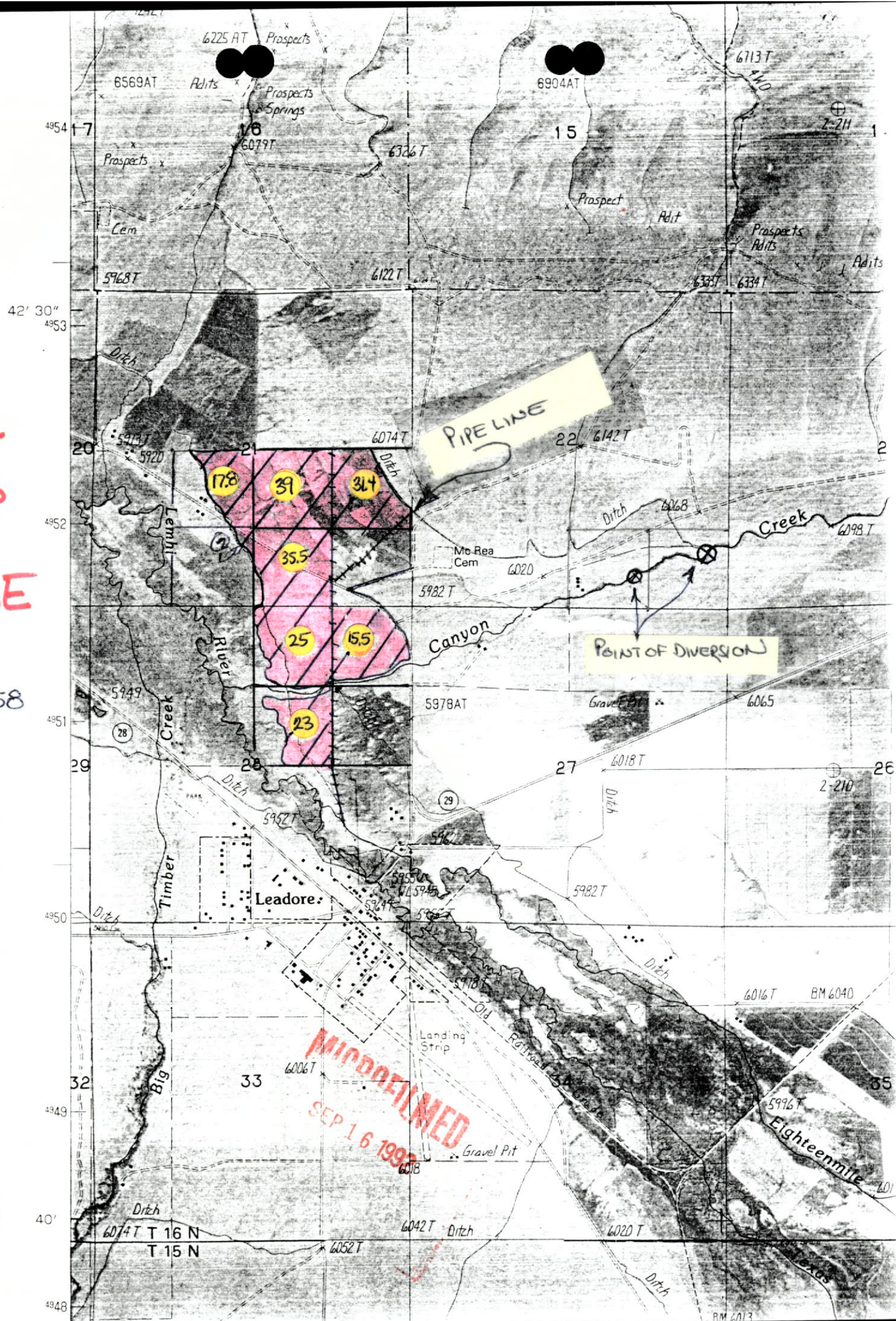


6 N
5 N



**NOTICE OF PROPOSED
CHANGE OF A
WATER RIGHT**

No. 74-00158

Notice is hereby given that MERRIL OR SHARAL BEYELER has applied to the Department of Water Resources to CHANGE POINT OF DIVERSION and PLACE OF USE of the waters of CANYON CREEK tributary to the LEMHI RIVER. The right sought to be changed is evidenced by DECREE NO. 74-00158 and recorded as follows:

Decree No. 74-00158 Decreed to TERRY E. OR MARJORIE McCREA in case of the LEMHI DECREE.

