek to a single point of diversion from Eighteenmile Creek approximately 0.1 mile away in the SENE, Section 34, T16N, R26E as part of a fish habitat restoration project.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm> 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 4/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/6/2017 and 4/13/2017

*Jean Hersley
Idaho Dept Water Resources*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 30, 2017

BEYELER RANCHES LLC
PO BOX 62
LEADORE, ID 83464

RE: Transfer No. 81472
Water Right No(s). 74-2326, 74-871

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 4/6/2017 and 4/13/2017. 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 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 30, 2017

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

RE: Application for Transfer of Water Right: Transfer No. 81472
Water Rights: 74-871 & 74-2326

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application for transfer. You can find copies of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 30, 2017

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS ID 83402

RE: Application for Transfer of Water Right: Transfer No. 81472
Water Rights: 74-871 & 74-2326

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application for transfer. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 30, 2017

DAN P SMITH
WATER DISTRICT #74W
PO BOX 22
LEADORE ID 83464-0022

RE: Application for Transfer of Water Right: Transfer No. 81472
Water Rights: 74-871 & 74-2326

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application No.: 81472

Applicant's Name:
Beyeler Ranches LLC

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2017

Water District No. 74W

Watermaster's Signature _____

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 30, 2017 8:40 AM
To: Yenter, Cindy; Clark, Cynthia (Bridge); Cefalo, James
Subject: Application for Transfer 81472- Beyeler Ranches

This application will be advertised on April 6th and 13th. Documents will be scanned by the end of the day. Please let the state office know if you have any comments or concerns. Protest deadline is April 24, 2017.

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

MEMORANDUM

Date: March 3, 2017
To: Transfer File 81472
From: Kyle Rayworth
Re: Application for Transfer Review

Brief

Applicant proposing to remove the existing diversion on Eighteenmile Creek (Water Rights 74-871 and 74-2326), which is a full fish passage barrier during the irrigation season, and install a new irrigation diversion upstream which will consist of a weir, a fish screen, a control gate, and a flow meter.

Applicant has also asked that both attorneys, Paul L Arrington and Travis L Thompson be removed from correspondence on this transfer.

Authority To File

The applicant is the owner of record per a 2003 ownership change. The entire POU is under the ownership of the applicant, however, Ellsworth Angus Ranch owns the property at the POD, but there is currently a verbal agreement allowing access.

Water Right Validity

Right assumed valid due to SRBA partial decree issued 12/21/2009 for Water Right 74-871 and 7/18/2007 for Water Right 74-2326.

Injury To Other Water Rights

There is no injury anticipated as a result of this transfer.

Enlargement Of Use

This transfer will not increase the existing rate or volume, and no change in the nature of use is being requested, so there is no anticipated enlargement.

Local Public Interest

The Upper Salmon Basin Watershed Program is assisting the applicant in order to implement a fish habitat restoration project on Eighteenmile Creek, and therefore is not expected to create an issue regarding the local public interest.

Beneficial Use/Conservation Of Water Resources

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application

Narrative

This application proposes to remove the existing two PODs, one from Hawley Creek in the SW1/4 of the NW1/4 of Section 35 Township 16N Range 26E and the other from Springs in the NE1/4 of the NE1/4 of Section 34 Township 16N Range 26E, and create one new POD location, from Eighteenmile Creek in the SE1/4 of the NE1/4 of Section 34 Township 16N Range 26E, in order to implement a fish habitat restoration project on Eighteenmile Creek.

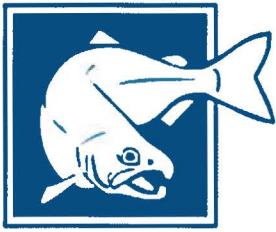
These two water rights (74-871 and 74-2326) consist of a total diversion rate transfer of 3.16 cfs. Irrigation water will be diverted into a 12" pipeline and delivered to the POU, which will not change as a result of this transfer.

There are no other overlapping rights outside of those noted in transfer 77009, which include water rights 74-31, 74-158, 74-159, 74-160, 74-871, 74-2289, 74-2326, and 74-7185. When combined, these rights shall not exceed the irrigation of 573.3 acres.

There does not appear to be a need to change the existing conditions, with the exception of the addition of two new conditions (X49 and X53).

Conditions and Suggestions

This transfer appears to be acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.



Upper Salmon Basin Watershed Program

Homegrown, Common-Sense
Conservation

Coordinated by:

Idaho Governor's Office of
Species Conservation
Dustin Miller, Administrator

.

Mike Edmondson
Program Manager
Mike.Edmondson@osc.idaho.gov

.

Daniel Bertram
Project Coordinator
Daniel.Bertram@osc.idaho.gov

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USBWP Advisory Committee
Shannon Williams, Chairwoman

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955 Riverfront Drive, Suite B
Salmon, Idaho 83467

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Phone 208-756-6322

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Facsimile 208-756-6376

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www.modelwatershed.org

February 16, 2017

Idaho Department of Water Resources
322 East Front Street
Boise, ID 83702-7374

Re: Beyeler Ranches Water Right Transfer

Dear IDWR,

The Upper Salmon Basin Watershed Program is assisting Merrill Beyeler, Beyeler Ranches LLC, in the attached application for transfer of water rights 74-2326 and 74-871 in order to implement a fish habitat restoration project on Eighteenmile Creek.

- Water right number 74-2326 consists of 1.36 cfs with a priority date of 1960 from Hawley Creek, which is a tributary of Eighteenmile Creek. The current point of diversion is located on Eighteenmile Creek and would be moved upstream to a diversion on Eighteenmile Creek (please see enclosed map). Though the diversion is on Eighteenmile Creek, the source will remain from Hawley Creek water entering Eighteenmile Creek.
- Water right number 74-871 consists of 1.8 cfs with a priority date of 1948 from Springs, a tributary to Eighteenmile Creek. The point of diversion would be moved to the same location on Eighteenmile Creek as mentioned above for water right 74-2326. Though the diversion is on Eighteenmile Creek, the source will remain from Yearian Spring water entering Eighteenmile Creek.

The proposed project will remove the existing diversion on Eighteenmile Creek, which is a full fish passage barrier during irrigation season, and install a new irrigation diversion upstream which will consist of a weir, a fish screen, a control gate, and a flow meter. Irrigation water pertinent to water rights 74-2326 and 74-871 will be diverted into a 12" pipeline and delivered to the places of use, which will not change as a result of this project. Please contact me if you have any questions regarding the attached application.

Sincerely,

Adair Muth
USBWP Project Planner
955 Riverfront Drive, Suite B
Salmon, Idaho 83467
(208)756-6322
Adair.Muth@osc.idaho.gov