

RECEIVED

STATE OF IDAHO

Transfer No.

79319

MAY 06 2014

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) LEADORE LAND PARTNERS LTD PARTNERSHIPCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes** **N/A** * Means the item is always required and must be included with the application
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1 Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
 - ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form ([Fee schedule](#) is on website and instructions for application for transfer)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided (See Part 3B) Additional fee required for proposed changes to nature of use; see [fee schedule](#)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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79319

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 06 2014

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) LEADORE LAND PARTNERS LTD PARTNERSHIP Phone (406)721-2438

Mailing address 3663 N RESERVE ST; MISSOULA, MT 59808 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

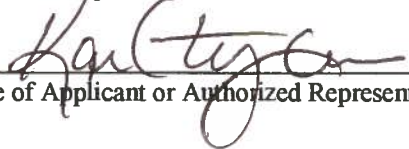
☐ No Representative

Name of Representative BOB LOUCKS Phone (208)756-3032

Mailing address 260 WITHINGTON CR RD; SALMON, ID 83467 Email baloucks@centurytel.net

- ☐ Send all correspondence for this application to the representative and not to the applicant
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Karl Tyler, General Partner
Print Name and Title if applicable

5-1-2014
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer creates a common POU for three existing Little Timber water rights and adds an additional POD for 74-38.

The transfer re-arranges the POU to cover all currently irrigated land

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

This transfer creates a common POU for three existing Little Timber water rights and adds an additional POD for 74-38. The transfer re-arranges the POU to cover all currently irrigated land.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
74-40	4.200 cfs	N/A	429.6	568.6		N/A	N/A	N/A	N/A
74-41	5.180 cfs	N/A	429.6	568.6		N/A	N/A	N/A	N/A
74-38	3.840 cfs	N/A	139.0	568.6		N/A	N/A	N/A	N/A

COMBINED TOTALS

13.220 cfs	N/A	568.6	568.6	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 13.22 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 74-40

Current Water Right Owner

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

Priority Date: 6/1/1879

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE TIMBER CREEK

Tributary: BIG TIMBER CREEK

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

4.200 CFS

Subuse Code

Total Diversion

4.200 CFS

Source and Point(s) of Diversion:

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	13												6.7			24	9.6	40.3
16N	25E	24	35	40	40	27	29			20					29	32	34	22	308
16N	26E	19										30	28	3.9					61.9
												L 3	L 4						
16N	26E	30			32.5		18.0	36.5	14.0	25.0	5.4					27.0			158.4
								L 1	L 2										

Right Acre Limit: 429.6

POU Total Acres: 568.6

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 74-41

Current Water Right Owner

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

Priority Date: 10/1/1903

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE TIMBER CREEK

Tributary: BIG TIMBER CREEK

Beneficial Use
 IRRIGATION

From
 3/15

To
 11/15

Diversion Rate
 5.180 CFS
 5.180 CFS

Subuse Code

Total Diversion

Source and Point(s) of Diversion:

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	13												6.7			24	9.6	40.3
16N	25E	24	35	40	40	27	29			20					29	32	34	22	308
16N	26E	19										30	28	3.9					61.9
16N	26E	30			32.5		18.0	36.5	14.0	25.0	5.4	L 3	L 4			27.0			158.4
								L 1	L 2										

Right Acre Limit: 429.6

POU Total Acres: 568.6

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 74-38

Current Water Right Owner

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

Priority Date: 6/1/1892

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE TIMBER CREEK

Tributary: BIG TIMBER CREEK

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

3.840 CFS

Subuse Code

Total Diversion

3.840 CFS

Source and Point(s) of Diversion:

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	13												6.7			24	9.6	40.3
16N	25E	24	35	40	40	27	29			20					29	32	34	22	308
16N	26E	19										30	28	3.9					61.9
												L 3	L 4						
16N	26E	30			32.5		18.0	36.5	14.0	25.0	5.4					27.0			158.4
								L 1	L 2										

Right Acre Limit: 139.0

POU Total Acres: 568.6

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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
Diversions currently have headgates and weirs.

- b. Who owns the property at the point(s) of diversion

Whittaker Two Dot, LP

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

Historical ditches used as conveyance for many years.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

This transfer simply ensures that all lands currently irrigated have a legal water right.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The flood irrigated land in NESW, NWSE, and SWNE Sec 30 is also covered by 74-61 from Big Timber Creek.

- f. 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 leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 74-40

Current Water Right Owner

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

Priority Date: 6/1/1879

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE TIMBER CREEK

Tributary: BIG TIMBER CREEK

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

4.200 CFS

Subuse Code

Total Diversion

4.200 CFS

Source and Point(s) of Diversion:

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	24	40.0	40.0	40.0	36.0									30.0	36.0	36.0	20.0	278.0
16N	26E	19									37.0	38.0	36.0	40.0					151.0
												L 3	L 4						

Right Acre Limit: 429.6

POU Total Acres: 429.0

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 74-41 AND 74-61 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 612.7 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 74-41 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 429.6 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.
4. This right authorizes the irrigation of 429.6 total acres.

COMPLETED
 JUN 26 2014

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

Current Water Right No. 74-41

Current Water Right Owner

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

Priority Date: 10/1/1903

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE TIMBER CREEK

Tributary: BIG TIMBER CREEK

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

5.180 CFS

Subuse Code

Total Diversion

5.180 CFS

Source and Point(s) of Diversion:

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	24	40.0	40.0	40.0	36.0									30.0	36.0	36.0	20.0	278.0
16N	26E	19									37.0	38.0	36.0	40.0					151.0

Right Acre Limit: 429.6

POU Total Acres: 429.0

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 74-40 AND 74-61 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 612.7 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 74-40 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 429.6 ACRES IN A SINGLE IRRIGATION SEASON.
3. This right authorizes the irrigation of 429.6 total acres.
4. 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.