AMOUNT: 5.00 CFS

PRIORITY: 7-1-1876

POINT (S) OF DIVERSION:
SESE, SESW, SEC 22, T 16N, R 26E

The water is used from MARCH 15 to NOVEMBER 15 to irrigate 189.2 acres within the NESW, S1/2SW1/4, N1/2SE1/4, SWSE, SEC 21; NENW, SEC 28, T 16N, R 26E, B.M.

TO BE CHANGED AS FOLLOWS:

THE WATER WILL BE diverted from the NESESE, SESWSE, SEC 22, T 16N, R 26E, and will be used to irrigate 189.2 acres within the E1/2SW1/4, N1/2SE1/4, SWSE, SEC 21; N1/2NE1/4, SWNE, SEC 28, T 16N, R 26E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83401, on or before NOVEMBER 5, 1990.

R. Keith Higginson

Director

Published in the RECORDER-HERALD on OCTOBER 18 & 25, 1990.

10-18-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

SS.

OCT 30 1990

Department of Water Resources
Eastern District Office

RICKY G. HODGES

..., being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Proposed Change of Water Right 74-00158

..., a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for ... 2 ... consecutive issues, commencing with the issue dated ... Oct. 18 ... 19 90 ... and ending with the issue dated ... Oct. 25 ... 19 90 ...

STATE OF IDAHO

COUNTY OF LEMHI

SS.

On this ... twenty fifth ... day of ... October ... in the year of 19 90 ... before me, A Notary Public, personally appeared ... known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheila K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 56.16

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3815

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant MERRIL OR SHARAL BEYELER Phone 768-2651
Post Office address P.O. Box 62, LEADORE, ID. 83464A. PURPOSE OF TRANSFER
(CORRECT)

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 CHANGED IRRIGATION
PRACTICE FROM FLOOD TO SPRINKLERS. THIS CHANGE HAS
ALTERED THE PLACE OF USE FOR THIS RIGHT

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
74-00158 JULY 1, 1876 5.00 IRR 3/15 to 11/15

_____ to _____
_____ to _____
_____ to _____
2. Total amount of water being transferred 5.00 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
	NE	SE	SE	22	16N	26E	LEWIS	
	SE	SW	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	
16N	26E	21									17.8			2	31.4	39	35.5		125.7
		28	15.5	25	23														63.5

Total acres

189.2

PART 1**6. General Information:**

a. Description of diversion system HEADGATES IN STREAM TO CANAL PIPELINE
FROM CANAL INTO MAINLINE BOOSTER PUMPS INTO SPRINKLERS.

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:

LAND ABANDONED SUB-IRRIGATES WILL BE USED AS PASTURE.

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. 74-00158

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

RECEIVED
SEP 16 1992

Witness my hand this

7th

day of

September

19 92

J. Glen Saxton
CHIEF, WATER ALLOC. BUREAU

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 74-00158

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
5. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 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 for the lands above.

Dated this 2nd day of September, 1992.

J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED

SEP 16 1992

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. 74-00158 Decreed to TERRY E. OR. MARJORIE M^{RE}REA
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 CONTRACT

3. Source of water CANYON CREEK tributary to LEWIS RIVER

4. Date or priority 7-1-1876

5. Water is used for the following purpose:

amount 5.00 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 5.00 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	SE	22	16N	26E	LEWIS	
		SE	SW	22	16N	26E	"	

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	21									35.8		3.2	35	32.4	40	35.5		181.9
		28					7.3												7.3

