



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

September 24, 2010

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

Dan Smith  
Watermaster, Water District 74-W  
PO Box 22  
Leadore ID 83464

Re: Guidance Concerning Delivery of Water Rights 74-37, 74-39-A, and 74-15213  
Pursuant to Approved Transfer No. 74724 owned by Leadore Land Partners/Karl Tyler

Dear Mr. Smith,

The purpose of this letter is to provide some documented guidance regarding delivery of the above referenced water rights pursuant to approval of water right transfer no. 74724. You may recall that we discussed this matter last month and that I had sent you a draft document for your input and review. Please find attached to this correspondence the following documents:

- 1) Watermaster Protocol for Delivery of Big Timber Creek Water Rights 74-37, 74-39A and 74-15213 Pursuant to Approved Water Right Transfer 74724 dated September 20, 2010;
- 2) Copy of Approved Transfer of Water Right No. 74724, dated June 5, 2009;
- 3) Map showing location of Tyler's diversions and place of use for Transfer no. 74724;
- 4) Copy of Agreement Not To Divert Water From Big Timber Creek, entered into between Leadore Land Partners LTD Partnership and the Idaho Water Resources Board (IWRB), signed by IWRB Chairman Terry Uhling on March 3, 2010, and;
- 5) Updated copy of rating table for the gage station on Big Timber Creek near Leadore, located below Big Timber Creek Diversion No. 2.

Please contact me if you have any questions or concerns regarding this matter.

Regards,

Tim Luke  
Water Distribution Section

Cc: Bob Foster, IDWR Salmon Field Office  
Morgan Case, IDWR & IWRB Representative  
Harriet Hensley, Deputy Attorney General  
Kurt Bird, WD74-W Advisory Committee Chair  
Jeff Lutch, IDFG  
Rick Sager, WD74-W Watermaster  
Hans Koenig, Upper Salmon Basin Watershed Project

**Watermaster Protocol for Delivery of Big Timber Creek Water Rights  
74-37, 74-39A & 74-15213 pursuant to Water Rights Transfer No. 74724**

The Idaho Department of Water Resources (Department or IDWR) provides the following guidance to the Water District 74-W watermaster for the delivery and administration of water rights 74-37, 74-39A and 74-15213 pursuant to approved water rights Transfer no. 74724 and the Agreement Not to Divert Water From Big Timber entered into by Leadore Land Partners LTD Partnership (also known as Karl Tyler and hereinafter referred to as Tyler) and the Idaho Water Resource Board (IWRB). A copy of the approved water right transfer and the Agreement are attached.

1. Rights 74-37 and 74-39A are authorized to be diverted from two points: Big Timber Creek Diversion No. 2 (BT2), also known as the Tyler ditch diversion on Big Timber Ck, and the new pumping station on the Lemhi River (Tyler Pumps). Please refer to the attached map for point of diversion and place of use locations. Big Timber Creek remains as the source of water for the two water rights even though one of the two diversions authorized by the rights is located on the Lemhi River.
2. The authorized point of diversion for Right 37-15213, which is a high flow water right, is limited to BT2 only.
3. Condition No. 5 of Transfer 74724 for both water rights 74-37 & 74-39A states the following:

Diversion of water from the Lemhi River is limited to those times water is available for diversion under this right and priority from Big Timber Creek. Availability of water from the Lemhi River shall be determined based on the lesser of the flow in Big Timber Creek at the authorized point of diversion or at the mouth of Big Timber Ck.

Condition No. 6 of Transfer 74724 further states:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Big Timber Creek at the original point of diversion (BT2), at the mouth of Big Timber Creek, and at the point of diversion from the Lemhi River.

The Department understands that flows at the mouth of Big Timber Creek generally exceed the flows of Big Timber Creek at BT2 during the irrigation season as a result of irrigation return flows and also because water is no longer diverted at Big Timber No. 1 (BT1). The Department further understands that installation of a gage station or other measuring device at the mouth of Big Timber Creek would be cost prohibitive. Therefore, unless further notice is provided, the availability of water from the Lemhi River at the Tyler Pumps shall be based on the flow in Big Timber Creek as measured by the gage station located just downstream of BT2 or based on supplemental measurements made by staff from either IDWR or the stream gage contractor (Idaho Power Co.).

