

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Beveler Ranches LLC c/o Merrill Beveler Telephone No: (208) 768-2651
(Name of Applicant)
PO Box 62, Leadore, Id 83464 Email: _____
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 74-31 (SRBA Decree 9/20/2007)
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant _____ Telephone No: _____
(Name of Co-applicant)

(Mailing Address) (Zip Code) Email: _____

Co-applicant's Water Right(s) to be exchanged _____
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION -- Complete Part A or Part B to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____
In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. made available to the co-applicant for diversion at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____

OR

2. released from storage by the co-applicant into _____ at _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

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Department of Water Resources
Eastern Region

Part B.-- For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 1.4 cfs and/or acre feet per year of water at SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot Sec. 28 Township 16N Range 26E B.M., Lemhi County. Additional points of diversion, if any:

In exchange for authorization to divert water as described above, 1.4 cfs and/or acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. diverted from Big Timber Creek at SE $\frac{3}{4}$ SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot Sec. 28 Township 16N Range 26E B.M., Lemhi County and injected into Lemhi River at NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot Sec. 20 Township 16N Range 26E B.M., Lemhi County.

OR

2. released from storage by the applicant into at $\frac{1}{4}$ of $\frac{1}{4}$, Govt. Lot Sec. Township Range B.M., County.

Additional Explanation -- Attach additional sheets if necessary.

This exchange will replace exchange 3187. Furthermore this exchange will allow 1.4 cfs to be passed to the Lemhi River and pumped to the place of use. This will help provide passage flows for anadromous fish to Big Timber Creek.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate.

5. MAPS -- Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 $\frac{1}{2}$ "x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 $\frac{1}{2}$ -minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Merrill D. Beyeler For Beyeler Ranches LLC 30 June 2008
Applicant's Signature (and title if application is for an organization) Date

FOR DEPARTMENT USE ONLY

This exchange application contains 2 pages, including attachments.
Received by Date Fee \$290
Received by Date Receipt No. E034122 \$125 & E034136 \$165
Preliminary review by
Published in Recorder Herald
Publication dates Aug 21 & 28, 08
Protests filed by
Copies of protests forwarded by
Watermaster recommendation requested on
Watermaster recommendation received on
Hearing held by Date
Recommended for Approval Denial By

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74849

PART 1

6. General Information:

a. Description of diversion system Pump from new POD on Lemhi River to existing pipeline.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

*superseded
By Exchange*

d. Remarks:

There are no other PODs on Lemhi River between the new POD and the mouth of Big Timber Cr. Water will be measured at the existing IDWR gage about 300 yards above the current POD (Big Timber I)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

74849

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

*Please just pull this
up from your database.*

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

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SEP 11 2003

Idaho Department of Water Resources
Boise, Idaho

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: Superseded by
Exchange
3. Describe effects on other water uses resulting from the proposed change:
This transfer should have no effect on any other water
rights.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

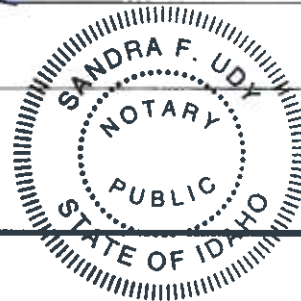
By Merrill Beyeler
Beyeler Ranches LLC
(Signature of Applicant)

Beyeler Ranches LLC
Print Name (and title, if applicable)

Subscribed and sworn to before me this 5th day of June, 2008

Sandra P. Udy
(Notary Public)