Total acres 189.2

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	

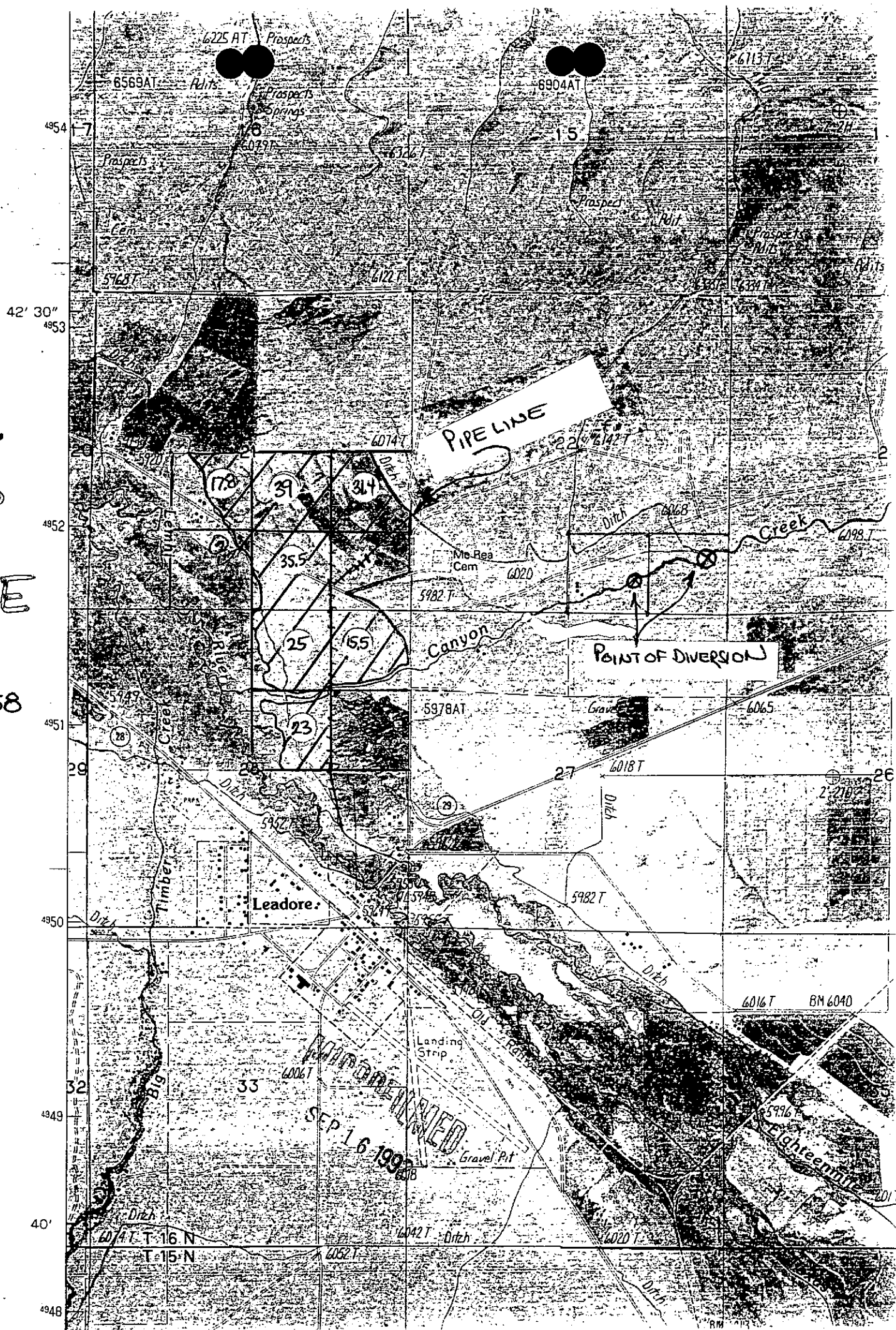
NOT FILMED

SEP 16 1992

Total acres _____

74-00158

6 N
5 N



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

A large grid for drawing a map, with a diagonal line across the bottom right corner.

RECEIVED
SEP 16 1932

SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. CHANGES IN NATURE OF USE

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

PART 3

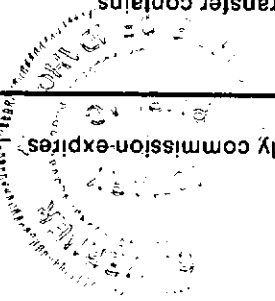
3. Describe effects on other water uses resulting from the proposed change:

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.

