

December 30, 1999

of 8



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 72611

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Boyeler Ranches LLC Phone (208) 768-2651

Post Office address Box 63, Leadore, Idaho, 83464

RECEIVED

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 change source

JAN 13 2006

Department of Water Resources
Eastern Region

2. Describe the reason for the proposed changes Reconnect lower Timber Creek to Lemhi River

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

1. Right Number 74-31 Priority 6/1/1884 Amount (cfs/ac-ft) 1.4 Nature of Use irrigation Period of Use 3/15 to 11/15

2. Total amount of water being transferred 1.4 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Lemhi River tributary to Salmon River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	28	16N	26E	Lemhi	L 63

5. 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	
16N	26E	21											5.77						5.77
		28					4.0	33.5	18.0	27									65.5

Total Acres 88.2

72611

PART 1

6. General Information:

a. Description of diversion system Headgate Ditch to place of use

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:

None

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

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 74-31 Decreed to Beyeler Ranches LLC
in case of Beyeler Ranches LLC vs. STATE OF IDAHO
dated June 1982 in Lemhi county of IDAHO
- 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 Lemhi: Big Timber Creek tributary to Lemhi River4. Date or priority 6-1-1884

5. Water is used for the following purposes:

amount 1.4 cfs for irrigation purposes from 3/15 to 11/15
(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 1.4 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	28	16N	26E	Lemhi	BT-17
		SE	NW	28	16N	26E	Lemhi	BT-17

8. 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	
16N	26E	21											17.7						
		28					10.0												

Total Acres _____

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

page 4 of 8

Page 1

72611

01/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-31 V1

WATER RIGHT NUMBER: 74-31 V1

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

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15	11/15	1.400 CFS	
	<u>Total Diversion:</u>		1.400 CFS	

Location of Point(s) of Diversion

BIG TIMBER CREEK	SE1/4NW1/4	Sec. 28, Twp 16N, Rge 26E, B.M.
LEMHI County		
BIG TIMBER CREEK	SW1/4NW1/4	Sec. 28, Twp 16N, Rge 26E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
16N	26E	21	NE	NW	SW	SE	17.7

72611

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-31 V1

16N 26E 28	10.0	33.5	27.0	70.5
------------	------	------	------	------

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.

Remarks:

Comments:

1. rbrown 10/2/2003 Recommendation
Comment: based on Lemhi adjudication and exchange #3187.
2. rbrown 6/8/2004 POD shape
Comment: GIS shapes are digitized, available GPS points from BLM are unclear.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 74W
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

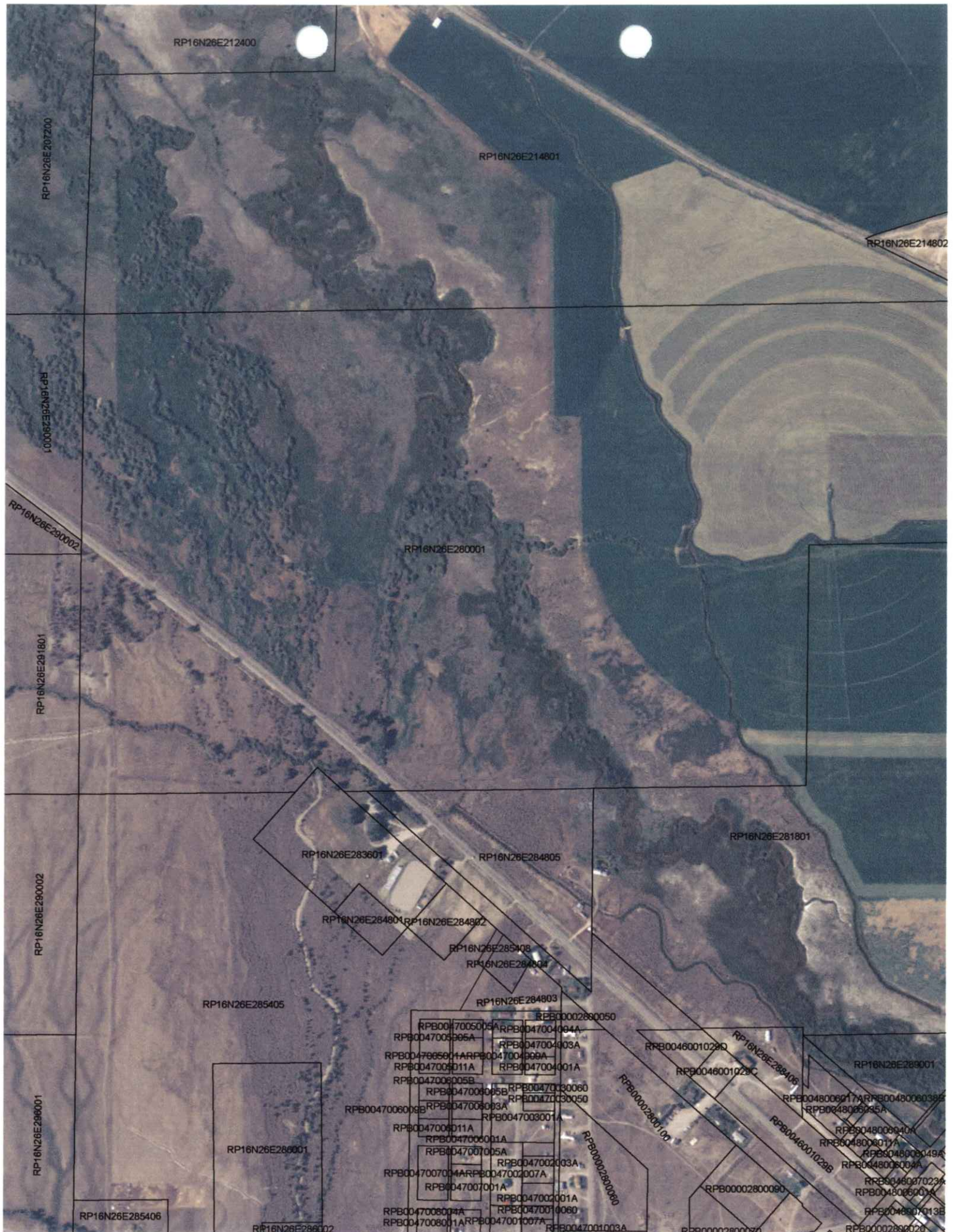
Combined Use Limits:

