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RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 73332

JAN 24 2007 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Name of Applicant **Eastern Region** **LEA DO**

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

Post Office address % Karl Tyler, 3663 N Reserve St, Missoula, MT 59808

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 the reason for the proposed changes. About ^{19.5}~~24~~ acres of currently irrigated land does not have a water right. The change in POD will cover all currently irrigated land. The added POD (L-62) will allow the flow from the spring complexes to run to 18-mile Cr then to Lemhi River and be pumped from the L-62 Canal.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>74-1152</u>	<u>4/1/1915</u>	<u>5.51</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>74-1151</u>	<u>9/1/1968</u>	<u>0.90</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>74-7039</u>	<u>1/7/1974</u>	<u>1.13</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
				to

2. Total amount of water being transferred 7.54 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Springs tributary to 18-mile Cr

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres *224.3*

72332

PART 1

6. General Information:

a. Description of diversion system Diverted from two spring complexes to the Whitefish Ditch. Pumped from pond to sprinklers. Propose to pump from L-62 canal to additional sprinklers as well as current sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ 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:
No effect -- all lands currently irrigated would have water right

d. Remarks:

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

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Transfer No. 73332
Receipt No. _____IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 74-1152

Priority Date: 04/01/1915

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: SPRINGS

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	5.51 CFS		
	Total Diversion	5.51 CFS		

Source and Point(s) of Diversion:

SPRINGS SESE 16N 26E 28 LEMHI

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 26E 17									8.0	27.0					14.0		49.0
									L 8	L 9					L 10		
16N 26E 20	24.0	39.0	13.0	39.0	20.0												135.0

Total Acres: 184

Conditions/Remarks:

- 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.
- This right authorizes the irrigation of 183.7 total acres.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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Transfer No. 73332
Receipt No. _____

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

Current Water Right No. 74-1151

Priority Date: 09/01/1968

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: SPRINGS**Tributary to:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	0.90 CFS		
Total Diversion		0.90 CFS		

Source and Point(s) of Diversion:

SPRINGS NESESE 16N 26E 28 LEMHI

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 26E 17															6.0	7.0	13.0
16N 26E 20	16.0	1.0													L 10	L 11	17.0

Total Acres: 30

Conditions/Remarks:

1. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

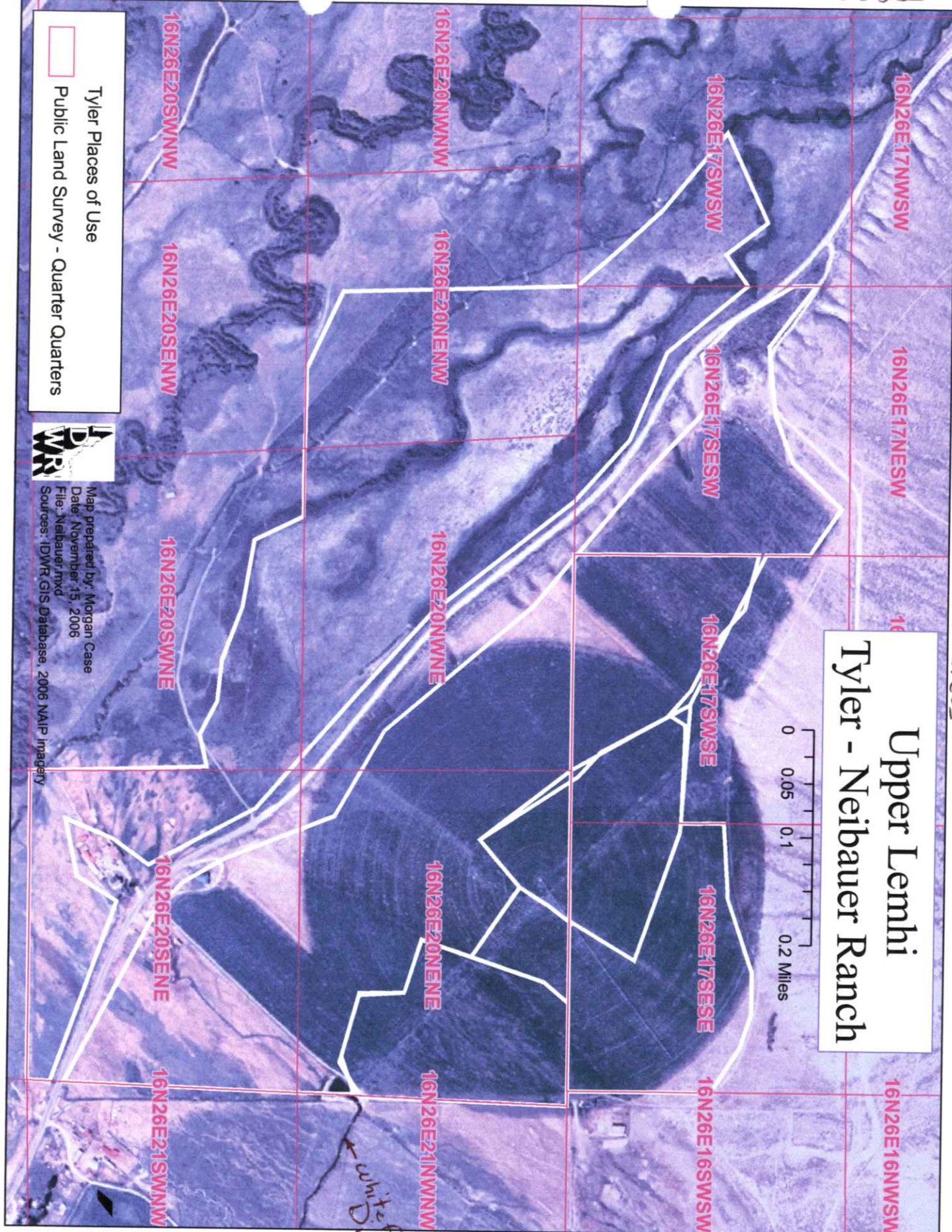
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Current Decees