Marilyn B. Beggs
(Signature of Applicant)

day of August, 1990

(Notary Public)



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
Received by _____ Date 8-20-90
Prelim. check by KCU Fee \$500
Received by QCU Date 8-20-90
Published in Recorder - Herald
Pub. dates 10-18, 25-90
Watermaster recommendation requested on _____
Recommended for _____
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____
by _____ rec'd. _____
Copy of transfer sent to lien holder _____

RECORDED
SEP 16 1992

WARRANTY DEED

For Value Received Marjorie E. McRea, an unmarried woman, and Earl W. McRea, a married man dealing with his sole and separate property, of P.O. Box 121, Leadore, Idaho 83464

the grantors, do hereby grant, bargain, sell and convey unto

Merrill M. Beyeler and Sharal L. Beyeler, husband and wife

whose current address is P.O. Box 62
Leadore, Idaho 83464

the grantees, the following described premises, in Lemhi County Idaho, to wit:

See Exhibit "A"

** THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT AN ERROR IN THE
LEGAL DESCRIPTION.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 29, 1990

Marjorie E. McRea
MARJORIE E. McREA

Earl W. McRea
EARL W. McREA
SEP 16 1992

STATE OF IDAHO, COUNTY OF LEMHI

On this 29th day of MARCH, 1990,
before me, a notary public in and for said State, personally
appeared.....

MARJORIE E. McREA AND EARL
McREA

State of Idaho)
County of Lemhi)

ss No. 206131

This instrument was filed for record at
the request of American Land Title
at 11:25 o'clock A m 4-2 19 90

Dated: March 21, 1990

Marjorie E. McREA
MARJORIE E. McREA

Earl W. McREA
EARL W. McREA

STATE OF IDAHO, COUNTY OF LEMHI

On this 29th day of MARCH, 1990,
before me, a notary public in and for said State, personally
appeared.....

MARJORIE E. McREA AND EARL
McREA

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Laurie M. Santee
LAURIE M. SANTEE Notary Public
Residing at SALMON, Idaho
Comm. Expires 6-19-1995

State of Idaho)
County of Lemhi)

as No. 206131

This instrument was filed for record at
the request of American Land Title
at 11:25 o'clock A m 4-2 1990
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederick

Ex-Officio Recorder

By Terre J. Morton Deputy

Fees: 6.00

SEP 16 1992

RECORDED

EXHIBIT "A"

TOWNSHIP 16 NORTH, RANGE 26 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

SECTION 21: SE1/4, E1/2SW1/4, SW1/4SW1/4.

SECTION 28: NW1/4, W1/2NE1/4, NE1/4NE1/4.

EXCEPTING THEREFROM:

PART OF THE SE1/4 OF THE SE1/4 OF SECTION 21 AND NE1/4 OF THE NE1/4 OF SECTION 28, TOWNSHIP 16 N., RANGE 26 E., IN LEMHI COUNTY, IDAHO, DESCRIBED AS: BEGINNING AT THE SE CORNER OF SECTION 21 AND RUNNING THENCE N. $00^{\circ} 33' 42''$ W., 667.01 FEET; THENCE ALONG A FENCE LINE S. $71^{\circ} 32' 32''$ W., 1052.32 FEET; THENCE S. $65^{\circ} 46' 25''$ W., 49.28 FEET TO A FENCE CORNER AT THE COUNTY ROAD RIGHT OF WAY; THENCE ALONG THE COUNTY ROAD RIGHT OF WAY FENCE S. $59^{\circ} 40' 33''$ E., 40 FEET; THENCE S. $64^{\circ} 51' 14''$ E., 517.37 FEET; THENCE S. $56^{\circ} 12' 28''$ E., 223.31 FEET; THENCE S. $46^{\circ} 13' 12''$ E., 206.54 FEET; THENCE S. $33^{\circ} 28' 51''$ E., 324.09 FEET; THENCE S. $16^{\circ} 14' 56''$ E., 129.61 FEET; THENCE N. $00^{\circ} 17' 18''$ W., 588.32 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

State of Idaho)
County of Lemhi)

ss No. **206230**

This instrument was filed for record at
the request of *American Land Title*
at *2:15* o'clock *p* m *4-13* 19*90*
and duly filed and indexed in the
records of Lemhi County

Alberta Wiederrick

Ex-Officio Recorder

By *Dona L. Burdick* Deputy

Fees: *6.00 pd.*

MICROFILMED
SEP 16 1992

ARLA BOOTS
LEMHI COUNTY ASSESSOR
LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