- 4 The watermaster of Water District 74-W (WD74-W) is responsible for the delivery and administration of water rights 74-37, 74-39A and 74-15213, including measurement and regulation of the Tyler Pumps and BT2 diversions, and monitoring Big Timber Creek flows using the gage station installed just downstream of the BT2 diversion. Flow meter readings at the Tyler Pumps may be taken by the Lemhi River Water District 74 (WD74) watermaster and reported to the WD74-W watermaster. The WD74-W watermaster should keep a log of all recorded measurements from the Tyler Pumps, BT2, and the gage station near BT2. Measurements must be recorded at least twice per week between March 15 and November 15. Measurements are not required of the watermaster between November 15 and March 15.
- 5 The watermaster shall report weekly measurements during the irrigation season for the Tyler Pumps, BT2, and Big Timber Creek gage station below BT2 to IDWR via either e-mail to the IDWR Salmon Field Office representative in Salmon, ID (currently Bob Foster) and the IDWR staff representative for the IWRB (currently Morgan Case), or by entering the data directly to IDWR via the IDWR Water District Diversion Data Management System using a watermaster login and password.
- 6 Water rights 74-37 and 74-39A, when deliverable by priority, are limited to a maximum combined diversion rate of 5.88 cfs (2,640 gpm, or 294 inches) at the Tyler Pumps and BT2. Pursuant to the agreement between Tyler and the IWRB, Tyler has agreed to cease diversion of 4.5 cfs under these two water rights from Big Timber Creek at BT2. Therefore, when both rights are deliverable, no more than 1.38 cfs can be diverted at BT2 under the two rights and the remaining 4.5 cfs must remain in the creek below BT2. Additional water can be diverted to BT2 only if right 74-15213 is deliverable. When rights 74-37 and 74-39A are deliverable and no water is diverted at BT2 under these two rights, Tyler may divert up to the authorized 5.88 cfs at the Tyler pumps as long as an equivalent amount of water is available in Big Timber Creek measured at the gage station located below BT2.
- 7 If water right 74-39A is curtailed by priority or Tyler does not call for the delivery of said right, then by Agreement between Tyler and the IWRB, no water shall be diverted at BT2 and the maximum diversion rate at the Tyler Pumps shall not exceed 3.35 cfs (1,504 gpm or 167.5 inches, the amount authorized by right 74-37). The rate of diversion at the Tyler Pumps in this case must be limited to the amount of water available at Big Timber Creek as measured by the gage station below BT2. For example, if the flow at the gage station is only 2.8 cfs, then the Tyler Pumps diversion must be limited to 2.8 cfs.
- 8 Any flows in Big Timber Creek measured at the gage station below BT2 in excess of the amounts diverted at the Tyler Pumps and BT2 shall be available for delivery to other Big Timber Creek water right holders in accordance with the priority dates of such rights.
- 9 All questions from the WD74-W watermaster concerning the operation and/or accuracy of the Big Timber gage station shall be reported first to the IDWR Salmon Field Office representative. This IDWR staff member will, if necessary, make a site visit to the gage and take a current meter measurement at or near the gage to verify flows as measured by the gage. The IDWR Salmon Office representative may consult with other IDWR staff and/or appropriate staff from the Idaho Power Company (IPCO) concerning questions

about the operation or accuracy of the gage. The IDWR Salmon Field Office representative shall report all pertinent gage information and measurements to the IWRB representative and the WD74W watermaster. The IWRB representative will work with the IDWR Salmon Field Office representative, the WD74-W watermaster, other IDWR staff and IPCO to resolve questions concerning the operation and accuracy of the gage near BT2. The IWRB representative or IDWR will provide any necessary guidance to the watermaster regarding gage station corrections or shifts.