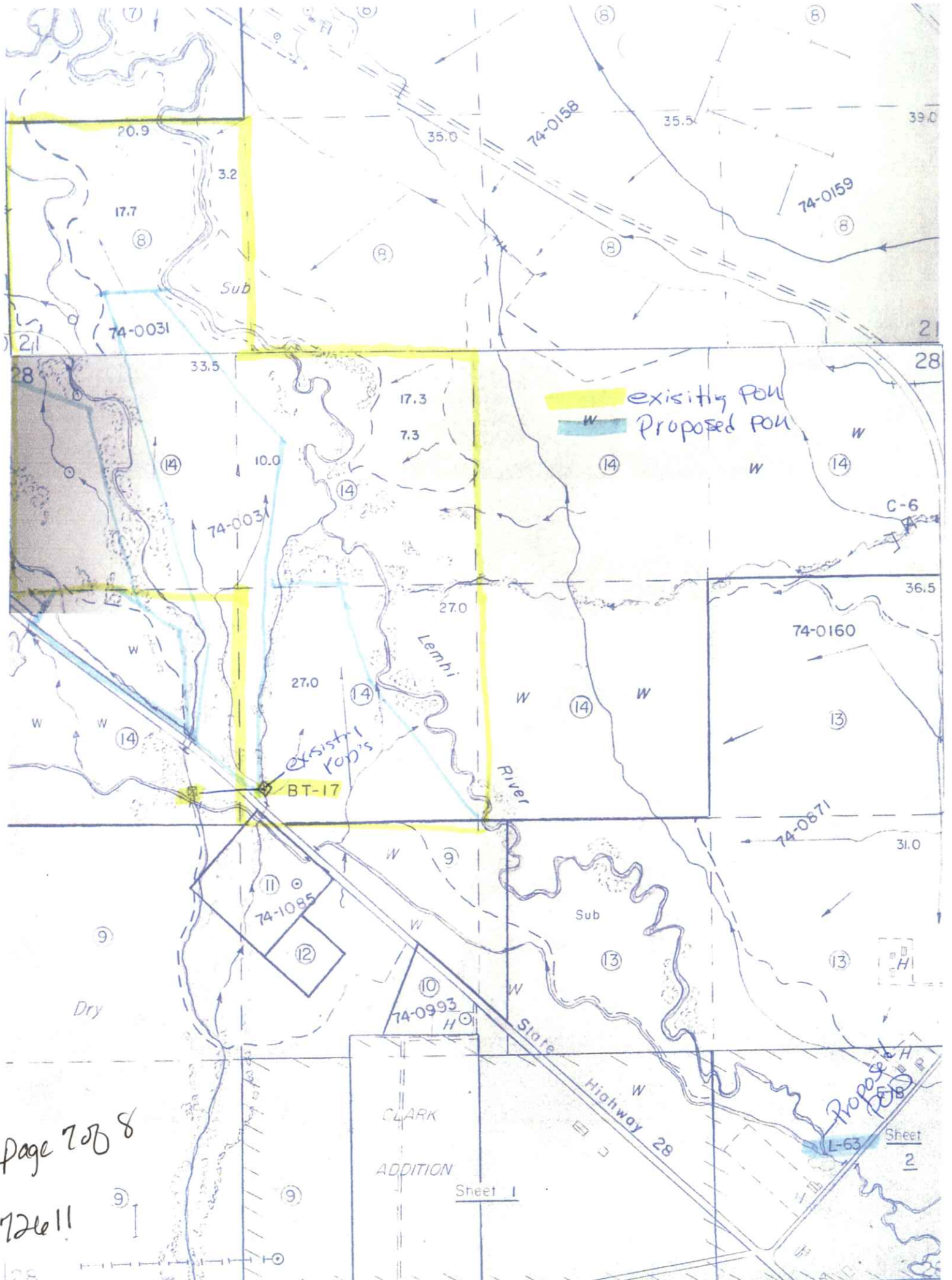
Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			06/08/2004	rbrown	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	10/2/2003 3:39:22 PM	rbrown	Edited point location
POD	10/2/2003 3:40:39 PM	rbrown	Edited point location
POD	10/2/2003 3:41:49 PM	rbrown	Edited point location