THIS IS NOT A BILL

PARCEL NO. RP 16N26E280001 A

CATEGORY DESCRIPTION	TAX CODE	3-00	
	LOTS / ACRES	MARKET VALUE	
1 IRRGTD AG	134.000 AC	20,110	1990
5 DRY GRAZING	134.730 AC	5,758	TAXPAYERS
19 WASTE	9.000 AC		VALUATION
	277.730	25,868*	ASSESSMENT NOTICE

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 20, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP16N26E280000A
NW4 W2NE4 NE4NE4
LESS FR T-3104
28 16 26

Mail To:
BEYELER, MERRILL M
& BEYELER, SHARAL L
P O BOX 62
LEADORE, IDAHO 83464

ARLA BOOTS
LEMHI COUNTY ASSESSOR
LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

THIS IS NOT A BILL

PARCEL NO. RP 16N26E214801 A

CATEGORY DESCRIPTION	TAX CODE	3-00	
	LOTS / ACRES	MARKET VALUE	
1 IRRGTD AG	236.000 AC	62,543	1990
5 DRY GRAZING	26.500 AC	1,669	TAXPAYERS
10 RURAL HOMESITE	1.000 AC	5,250	VALUATION
19 WASTE	7.000 AC		
31 RURAL RES BLOC		25,640	ASSESSMENT NOTICE
32 RURAL IMP ON AG		11,281	
	270.500	106,383*	

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE
JUNE 20, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP16N26E214800T
SE4 LESS FR T-3104 E2SW4
SW4SW4
21 16 26

Mail To:
BEYELER, MERRILL M
& BEYELER, SHARAL L
P O BOX 62
LEADORE, IDAHO 83464

RECEIVED
SEP 16 1992

ARLA BOOTS
LEMHI COUNTY ASSESSOR
LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

THIS IS NOT A BILL

PARCEL NO. RP 16N26E2712C0 A

CATEGORY DESCRIPTION	TAX CODE	LOTS / ACRES	MARKET VALUE
1 IRRGTD AG		65.000 AC	18,982
5 DRY GRAZING		121.000 AC	2,695
10 RURAL HOMESITE		1.000 AC	5,250
19 WASTE		13.000 AC	
		200.000	26,927*

1990
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 20, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP16N26E271200A
N2SW4 S2NW4 SW4NE4
27 16 26

Mail To:
BEYELER, MERRIL
& BEYELER, SHARAL
BOX 62
LEADORE, IDAHO 83464

ARLA BOOTS
LEMHI COUNTY ASSESSOR
LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

THIS IS NOT A BILL

PARCEL NO. RP 16N26E281801 A

CATEGORY DESCRIPTION	TAX CODE	LOTS / ACRES	MARKET VALUE
1 IRRGTD AG		101.820 AC	18,981
5 DRY GRAZING		8.580 AC	210
10 RURAL HOMESITE		2.000 AC	10,500
31 RURAL RES BLDG			39,565
32 RURAL IMP ON AG			8,808
		112.400	78,064*

1990
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 20, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
NW4SE4 LESS T-2499 & 1.44
BELONGING TO LEMHI COUNTY (RR
RIGHT OF WAY) & .56 TO HWY
SE4NE4 NE4SE4 LESS T-1837
28 16 26

Mail To:
BEYELER, MERRILL
& BEYELER, SHARAL
BOX 62
LEADORE, IDAHO 83464

MICROFILMED

SEP 16 1992

August 15, 1990

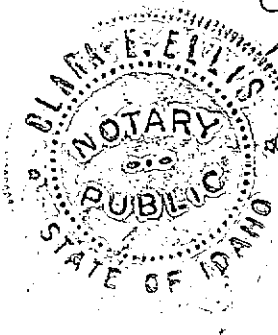
Me, Earl & Marjorie McRea,

have examined the transfer of water for rights # 74-00158 and 74-00159 from Canyon Creek by Merrill & Shanaal Beyeler, and we find no problem in the applications for transfer of water rights.