- 10 The IDWR Salmon Field Office representative shall make weekly current meter measurements of Big Timber Creek flows at or near the gage station below BT2 from August, 2010 through September, 2010. Said measurements shall be reported in the same manner as described in item 9 above. After September, 2010, the IDWR Salmon Field Office representative will conduct current meter measurements as needed in response to questions or concerns by the watermaster and/or as determined by IDWR in consultation with Idaho Power and the local IDFG representative.
- 11 If at any time during the irrigation season the watermaster anticipates that the flows of Big Timber Creek near BT2 may drop below 4.5 cfs as a result of Tyler not using water or not making a call for delivery of water, the watermaster shall contact Tyler or Tyler's representatives to determine when water may be called for or used. Such communication will allow the watermaster to coordinate deliveries to either minimize the possibility of flows in Big Timber dropping significantly less than 4.5 cfs or allow the watermaster time to notify IDWR, IWRB and IDFG that the flow target will not be reached for some estimated period of time. The watermaster shall begin contacting Tyler by April 1 of each year to plan or coordinate early season irrigation deliveries and maintain consistent contact with Tyler throughout the early irrigation season (generally April through May). Similarly, the watermaster shall maintain regular contact with Tyler during the late irrigation season (approximately September 15 through November 15) to coordinate late season irrigation deliveries and maintenance of flows in Big Timber Creek at BT2.

12 Delivery of Beyler Right 74-31

Right 74-31, owned by Beyeler Ranches, is a Big Timber Creek water right that is subject to an approved exchange of water from the Lemhi River. A water right exchange was approved by IDWR in 2009 but IDWR understands that the exchange has not been implemented and the right was not used in 2010. Delivery of right 74-31 can impact the guidance provided in this document. IDWR further understands that Beyeler is in the process of getting a new pump station installed on the Lemhi River and filing a water right transfer to change the place of use and point of diversion for the right. IDWR will update this guidance document with respect to delivery of right 74-31 upon approval of any transfer or amended exchange. Until further notice is given, the WD74-W watermaster will not deliver right 74-31 from Big Timber Creek. Similarly, right 74-31 should not be delivered from the Lemhi River by either the WD74 or WD74-W watermasters until further notice is given.

## AGREEMENT NOT TO DIVERT WATER FROM BIG TIMBER CREEK

This Agreement entered into by and between Leadore Land Partners LTD Partnership, 3663 North Reserve, Missoula, Montana 59808, hereinafter ("Owner") and the State of Idaho through the Idaho Water Resources Board hereinafter ("Board"), 322 East Front Street, Boise, Idaho 83720-0098, is made in reference to the following facts:

### RECITALS

1. The Board, together with the Idaho Department of Water Resources (IDWR), implements the Idaho Water Transactions Fund as part of the 2008 Columbia Basin Fish Accords. The Board receives funding through the Program to acquire water in the Lemhi and Pahsimeroi River basins for anadromous fish habitat improvement.
2. Big Timber Creek is an important tributary stream in the Lemhi River Basin. It has the potential to provide high quality habitat for the spawning, migration, and rearing of summer Chinook salmon, steelhead, westslope cutthroat and bull trout. Currently, irrigation withdrawals dewater the lower reaches of the creek, causing an upstream fish migration barrier.
3. Owner owns water right(s) designated as nos. 74-37 and 74-39A which allow for the diversion of up to 5.88 cubic feet per second (cfs) from Big Timber Creek, tributary to the Lemhi River.
4. Owner has filed Water Transfer (No. 74724) to add a point of diversion for those water rights listed above for a pumping station on the Lemhi River downstream of the confluence with Big Timber Creek. Said transfer was filed in part to facilitate this agreement.
5. The change in the point of diversion from Big Timber Creek to the Lemhi River diversion will increase the cost of operation for the Owner.
6. The Board desires to maintain a flow of 4.5 cfs in Big Timber Creek from the original point of diversion located in the NW1/4NW1/4, Sec 33, T16N, R261E, B.M. and the mouth of the stream located in the NE1/4SE1/4, Sec 20, T16N, R26E, B.M. to facilitate spawning, migration, and rearing of summer Chinook salmon, steelhead, westslope cutthroat and bull trout.
7. Owner and the Board, desire to formally acknowledge and document the conditions and understandings between the parties.
8. The Board desires to compensate Owner for not diverting up to 4.5 cfs from Big Timber Creek under water right nos. 74-37 and 74-39A during the irrigation-season (March 15 to November 15).

NOW THEREFORE, in consideration of the following promises and commitments, the Owner and IDWR agree as follows:

## **AGREEMENT**

### **A. Statement of Purpose**

The purpose of this Agreement is to provide additional water during the irrigation season to enhance the flow of Big Timber Creek to facilitate spawning, migration, and rearing of summer Chinook salmon, steelhead, westslope cutthroat and bull trout. in the reach described in Recital No 6 above.