My commission expires 09/18/2008



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Nate Date 6/6/08

Protest filed by _____

Prelim. Check by Nate Fee _____

E034122 \$125 E034136 \$165
\$290 total

Received by _____ Date _____

Published in _____

Copies of protest forwarded by _____

Pub. Dates _____

Hearing held by _____ Date _____

Watermaster recommendations requested on _____

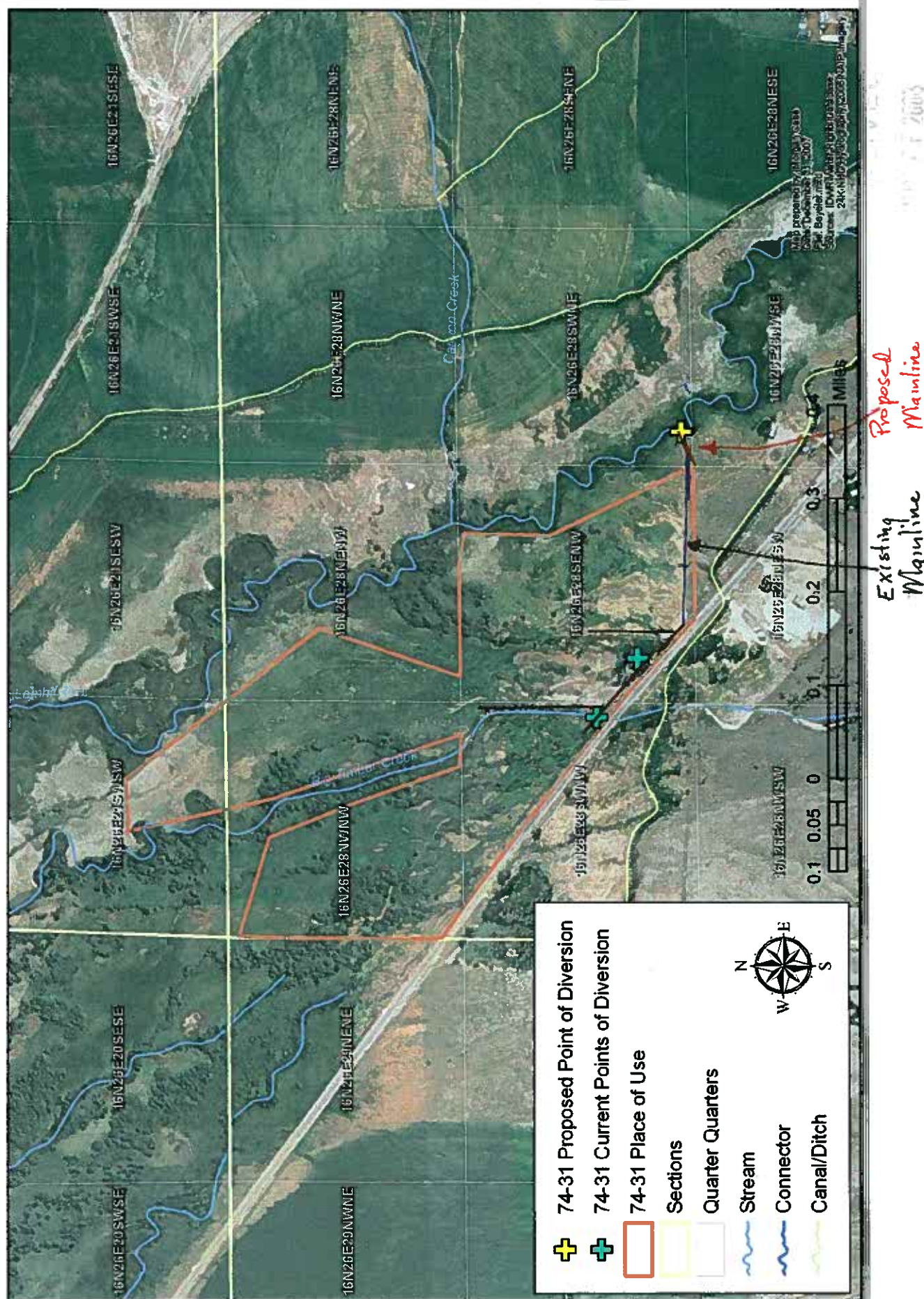
Recommended for ☐ approval ☐ denial

_____ received _____ by _____

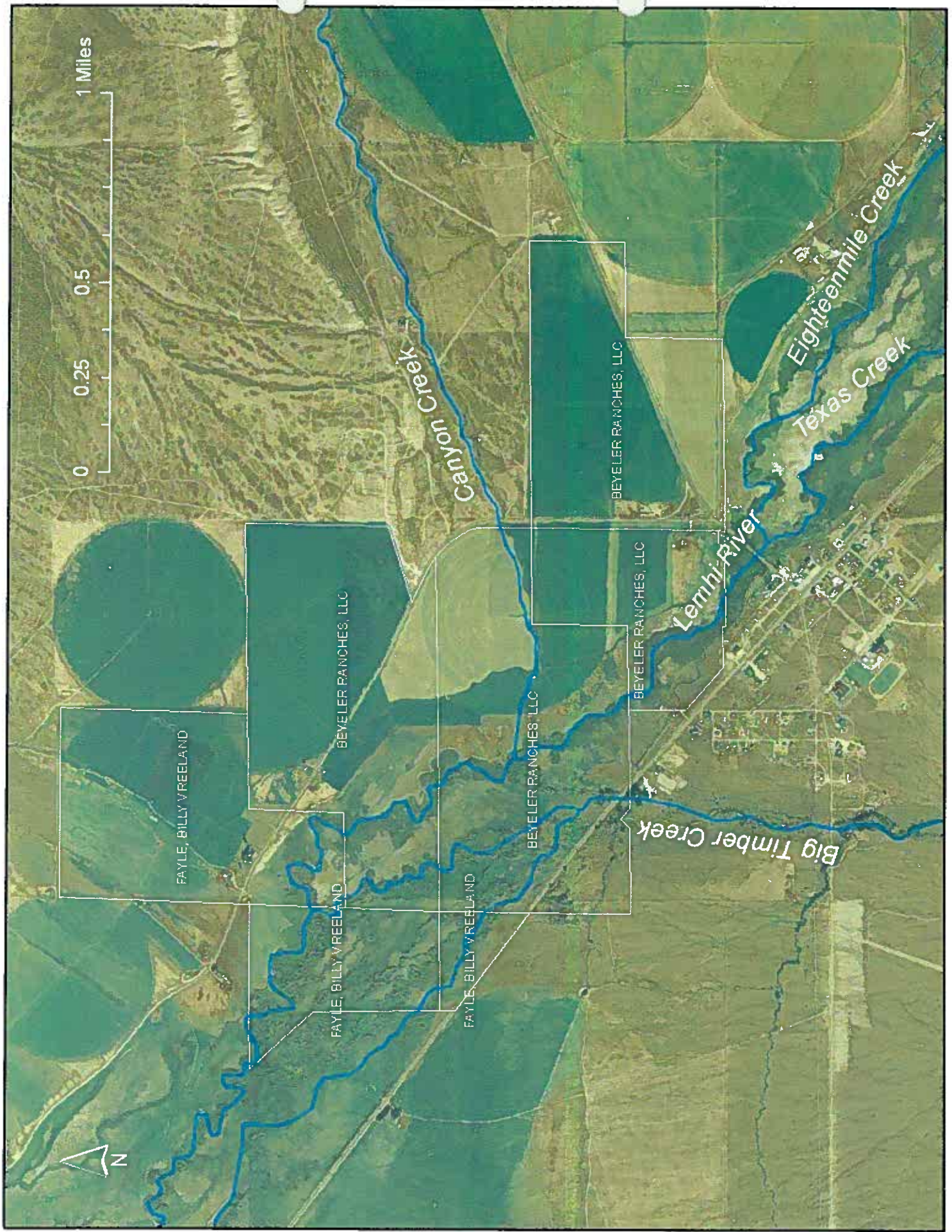
Copy of transfer sent to lien holder _____

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Beyeler Water Right 74-31 - Proposed Transfer



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Memorandum

To: Idaho Department of Water Resources – Eastern Idaho Office
Attention: Ernie Carlsen
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-6105

From: Don R. Bellamy, RVP Community Lending

CC: Beyeler Ranches, LLC,
Merrill Beyeler - CIF 46207-441

Date: May 22, 2008

Subject: Big Timber Creek Reconnect Project – Transfer of POD, Water Right 74-31

Northwest Farm Credit Services has reviewed the application for the transfer of point of diversion for water right 74-31 from Big Timber Creek to the Lemhi River and has no objection to the proposed change. This change will allow for the restoration of stream flow in a portion of Timber Creek as presented in the Big Timber Creek Reconnect proposal.