Earl McRea 8/15/90

Marjorie E. McRea 8/15/90

Aug 15, 1990



Clara E. Ellis
Notary Public

Leads, Idaho
Comm. Expires 5-1992

RECEIVED

AUG 20 1990

Department of Water Resources
Eastern District Office

MICROFILMED

SEP 16 1992

**NOTICE OF PROPOSED
CHANGE OF A
WATER RIGHT**

No. 74-00158

Notice is hereby given that MERRIL OR SHARAL BEYELER has applied to the Department of Water Resources to CHANGE POINT OF DIVERSION and PLACE OF USE of the waters of CANYON CREEK tributary to the LEMHI RIVER. The right sought to be changed is evidenced by DECREE NO. 74-00158 and recorded as follows:

Decree No. 74-00158 Decreed to TERRY E. OR MARJORIE McCREA in case of the LEMHI DECREE.

AMOUNT: 5.00 CFS

PRIORITY: 7-1-1876

POINT (S) OF DIVERSION:
SESE, SESW, SEC 22, T 16N, R 26E

The water is used from MARCH 15 to NOVEMBER 15 to irrigate 189.2 acres within the NESW, S1/2SW1/4, N1/2SE1/4, SWSE, SEC 21; NENW, SEC 28, T 16N, R 26E, B.M.

TO BE CHANGED AS FOLLOWS:

THE WATER WILL BE diverted from the NESESE, SESWSE, SEC 22, T 16N, R 26E, and will be used to irrigate 189.2 acres within the E1/2SW1/4, N1/2SE1/4, SWSE, SEC 21; N1/2NE1/4, SWNE, SEC 28, T 16N, R 26E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 450 Shoup Ave., Idaho Falls, ID, 83401, on or before NOVEMBER 5, 1990.

R. Keith Higginson

Director

Published in the RECORDER-HERALD on OCTOBER 18 & 25, 1990.

10-18-90

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

OCT 30 1990

Department of Water Resources
Eastern District Office

RICKY G. HODGES

....., being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Proposed Change of Water Right 74-00158

....., a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Oct. 18, 1990 and ending with the issue dated Oct. 25, 1990.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this twenty fifth day of October in the year of 1990, before me, A Notary Public, personally appeared known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing at Salmon, Idaho

Notary Public for Idaho

My Commission expires: 9-21-95

Publication Fee \$ 56.16

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

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

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.

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

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JUL 6 1974

05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

INDICATES TOTAL

SOURCE: CANYON CREEK

TRIBUTARY TO: LEWIS RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0158	MC REA, TERRY E. MC REA, MARJORIE E. LEADORE	07-01-1876	IRRIGATION	03-15 11-15	5.00 CFS	SESE S22 T16N R26E S28 T16N R26E SESM S22 NESM(36) SMSM(03) T16N R26E NESE(32) NMSM(40) SASE(36) SESM(35) S21 T16N R26E	DECREE
74-0159	MC REA, TERRY E. MC REA, MARJORIE E. LEADORE	07-01-1876	IRRIGATION	03-15 11-15	.50 CFS	SESE S22 T16N R26E S21 T16N R26E SESM S22 T16N R26E	DECREE
74-0160	BEVELER, MAXWELL F. BEVELER, HEVA S. P.O. BOX 73 LEADORE	07-01-1877	IRRIGATION	03-15 11-15	.50 CFS	SESM S22 T16N R26E S28 T16N R26E SMNM(12) S27 T16N R26E	DECREE
74-1227	U.S. DEPT. OF AGRIC. FOREST SERVICE FEDERAL BLDG. 324 25TH ST. OGDEN	06-29-1908	DOMESTIC	04-01 10-31	.02 CFS	SMSE S22 T16N R26E S22 T16N R26E	DECREE
74-0161	SIMS, RALPH SIMS, RUTH P.O. BOX 192 LEADORE	07-29-1909	IRRIGATION	03-15 11-15	1.54 CFS	NMSM S24 T16N R26E SENM(40) NESM(40) S26 T16N R26E	DECREE
74-0162	SIMS, RALPH SIMS, RUTH P.O. BOX 192 LEADORE	07-29-1909	IRRIGATION	03-15 11-15	1.02 CFS	NMSM S24 T16N R26E NESE(35) NMSM(30) S27 T16N R26E NMSM(40) SMSM(37) S26 T16N R26E	DECREE
74-0163	SIMS, RALPH SIMS, RUTH	07-29-1909	IRRIGATION	03-15 11-15	1.02 CFS	NMSM S24 T16N R26E NAME(17) SMNE(02) NMSM(34) NMSM(37)	DECREE