### **B. Project Manager for the Board**

The Project Manager for this project shall be Morgan Case, Staff Biologist, IDWR, P.O. Box 83720, 322 East Front Street, Boise Idaho 83720-0098, (208) 287-4838. The Board may change the project manager at anytime by written notice to the Owner. The Project Manager shall serve as the official contact for this agreement.

### **C. Scope of Work**

Owner shall:

1. Cease to divert up to 4.5 cfs from Big Timber Creek under Water Right Nos. 74-37 and 74-39A between March 15 and November 15.
2. Allow water normally diverted under Water Right Nos. 74-37 and 74-39A for the purpose of irrigation to remain in Big Timber Creek.
3. Divert water under Water Right Nos. 74-37 and 74-39A for the purpose of irrigation at the new Lemhi River diversion.
4. The Owner shall abide by those conditions listed in each water right and those conditions listed in Water Right Transfer No. 74724.
5. Provide written notice to the Board at the end of the irrigation season requesting payment under this agreement. The written notice shall include the number of acres irrigated during the irrigation season and a statement that all diversions were made from the Lemhi River and no diversion was made from Big Timber Creek.
6. Lease Water Rights 74-37 and 74-39A into the Idaho Water Supply Bank if they are not used for irrigation. Owner agrees that all water rights leased in the Idaho Water Supply bank shall be rented by the Board at no cost to the Board for the purposes of instream flow or rented to another user on the Lemhi River downstream of the confluence with Big Timber Creek.

The Board Shall:

1. Provide compensation to the Owner within 30 days of receipt of written notice from the Owner as required elsewhere in this agreement.
2. Monitor and evaluate the instream flow of Big Timber Creek to ensure compliance with this agreement. This will include: site visits throughout the irrigation season to confirm non-diversion, photo points taken along the stream to monitor riparian condition, stream gage records or discharge measurements, and water master record review, if available.
3. Rent water leased under this contract at no cost for delivery to minimum stream flow 74-14993 (Lemhi River).

The Parties acknowledge and understand:

1. The parties understand that this Agreement is based on circumstances existing today in the Lemhi River Basin. Notwithstanding provision IV of the "Standard Contract Provisions," the parties' obligations under this Agreement shall continue until November 15, 2029, or until the parties agree to modify or terminate the Agreement, whichever occurs first.

**D. Compensation**

Compensation for this agreement shall be based upon the annual maximum acre-foot diversion allowed (3.5 acre-feet/acre under sprinkler irrigation) for water right nos. 74-37 and 74-39A. The maximum acre-foot diversion shall be based upon the number of acres that can be irrigated annually under these rights, multiplied by 3.5 acre-feet/acre. The total compensation shall be determined by multiplying the total acre-foot diversion by the annual rates listed in the Table 1. In no case shall the annual payment exceed Maximum Total Compensation listed in the Table 1. Total compensation over the term of this contract shall not exceed six hundred twenty-six thousand six hundred seventy-two dollars and forty-nine cents (\$626,672.49). Compensation is also dependent upon the Owner abiding by all conditions contained within this agreement. Non-compliance with any condition contained within this agreement could result in forfeiture of payment during any given year.

<b>Table 1: Compensation table for the Big Timber Creek – Tyler Water Transaction.</b>		
<b>Year</b>	<b>Price per acre-foot</b>	<b>Maximum Total Compensation</b>
2010	\$11.10	\$18,952.20
2011	\$11.66	\$19,899.81
2012	\$12.24	\$20,894.80
2013	\$12.85	\$21,939.54
2014	\$13.49	\$23,036.51
2015	\$14.17	\$24,188.34
2016	\$14.88	\$25,397.76
2017	\$15.62	\$26,667.65

2018	\$16.4	\$28,001.03
2019	\$17.22	\$29,401.08
2020	\$18.08	\$30,871.13
2021	\$18.99	\$32,414.69
2022	\$19.94	\$34,035.42
2023	\$20.93	\$35,737.19
2024	\$21.98	\$37,524.05
2025	\$23.08	\$39,400.26
2026	\$24.23	\$41,370.27
2027	\$25.44	\$43,438.78
2028	\$26.72	\$45,610.72
2029	\$28.05	\$47,891.26

E. Limitations of Program Funds

1. Owner acknowledges that funding is limited to conditions contained under Article III of the "Standard Contract Provisions, Idaho Water Resource Board."