page 708
72611

PART 3

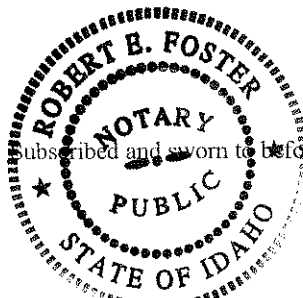
B. CHANGES IN NATURE OF USE

- | 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.



Subscribed and sworn to before me this

1. Merrill M. Beyeler
(Signature of Applicant)

4th day of Jan., 20 06

Robert E. Jost
(Notary Public)

My commission expires 2-16-07

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 290-

Receipted by SC Date 1/13/06 E031561

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 _____

1/04/06

PMO100 - PARCEL MASTER INQUIRY

15:16:58

PARCEL: RP 16N26E280001 A

F17=DD

F23=AG

LEGAL DESCRIPTION

BEYELER RANCHES, LLC

NW4 W2NE4 NE4NE4

LESS FR T-3104

28 16 26

+

ProVal Area Number 2

P O BOX 62

CODE AREA 3-0000 OWNER CD

PARC TYPE TV LOC CODE 1220

LEADORE ID 83464

EFFDATE 5231990 EXPDATE

PREV PARCEL RP16N26E280000A

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2003	120000	AC	72080				
2	2003	13000	AC	5395				
4	2003	87000	AC	27104				
5	2003	54000	AC	3740				
TOTALS		277730		108319				

+

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 72611
 ATTACHMENT 1 OF 3

<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u>	<u>De Rate(cfs)</u>	<u>Volu</u>	<u>Source</u>	<u>Water Use(s)</u>
74	996	Decreed	Active	9/10/1918	8.32		LEMHI RIV IRRIGATION	
74	1751	Decreed	Active	4/1/1961	0.8		LEMHI RIV FISH PROPAGATION	
74	14498	Reserved	Active				LEMHI RIV AVERAGE ANNUAL FLOI	
74	14551	Reserved	Active				LEMHI RIV AVERAGE ANNUAL FLOI	
74	15173	Beneficial Us	Active	3/15/1966	28		LEMHI RIV IRRIGATION	
74	922	Decreed	Active	4/1/1930	0.08		LEMHI RIV IRRIGATION	
74	1751	Decreed	Active	4/1/1961	0.8		LEMHI RIV FISH PROPAGATION	
74	7179	License	Active	4/26/1983	0.04	7	LEMHI RIV IRRIGATION	
74	7181	License	Active	4/26/1983	0.02	1.8	LEMHI RIV IRRIGATION	

<u>Owner(s)</u>	<u>Version</u>	<u>Source</u>	<u>Ta</u>	<u>App ID</u>
LEADORE LAND PARTNERS LTD PARTNERS		1	wr	AdjudicationRecommendation
STATE OF IDAHO (Current)		1	wr	AdjudicationRecommendation
UNITED STATES OF AMERICA TRUSTEE (Cu		1	wr	AdjudicationRecommendation
NEZ PERCE TRIBE ACTING THROUGH THE (		1	wr	AdjudicationRecommendation
LEMHI IRRIGATION DISTRICT (Current)		1	wr	AdjudicationRecommendation
HORTON, BEVERLY J (Current); HORTON, FRANK W (Cu		wr	WaterRight	
STATE OF IDAHO (Current)		wr	WaterRight	
CITY OF LEADORE (Current)		wr	WaterRight	
DENNIS, GARY (Current)		wr	WaterRight	