RECORDED
SEP 16 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 14, 1992

MERRIL BEYELER
SHARAL BEYELER
PO BOX 62
LEADORE ID 83464-0062

RE: Transfer of Water Right No. 74-00158

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3815). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

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MEMORANDUM

TO: File 74-00158
FROM: Sharla
DATE: August 31, 1992
RE: Transfer Review (No. 3815)

The above referenced transfer application proposes to change the point of diversion and place of use under this right.

Advertising was completed correctly. The transfer can be approved with the following conditions:

- T07 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 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.
- T09 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.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
- R43 A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 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 for the lands above.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 74-00158 Applicant Merril or Sheral Beyeler
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Correcting PLO
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments NONE
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Same right (74-00158)
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 74

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 10-17-90 Received on 1/24/91
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

200 P.
11-5-90
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MAR 04 1991

Department of Water Resources

4. By _____ Date _____

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 74-00158

WATER DISTRICT 24-W

WATERMASTER Dan P. Smith

DATE: 1/17/90

COMMENTS: I see no problems

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

I have none

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JAN 24 1991

Department of Water Resources
Eastern District Office

Dan P. Smith
Watermaster

APPROVED

SEP 16 1992

10-Jan-1991

DAN SMITH
WATER DIST 74-W
BOX 22
LEADORE ID 83464

SECOND NOTICE!

RE: Application for Transfer No.'s 74-0158 & 74-0159

Dear Watermaster:

On October 17, 1990, our office sent you a copy of the above referenced transfer. As of this date, we have not received your comments.

Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest was NOVEMBER 5, 1990, and we cannot hold this application for comments any longer. We must hear from you by JANUARY 21, 1991.

If we may be of further assistance, please feel free to contact our office.

Respectfully submitted,

HAROLD JONES
Water Rights Supervisor

HJ/rb
Enclosure

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SEP 16 1992

17-Oct-1990

DAN SMITH
BOX 22
LEADORE, ID 83464

RE: Application for No. 74-0158, 74-0159, & 74-0160/74-02289

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is NOVEMBER 5, 1990, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED

SEP 16 1992

15-Oct-1990

MERRIL OR SHARAL BEYELER
P.O. BOX 62
LEADORE, ID 83464

RE: Application for Permit No. 74-00158, 74-00159, &
74-00160/74-02289

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in RECORDER-HERALD on OCTOBER 18 & 25, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb

SEP 16 1992

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 74-00158

Notice is hereby given that MERRIL OR SHARAL BEYELER has applied to the Department of Water Resources to CHANGE POINT OF DIVERSION and PLACE OF USE of the waters of a CANYON CREEK tributary to the LEMHI RIVER. The right sought to be changed is evidenced by DECREE NO. 74-00158 and recorded as follows:

Decree No. 74-00158 Decreed to TERRY E. OR MARJORIE McCREA in case of the LEMHI DECREE.

AMOUNT: 5.00 CFS PRIORITY: 7-1-1876

POINT(S) OF DIVERSION: SESE, SESW, SEC 22, T 16N, R 26E

The water is used from MARCH 15 to NOVEMBER 15 to irrigate 189.2 acres within the NESW, S1/2SW1/4, N1/2SE1/4, SWSE, SEC 21; NENW, SEC 28, T 16N, R 26E, B.M.

TO BE CHANGED AS FOLLOWS:

THE WATER WILL BE diverted from the NESESE, SESWSE, SEC 22, T 16N, R 26E, and will be used to irrigate 189.2 acres within the E1/2SW1/4, N1/2SE1/4, SWSE, SEC 21; N1/2NE1/4, SWNE, SEC 28, T 16N, R 26E, B.M.

SEP 16 1992

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho

Falls, ID, 83401, on or before NOVEMBER 5, 1990.
R. Keith Higginson
Director

Published in the RECORDER-HERALD on OCTOBER 18 & 25, 1990.

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SEP 16 1992