F. Term

This Agreement shall take effect upon signature by the parties and shall continue in effect until November 16, 2029.

G. General Terms and Conditions

Owner agrees to abide by all applicable terms and conditions contained in the "Standard Contract Provisions, Idaho Water Resource Board. A copy of the "Standard Contract Provisions, Idaho Water Resource Board" is attached hereto as Attachment A and incorporated herein by this reference.

H. Right of Entry

The Owner hereby grants the Board or its designee a right of entry onto the Owner's property for purposes of verifying Owner's compliance with the terms of this Agreement. Such entry shall not require prior notice to be provided to Owner and shall not be deemed trespass.

I. Successors and Assigns Obligated

This Agreement and all of its provisions shall jointly and severally apply to and bind the respective heirs, personal representatives, successors, and assigns of the parties hereto.

J. Duplicate Originals

This agreement is executed in duplicate. Each of the agreements with an original signature of each party shall be an original.



IN WITNESS WHEREOF the parties executed this contract on the date following their respective signatures.

KARL TYLER, Partner  
Leadore Leadore Land Partners

Karl Tyler  
Signature

1-27-2010  
Date

Terry Uhling, Chairman  
Idaho Water Resource Board

Terry Uhling  
Signature

3-3-10  
Date

STATE OF )  
                  ) ss.  
COUNTY OF missoula )

On this 27 day of Jan, 2010, before me, a Notary Public in and for the said State, personally appeared Karl Tyler, known to me.

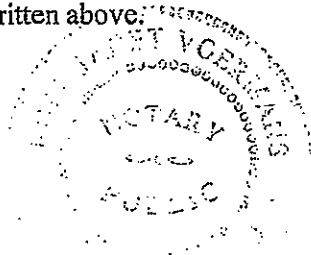
IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Jessie Hendon  
NOTARY PUBLIC for MT  
Residing at missoula  
My Commission expires 5-20-2010

STATE OF IDAHO )  
                  ) ss.  
COUNTY OF ADA )

On this 17 day of February, 2010, before me, a Notary Public in and for the said State, personally appeared TERRY UHLING, known to me as the Chairman of the Idaho Water Resource Board.


IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above:



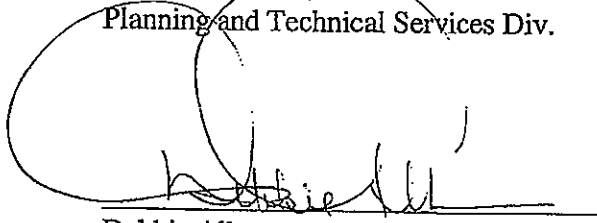
Noel Janet Varnum  
NOTARY PUBLIC for Idaho  
Residing at Boise, Idaho  
My Commission expires 10/30/2014

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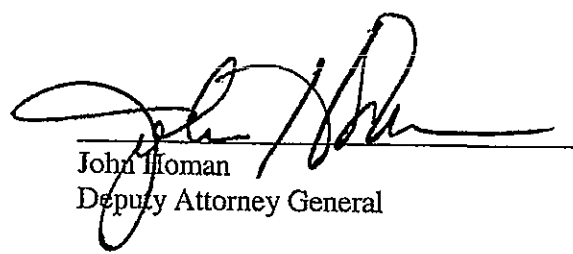
APPROVED AS TO FORM

  
Hal N. Anderson, Administrator  
Planning and Technical Services Div.