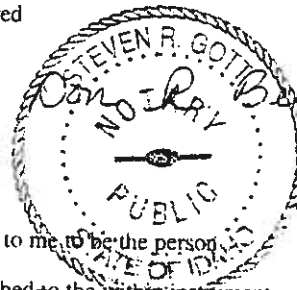
Signed:

Don R. Bellamy, RVP

Notarized:

STATE OF IDAHO, COUNTY OF *Salmon*
On this *23RD* day of *May*, 2008.

before me, a notary public in and for said State, personally
appeared



known to me to be the person whose name is

subscribed to the within instrument, and acknowledged to me that
he executed the same.

Notary Public

Residing at *Salmon*, Idaho

Comm. Expires *1-13-2010*

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

05/14/2008

WATER RIGHT NO. 74-31

Refer to Page 3 of 3
for exchange of Water no.

No. 3187

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEYELER RANCHES LLC C/O MERRILL AND SHARAL BEYELER PO BOX 62 LEADORE, ID 83464 (208)768-2651
Original Owner	TERRY E MC REA LEADORE, ID 83464
Original Owner	MARJORIE E MC REA PO BOX 121 LEADORE, ID 83464 (208)768-2322
Original Owner	MERRILL BEYELER
Original Owner	SHARAL L BEYELER PO BOX 62 LEADORE, ID 83464 (208)768-2651

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

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MAY 06 2008

Water Resources

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	1.4 CFS	
Total Diversion			1.4 CFS	

Location of Point(s) of Diversion:

BIG TIMBER CREEK	SWNW	Sec. 28	Township 16N	Range 26E	LEMHI County
BIG TIMBER CREEK	SENE	Sec. 28	Township 16N	Range 26E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tr
16N	26E	21		SWSW	5.7								
		28		NENW	4		NWNW	33.5		SWNW	18		SE

Total Acres: 88.2

Conditions of Approval:

1. C18	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.
2. T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T07	The right holder shall accomplish the change authorized by transfer #72611 by April 27, 2007.
4. R05	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.
5. R03	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands.

above.

6. R43 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).

7. Right 74-31 is subject to the delivery provisions described under Exchange of Water No. 3187 approved on 09-21-1988, and pursuant to the provisions of Section 42-240, Idaho Code, governing exchanges of water. The Right holder of 74-31 is authorized to divert 1.40 cfs of water from the Lemhi River in the SESE, S28, T16N, R26E in exchange for the diversion of 1.40 cfs of water under Right 74-996 to be diverted from Big Timber Creek in the NWNW, S33, T16N, R26E. Diversion of water under each right will be regulated by the watermasters for each source; Lemhi River, Water District 74 and Big Timber Creek, Water District 74W.

Dates:

Licensed Date:

Decreed Date: 09/20/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 74W

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Division of Water Resources
Eastern Region

No. W 23019

Return to:

SECRETARY OF STATE
450 NORTH FOURTH STREET
PO BOX 83720
BOISE, ID 83720-0080

Due no later than March 31, 2008
Annual Report Form

1. Mailing Address - Correct in this box, if applicable

BEYELER RANCHES, L.L.C., AN IDAHO L
4861 LEMHI RD
LEADORE, ID 83464

2. Registered Agent and Office NO PO BOX

MERRILL BEYELER
4861 LEMHI RD
LEADORE, ID 83464

3. New Registered Agent Signature

NO FILING FEE IF
RECEIVED BY DUE DATE

4. Limited Liability Companies: Enter Names and Addresses of Managers.

Office held	Name	Street or P.O. Address	City	State	Zip
Manager	Merrill Beyeler	Box 62	Leadore	Idaho	83464
Manager	Sharon Beyeler	Box 62	Leadore	Idaho	83464
Member	Bryant Beyeler	84724 Leek Road	Leadore	Idaho	83464
Member	Lodana Beyeler	4724 Leek Road	Leadore	Idaho	83464
Member	Curtis Beyeler	Box 72	Leadore	Idaho	83464
Member	Jeri Beyeler	Box 72	Leadore	Idaho	83464
Member	Douglas Beyeler	Box 72	Leadore	Idaho	83464
Member	Tonya Beyeler	Box 72	Leadore	Idaho	83464

5. Organized Under the Laws of:

IDAHO
W 23019

6.

Signature Sharon Beyeler Date 1-22-08
Name Sharon Beyeler Title Manager

Issued 01/02/2008

Do Not Tape or Staple

200803008955