73332

Upper Lemhi Tyler - Neibauer Ranch

0 0.05 0.1 0.2 Miles



☐ Tyler Places of Use
☐ Public Land Survey - Quarter Quarters



Map prepared by: Morgan Case
Date: November 15, 2006
File: Neibauer.mxd
Sources: IDWR GIS Database, 2006 NAIP Imagery

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Proposed POU and Added POD

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Upper Lemhi Tyler - Neibauer Ranch

0 0.05 0.1 0.2 Miles

16N26E17NWSW 16N26E17NESW 16N26E1 16N26E16NWS
16N26E17SWSW 16N26E17SESW 16N26E17SWSE 16N26E17SESE 16N26E16SWS
16N26E20NWNW 16N26E20NENE 16N26E20NWNE 16N26E20NENE 16N26E21NWN
16N26E20SENW 16N26E20SWNE 16N26E20SENE 16N26E21SWN
16N26E20SWNW

unidentified

D Proposed Pump Location

Proposed POU (74-1151, 74-1152, 74-7039)

Public Land Survey - Quarter Quarters



Map prepared by: Morgan Case
Date: December 11, 2006
File: NeibauerProposed.mxd
Sources: IDWR GIS Database, 2006 NAIP Imagery

Map Identifying Assessor Parcels

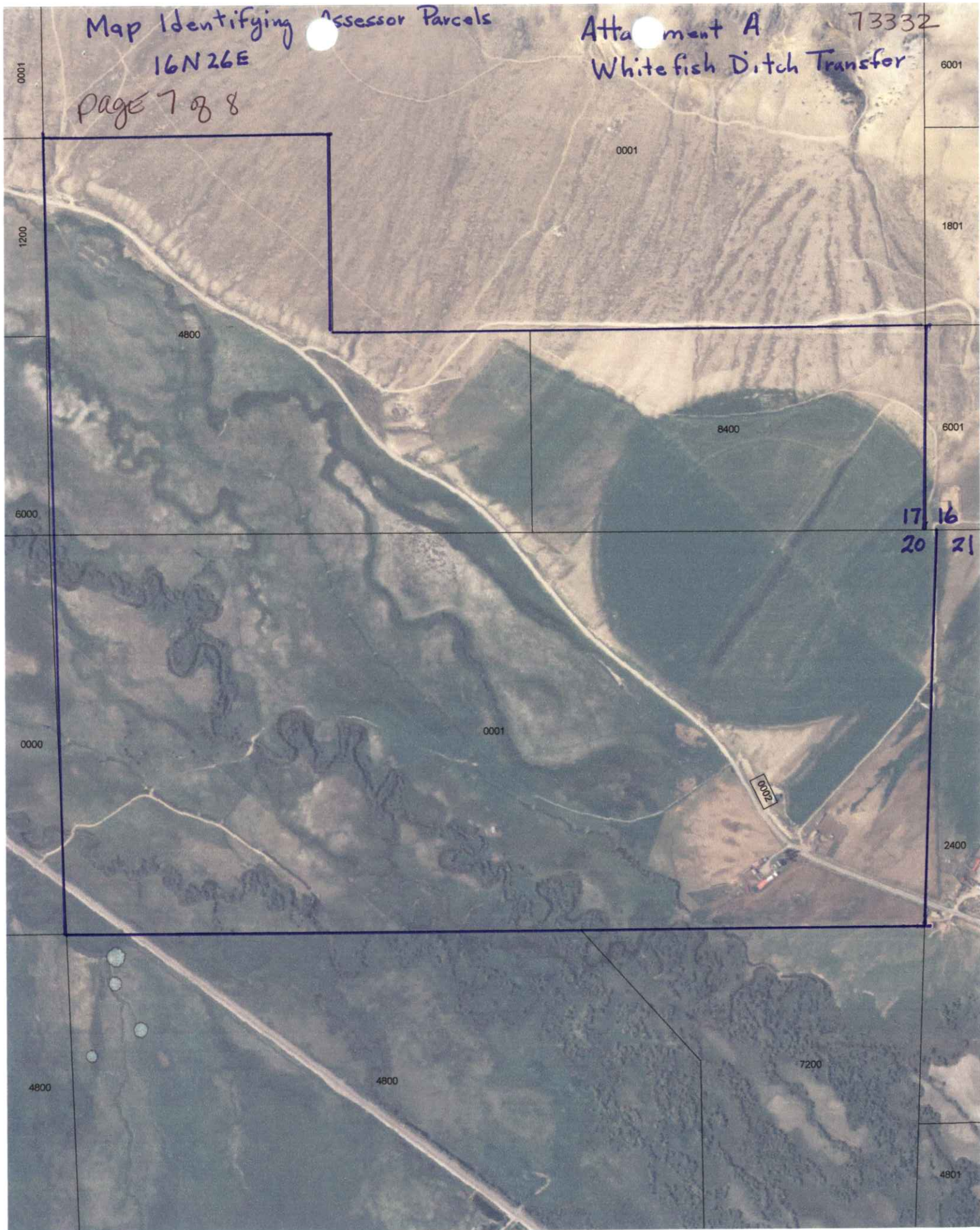
16N26E

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Attachment A

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Whitefish Ditch Transfer



73332

PART 3

B. CHANGES IN NATURE OF USE

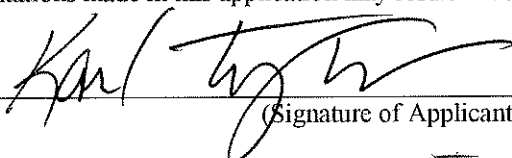
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

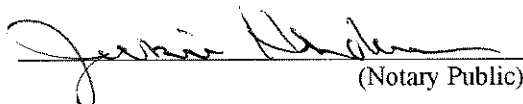