1-26-10  
Date

  
Debbie Allen  
Financial Officer

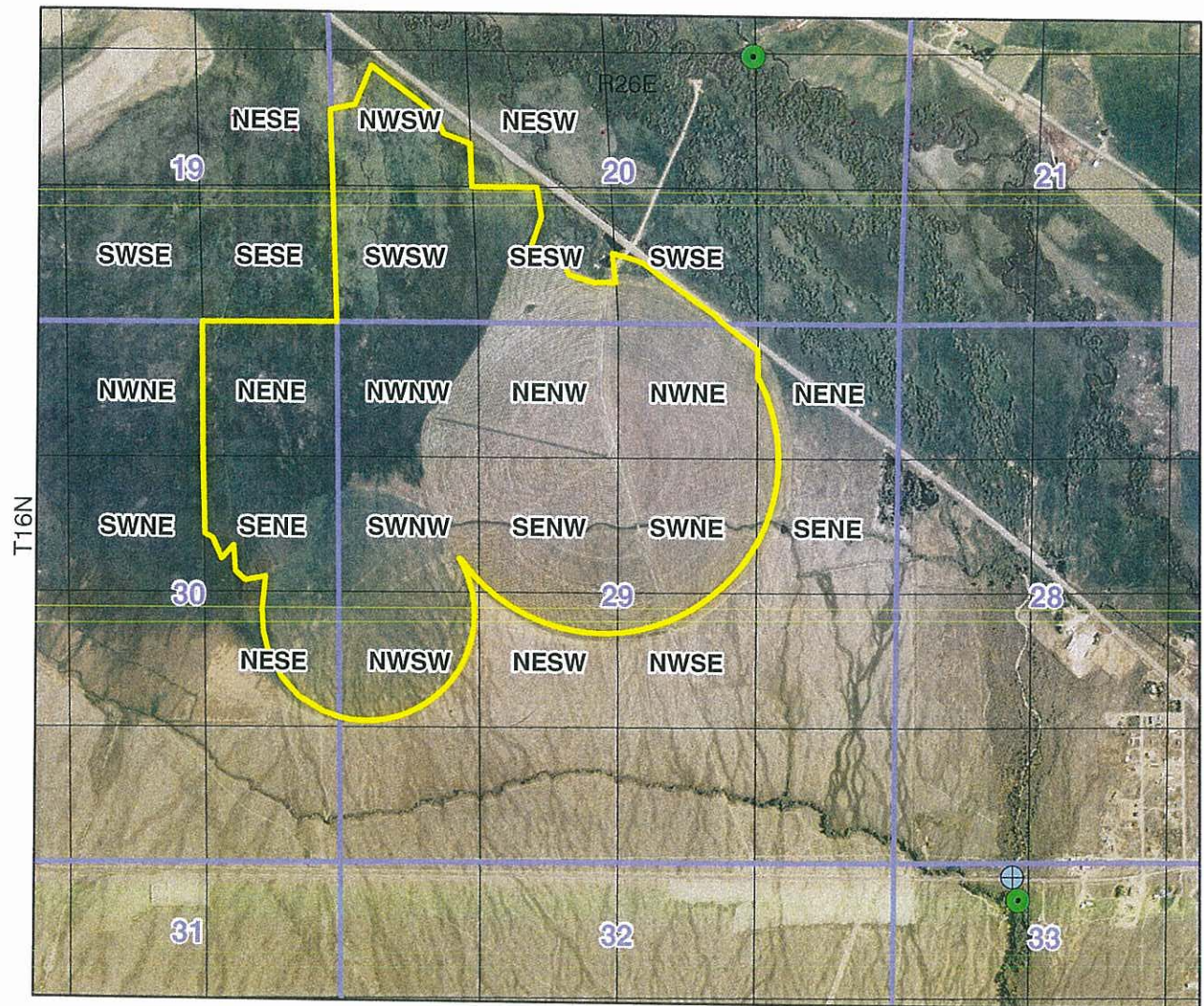
1-26-10  
Date

  
John Homan  
Deputy Attorney General







1-25-10  
Date

# Water Right Transfer No. 74724

Place of Use and Points of Diversion for Water Rights 74-37, 74-39A, & 74- 15213  
for Leadore Land Partners Ltd Partnership



## Legend

-  Point of Diversion
-  IPCO Gage
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.2 0.4 0.8 Miles



Place of use (POU) shown above is the same POU for right 74-966 that is diverted from the Salmon River. Right 74-15213 is an SRBA recommended right for high water diverted from the Big Timber Creek POD only. The authorized PODs for Rights 74-37 & 74-39A includes both the Salmon River pump and Big Timber Creek POD as shown in the map.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 74724**

This is to certify that: LEADORE LAND PARTNERS LTD PARTNERSHIP  
C/O KARL TYLER  
3663 N RESERVE  
MISSOULA MT 59808  
(406)721-2438