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

Current Water Right No. 74-38

Current Water Right Owner

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

Priority Date: 6/1/1892

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE TIMBER CREEK

Tributary: BIG TIMBER CREEK

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

3.840 CFS

Subuse Code

Total Diversion

3.840 CFS

Source and Point(s) of Diversion:

LITTLE TIMBER CREEK

SWNW

Sec. 24 Twp 15N Rge 25E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	26E	30			40.0		40.0			25.5	7.7					25.8			139.0

POU Total Acres: 139.0

Conditions/Remarks:

1. 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. As of December 31, 2008, this water right is within State Water District No. 74W.
2. 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).
3. 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.
4. 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.
5. The portion of Right 74-38 used for conveyance losses is 2.1 cfs.

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

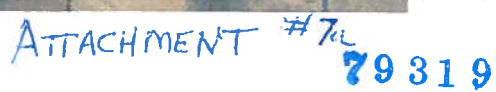
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

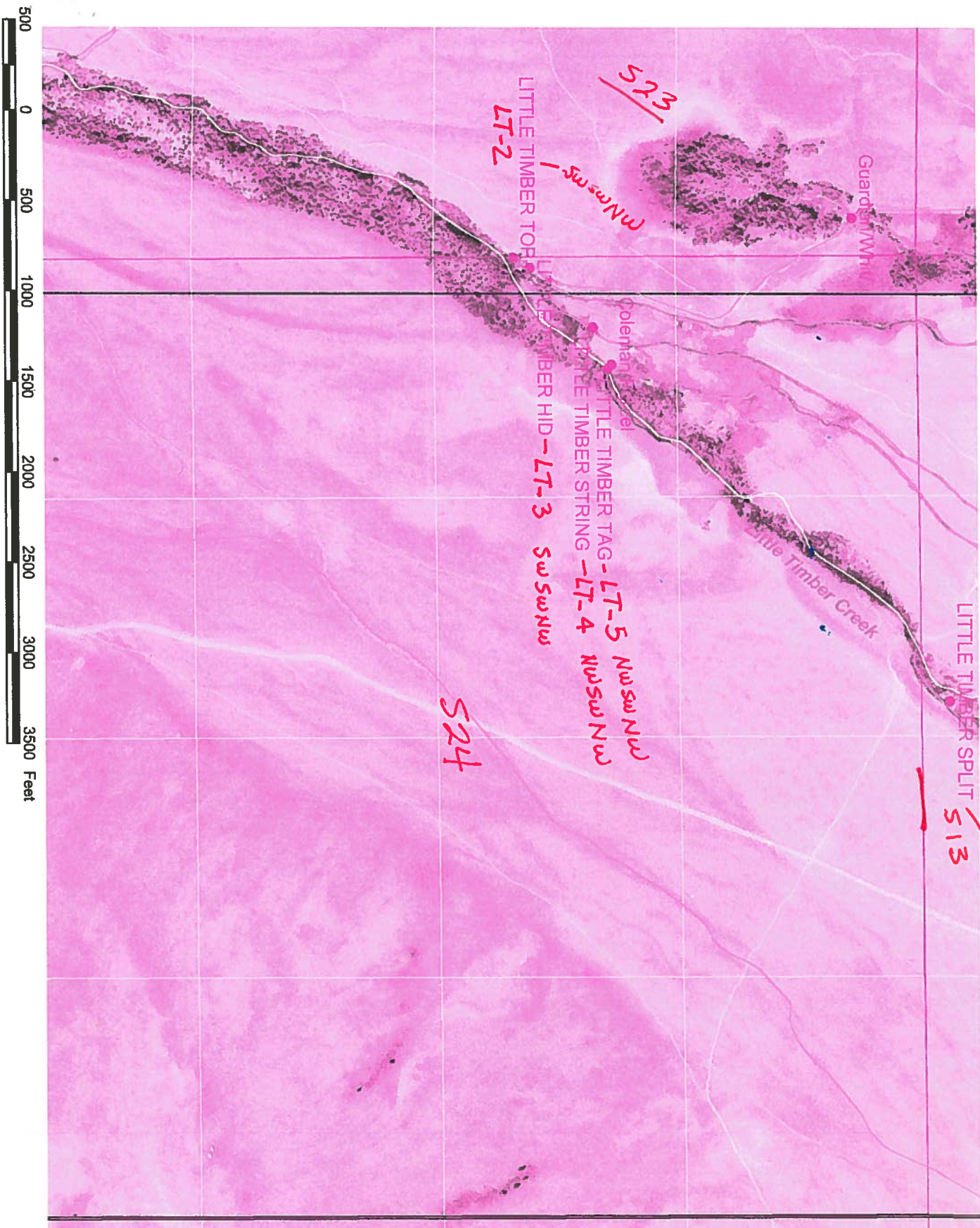
Transfer Contains 11 pages and attachments.
 Received By MA Date 6/5/2014 Prelim. Check By MHOLLIDAY Date 6/13/2014
 Fee Paid \$770 Date 5/20/2014 Received By JJ Receipt # E039851
 Add'l Fee Paid \$450 Date 6/5/2014 Received By JJ Receipt # E039889

JUN 26 2014

**13,000
Miles**



JUN 26 2014



ATTACHMENT # 7a (Detail)

NE

79319

SCANNED
JUN 25 2014

Permissible Place of Use for 74-38, 74-40, and 74-41

ATTACHMENT 1

