



Ident No. 74-15887

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Beyeler Ranches LLC Phone (208) 768-2651
Mailing address Box 62, Leadore, Idaho 83464 Email _____
2. Source of water supply Hawley/Crofton-mill tributary to Lemhi River
Creek Springs complex
3. Point of Diversion:

- a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot _____, SE 1/4 SE 1/4 _____ 1/4,
Section 28, Township 16 N Range 26 E, B.M.,
Lemhi County.

~~Ending point is in Gov't. Lot _____, NW 1/4 NE 1/4 _____ 1/4,
Section 28, Township 16 N Range 26 E, B.M.,
Lemhi County.~~

- b) Alternate point of diversion is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4,
Section _____, Township _____ Range _____, B.M.,
_____ County.

4. Description of diversion and delivery system:

- a) Describe the type of diversion Metal pipe with a valve
to control water flow and time of use.
- b) Describe the delivery system PVC pipe - gravity fed flow
to 3 free-flowing tire troughs

- c) Describe the number, type and total capacity of troughs or tanks _____
3 Tire troughs, Free flowing, Total capacity 2,550 gal

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- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Butterfly valve at point of diversion.

At the last trough there is an existing fish return pipe this will be used to return any unused water to the source.

- e) Describe how the system is designed to allow measurement of the rate of diversion

It is a free flowing water system in a loop. There are no diversions between the source and where it is returned to the river. The amount of water used will be equal to historic use. The time of use will be the same.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
16N	26E	28			X										X			

See attached map

6. Priority date claimed or established historic use 4/1/1915 (74-1152)

7. Rate of diversion 0.02 cfs

8. Season of use: from Oct. 1 to May 1

9. a) Who owns the property at the point of diversion? Beyeler Ranches LLC

- b) Who owns the property at the place of use? Beyeler Ranches LLC

10. When will construction occur? Fall 2008

11. Comments (include number and type of stock) There will be three tire troughs located in hayfields where calves are weaned in the fall and cows are present in the winter and early spring. number of cattle will be ± 700 hd. This system will

12. replace stock water use out of a portion of Whitefish Creek which is going to returned to its natural channel, which will remove water from these fields,
Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 22 day of August, 2008

Merrill Bayless
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by SL Date 9/25/08 Preliminary check by SL
Fee: \$ 25 Received by SL Receipt No. 2034387 Date 9/5/08
Water District No. 74W Entered into data base 9/25/08 By SL
742

Whitefish Ditch Closure Alternative Stockwater



Water will be piped by gravity from the Hawley/Eighteen-mile Creek Spring complex (formerly the head of Whitefish Ditch) to three free-flowing troughs; excess water will be discharged into Canyon Creek via an existing fish screen water return pipe. This stockwater is needed from mid October through the end of April.