_____3. Describe effects on other water uses resulting from the proposed change:

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.


(Signature of Applicant)

Subscribed and sworn to before me this 10 day of JAN, 20 07


(Notary Public)

My commission expires 5-20-2010

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 530 -

Receipted by SC Date 1/25/07 EB32566

Published in Recorder Herald 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 _____

12/19/06

PM0100 - PARCEL MASTER INQUIRY

14:22:58

PARCEL: RP 16N26E174800 A

F17=DD

F23=AG

LEGAL DESCRIPTION

LEADORE LAND PARTNERS LIMITED

LOTS 5 6 7 8 9
17 16 26

PO BOX 16025

ProVal Area Number 2

CODE AREA 3-0000 OWNER CD

PARC TYPE TV LOC CODE 1220

EFFDATE EXPDATE

PREV PARCEL

MISSOULA MT 59808

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2003	12000	AC	5204				
4	2003	71000	AC	26765				
5	2003	68000	AC	1068				
19	2003	6000	AC					
TOTALS		157000		33037				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

12/19/06

PM0100 - PARCEL MASTER INQUIRY

14:23:31

PARCEL: RP 16N26E178400 A

F17=DD

F23=AG

LEGAL DESCRIPTION

LEADORE LAND PARTNERS LIMITED

LOTS 10 11
17 16 26

ProVal Area Number 2

CODE AREA 3-0000 OWNER CD

PARC TYPE TV LOC CODE 1220

EFFDATE EXPDATE

PREV PARCEL

PO BOX 16025

MISSOULA MT 59808

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2003	50000	AC	19950				
5	2003	30000	AC	450				
19	2003	2000	AC					

