

6225 AT Prospects

6569 AT

Prospects
Springs

6713 T

4954

Prospects

6079 T

15

Prospect

Prospect

42' 30"
4953

T
16
N
R26E

74-00160
74-02289

PIPELINE

6074 T

Ditch

Mo Res
Cem

6020

Canyon

POINT OF DIVERSION

Creek

6098 T

35

12

(4.7)

Graves

271

6065

6013 T

Ditch

2-210

Leadore:

5950 T

5945 T

5940 T

5935 T

5930 T

5925 T

5920 T

5915 T

5910 T

5905 T

5900 T

5895 T

5890 T

5885 T

5880 T

5875 T

5870 T

5865 T

5860 T

5855 T

5850 T

5845 T

5840 T

5835 T

5830 T

5825 T

5820 T

5815 T

5810 T

5805 T

5800 T

5795 T

5790 T

5785 T

5780 T

5775 T

5770 T

5765 T

5760 T

5755 T

5750 T

5745 T

5740 T

5735 T

5730 T

5725 T

5720 T

5715 T

5710 T

5705 T

5700 T

5695 T

5690 T

5685 T

5680 T

5675 T

5670 T

5665 T

5660 T

5655 T

5650 T

5645 T

5640 T

5635 T

5630 T

5625 T

5620 T

5615 T

5610 T

5605 T

5600 T

5595 T

5590 T

5585 T

5580 T

5575 T

5570 T

5565 T

5560 T

5555 T

5550 T

5545 T

5540 T

5535 T

5530 T

5525 T

5520 T

5515 T

5510 T

5505 T

5500 T

5495 T

5490 T

5485 T

5480 T

5475 T

5470 T

5465 T

5460 T

5455 T

5450 T

5445 T

5440 T

5435 T

5430 T

5425 T

5420 T

5415 T

5410 T

5405 T

5400 T

5395 T

5390 T

5385 T

5380 T

5375 T

5370 T

5365 T

5360 T

5355 T

5350 T

5345 T

5340 T

5335 T

5330 T

5325 T

5320 T

5315 T

5310 T

5305 T

5300 T

5295 T

5290 T

5285 T

5280 T

5275 T

5270 T

5265 T

5260 T

5255 T

5250 T

5245 T

5240 T

5235 T

5230 T

5225 T

5220 T

5215 T

5210 T

5205 T

5200 T

5195 T

5190 T

5185 T

5180 T

5175 T

5170 T

5165 T

5160 T

5155 T

5150 T

5145 T

5140 T

5135 T

5130 T

5125 T

5120 T

5115 T

5110 T

5105 T

5100 T

5095 T

5090 T

5085 T

5080 T

5075 T

5070 T

5065 T

5060 T

5055 T

5050 T

5045 T

5040 T

5035 T

5030 T

5025 T

5020 T

5015 T

5010 T

5005 T

5000 T

4995 T

4990 T

4985 T

4980 T

4975 T

4970 T

4965 T

4960 T

4955 T

4950 T

4945 T

4940 T

4935 T

4930 T

4925 T

4920 T

4915 T

4910 T

4905 T

4900 T

4895 T

4890 T

4885 T

4880 T

4875 T

4870 T

4865 T

4860 T

4855 T

4850 T

4845 T

4840 T

4835 T

4830 T

4825 T

4820 T

4815 T

4810 T

4805 T

4800 T

4795 T

4790 T

4785 T

4780 T

4775 T

4770 T

4765 T

4760 T

4755 T

4750 T

4745 T

4740 T

4735 T

4730 T

4725 T

4720 T

4715 T

4710 T

4705 T

4700 T

4695 T

4690 T

4685 T

4680 T

4675 T

4670 T

4665 T

4660 T

4655 T

4650 T

4645 T

4640 T

4635 T

4630 T

4625 T

4620 T

4615 T

4610 T

4605 T

4600 T

4595 T

4590 T

4585 T

4580 T

4575 T

4570 T

4565 T

4560 T

4555 T

4550 T

4545 T

4540 T

4535 T

4530 T

4525 T

4520 T

4515 T

4510 T

4505 T

4500 T

4495 T

4490 T

4485 T

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3774

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVEDName of applicant MERRIL OR SHARAL BEYLER Phone 768-2651
Post Office address P.O. Box 62, LEADORE, ID. 83464