TOTALS 82000 20400

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

T 73332
ATTACHMENT 3 OF 9

12/19/06

PMO100 - PARCEL MASTER INQUIRY

14:24:16

PARCEL: RP 16N26E200001

F12=RC

F17=DD F19=SP

F23=AG

LEGAL DESCRIPTION

LEADORE LAND PARTNERS LIMITED

N2 LESS T-1528

20 16 26

PO BOX 16025

ProVal Area Number 2

CODE AREA 3-0000 OWNER CD

PARC TYPE TV LOC CODE 1220

EFFDATE EXPDATE

PREV PARCEL

MISSOULA MT 59808

4658 LEMHI RD

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2003	99000	AC	44636				
2	2003	10000	AC	4930				
4	2003	197000	AC	81035				
5	2003	6000	AC	213				
TOTALS		320000		256877				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

T 73332
ATTACHMENT 5 OF 9

PARCEL MASTER/HISTORY INQUIRY

PARCEL: RP 16N26E200001 . HISTORY YEAR 2005

NAME/ADDRESS
DARWIN NEIBAUR FARMS

LEGAL DESCRIPTION
N2 LESS T-1528
20 16 26

1105 NORTH 500 WEST

CODE AREA 30000

PAUL ID 83347

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	HS MRKT
1	2003	99000	AC	58095				
2	2003	10000	AC	5210				
4	2003	197000	AC	85500				
5	2003	6000	AC	222				
TOTALS		320000		259843				

F1=Help F3=Exit F6=NEXT HISTORY F7=LEGAL F8=CAT F12=MASTER

12/19/06

PM0100 - PARCEL MASTER INQUIRY

14:24:27

PARCEL: RP 16N26E200002 A

F12=RC

F17=DD F19=SP

F24=LD

LEGAL DESCRIPTION

T-1528
20 16 26

LEADORE LAND PARTNERS LIMITED

PO BOX 16025

MISSOULA MT 59808
4658 LEMHI RD

ProVal Area Number 2

CODE AREA 3-0000 OWNER CD

PARC TYPE TV LOC CODE 1220

EFFDATE EXPDATE

PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2002	500	AC	10452				
34	2002			80680				

TOTALS 500 91132

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

PARCEL MASTER/HISTORY INQUIRY

PARCEL: RP 16N26E200002 A HISTORY YEAR 2005

NAME/ADDRESS
NEIBUAR, DARWIN P

LEGAL DESCRIPTION
T-1528
20 16 26

C/O CORINNE NEIAUR JONES
1105 NORTH 500 WEST
PAUL ID 83347

CODE AREA 30000

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	HS MRKT
12	2002	500	AC	5952				
34	2002			71459				

TOTALS 500 77411

F1=Help F3=Exit F6=NEXT HISTORY F7=LEGAL F8=CAT F12=MASTER

RECEIVED

JAN 24 2007

A NOTE TO IDWR ABOUT WHITEFISH DITCH TRANSFER

12/19/2006

Department of Water Resources
Eastern Region

The purposes of this transfer are:

- 1) Fill in 15.4 acres inside the pivot and 4.1 acres under the wheelline that currently is not covered under the POU for these water rights.
- 2) Remove the water rights from sufficient acreage to accomplish #1.
- 3) Make a common POU for the three water rights.
- 4) Add a POD at the existing L-62 diversion on Lemhi River.

This ranch was purchased by Leadore Land Partners (Karl Tyler family) in 2006 from the Darwin Neibaur Estate. The current POU situation existed at the time of purchase. This transfer will make a common POU for the three listed water rights.

The source of the water rights is two spring complexes tributary to lower 18-Mile Cr. The spring complexes are collected to a common ditch (the Whitefish Ditch). The legal POD is the Whitefish Ditch adjacent to Idaho Hwy 29. Currently, the Whitefish Ditch ends at a pond. Water for the pivot and other sprinklers is pumped from this pond. This proposal would allow the springs to remain in 18-Mile Cr near its mouth. 18-Mile Cr and Texas Cr form the Lemhi River at Idaho Hwy 29. The flow would be passed down Lemhi River to existing diversion L-62. A pump would be installed just below the fish screen in the L-62 canal. A mainline would be constructed to the existing mainline. Additional sprinklers would be installed to irrigate the lands E of the lines and S of Lemhi Rd in 16N26E 20 SENE.

No other water users are affected by this proposal. Leadore Land Partners is the only diverter from the springs and the only water user in the Whitefish Ditch. The only water user at L-63 (the uppermost diversion on Lemhi River) and L-62 is also Leadore Land Partners.