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 OWNER HAS INSTALLED GRAVITY FLOW PIPELINE. HEADING OF PIPELINE IS APPROX. 1/4 MILE UPSTREAM OF ORIGINAL DIVERSION, THAT IS STILL IN USE WHEN NEEDED.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|--------------|--------------------|---------------|---------------|
| 74-00160 | JULY 1, 1877 | 0.50 | IRR | 3/15 to 11/15 |
| 74-02289 | MAR. 7, 1944 | 0.74 | IRR | 3/15 to 11/15 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.24 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water CANYON CREEK tributary to LEWIS RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	SE	22	16N	26E	LEWIS	
	NE	SE	SE	22	16N	26E	LEWIS	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
74-00160	16N	26E							12										12
		28				3.5													3.5
NO CHANGE IN PLACE OF USE																			
74-02289	16N	26E				27.7				4.7	3								35.6

Total acres

51.1

PART 1

6. General Information:

- a. Description of diversion system HEADGATES IN STREAM TO DITCHES. CAN FLOOD IRRIGATE OR PUT WATER INTO GRAVITY FLOW MAINLINE w/ BOOSTERS TO 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~~ Yes X 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 CHANGE IN PLACE OF USE
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights NoS 74-0160/2289

And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

RECORDED
MAR 21 1991

Witness my hand this 25th day of February, 19 91

[Signature]
Chief, Water Allocation Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 74-0160 & 74-2289

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 74-W, Canyon Creek.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 25th day of February, 1991.


Chief, Water Allocation Bureau

MICROFILMED

MAR 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-00160 Decreed to MAXWELL F. BEYELER
in case of LEMHI DECREE 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 a 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 CANYON CREEK tributary to LEMHI RIVER

4. Date or priority 7-1-1877

5. Water is used for the following purpose:

amount 0.50 for IRR 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 0.50 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
			SE 1/4	22	16N	26E	LEMHI	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	26E	27							12										
		28				3.5													

Total acres 15.5

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

NONE

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-02289 Decreed to MAXWELL F. BEYELER
in case of LEWIS DECREE 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 a 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 CANYON CREEK tributary to LEWIS RIVER

4. Date or priority 3-7-1944

5. Water is used for the following purpose:

amount 0.74 for IRR 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 0.74 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	SE	22	16N	26E	LEWIS	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	26E	27			27.9					4.7	3.0								35.6

Total acres

35.6

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

NONE

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

4-00160
- 02289

16 N
15 N

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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.

Merrill Bevelin

(Signature of Applicant)

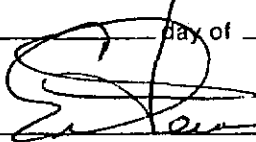
Subscribed and sworn to before me this

9th

day of

August

, 1990



(Notary Public)

My commission expires

22 Aug 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by CUDate 8-20-90

Protest filed by _____

Prelim. check by KWFee 450.00 E015148Receipted by CUDate 8-20-90Published in Recorder-Herald

Copies of protest forwarded by _____

Pub. dates 10-18-90 12-6-90

Hearing held by _____ Date _____

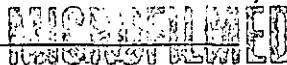
Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd.

by RLC TYL 2-20-91

Copy of transfer sent to lien holder _____



MAR 21 1991

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHTS
TO THE USE OF THE SURFACE WATERS
AND TRIBUTARIES FROM WHATEVER
SOURCE OF THE LEMHI RIVER
DRAINAGE BASIN.

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

05/04/83

INDICATES TOTAL

SOURCE: CANYON CREEK

TRIBUTARY TO: LEWIS RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0163	P.O. BOX 192 LEADORE ID 83464 REMARKS: AC. IRR.=89.2.						S26 T16N R26E * 90 ACRES*	
74-0164	SIMS, RALPH SIMS, RUTH P.O. BOX 192 LEADORE ID 83464 REMARKS: AC. IRR.=76.2.	11-09-1909	IRRIGATION	03-15 11-15	3.20 CFS	NWSW S24 T16N R26E	SWSW(05) SESW(31) DECREE S4SE(40) S23 T16N R26E	 * 76 ACRES*
74-2289	BEYELER, MAXWELL F. BEYELER, REVA S. P.O. BOX 73 LEADORE ID 83464 REMARKS: AC. IRR.=35.6.	03-07-1944	IRRIGATION	03-15 11-15	.74 CFS	SWSE S22 T16N R26E	SWNE(28) SENW(05) DECREE NESW(03) S27 T16N R26E	 * 36 ACRES*

MICROFILMED

MAR 21 1991

March 8, 1991

RE: Transfer of Water Right Nos. 74-00160/02289

Merrill Beyeler
Sharal Beyeler
P.O. Box 62
Leadore, ID 83464

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Trans. No. 3774). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

MAR 21 1991

MEMORANDUM

TO: Files 74-2289
FROM: Brenda
DATE: February 28, 1991
RE: Transfer No. 3774

=====

See file 74-0160 for all correspondence regarding the above
referenced transfer.

RECEIVED

MAR 21 1991