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-39A	AJC/Decreed	06/10/1901	2.53 cfs	N/A	N/A	626.8	BIG TIMBER CREEK
74-15213	AJC/Beneficial Use	03/15/1966	21.00 cfs	N/A	N/A	548.0	BIG TIMBER CREEK
74-37	AJC/Decreed	09/01/1874	3.35 cfs	N/A	N/A	626.8	BIG TIMBER CREEK
74-996	AJC/Decreed	09/10/1918	8.32 cfs	N/A	N/A	626.8	LEMHI RIVER

**Purpose of Transfer (Changes Proposed)**

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-39A	NO	NO	YES	YES	NO	NO
74-15213	NO	NO	YES	YES	NO	NO
74-37	NO	NO	YES	YES	NO	NO
74-996	NO	NO	YES	YES	NO	NO

**Summary of Water Rights After the Approved Change**

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-39A	<b>74-39A</b>	2.53 cfs	N/A	N/A	487.8		N/A	N/A	N/A	N/A
74-15213	<b>74-15213</b>	21.00 cfs	N/A	N/A	487.8		N/A	N/A	N/A	N/A
74-37	<b>74-37</b>	3.35 cfs	N/A	N/A	487.8		N/A	N/A	N/A	N/A
74-996	<b>74-996</b>	8.32 cfs	N/A	N/A	487.8		N/A	N/A	N/A	N/A
<b>COMBINED</b>										
<b>TOTALS</b>		<b>30.80 cfs</b>	<b>N/A</b>	<b>N/A</b>	<b>487.8</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

SUPPORT DATA  
IN FILE # 74-37

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 74724

Detailed Water Right Description(s) attached

Dated this 5<sup>th</sup> day of June, 20 09

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-39A**  
**As Modified by Transfer No. 74724**

In accordance with the approval of Transfer No. 74724, Water Right No. 74-39A is now described as follows.

**Right Holder:** LEADORE LAND PARTNERS LTD PARTNERSHIP  
 C/O KARL TYLER  
 3663 N RESERVE  
 MISSOULA MT 59808

**Priority Date:** June 10, 1901

**Source:** BIG TIMBER CREEK      **Tributary:** LEMHI RIVER

<b><u>BENEFICIAL USE</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>
IRRIGATION	03/15 to	11/15	2.53 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BIG TIMBER CREEK	NWSE	Sec. 20 Twp 16N Rge 26E LEMHI County
BIG TIMBER CREEK	NWNW	Sec. 33 Twp 16N Rge 26E LEMHI County

**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 20									25.3	40.0	27.8				9.5		102.6
16N 26E 29	2.5	40.0	39.7	2.6	40.0	40.0	40.0	40.0	8.2	32.7				5.6			291.3
16N 26E 30	40.0			36.7									17.2				93.9

Total Acres: 487.8

**CONDITIONS OF APPROVAL**

1. Rights 74-37, 74-39A, and 74-996 when combined shall not exceed a total diversion rate of 9.8 cfs and the irrigation of 487.8 acres.
2. Rights 74-37, 74-39A, 74-996, and 74-15213 when combined shall not exceed the irrigation of 487.8 acres.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within the water districts. At the time of this approval, this water right is within State Water District Nos. 74 and 74W.



**WATER RIGHT NO. 74-39A**  
**As Modified by Transfer No. 74724**

**CONDITIONS OF APPROVAL**

5. Diversion of water from the Lemhi River is limited to those times water is available for diversion under this right and priority from Big Timber Creek. Availability of water from the Lemhi River shall be determined based on the lesser of the flow in Big Timber Creek at the authorized point of diversion or at the mouth of Big Timber Creek.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Big Timber Creek at the original point of diversion, at the mouth of Big Timber Creek, and at the point of diversion from the Lemhi River.
7. 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 watermasters suitable control of the diversion(s).
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5<sup>th</sup> day of June, 20 09

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-996**  
**As Modified by Transfer No. 74724**

In accordance with the approval of Transfer No. 74724, Water Right No. 74-996 is now described as follows.

**Right Holder:** LEADORE LAND PARTNERS LTD PARTNERSHIP  
 C/O KARL TYLER  
 3663 N RESERVE  
 MISSOULA MT 59808

**Priority Date:** September 10, 1918

**Source:** LEMHI RIVER

**Tributary:** SALMON RIVER

<b><u>BENEFICIAL USE</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>
IRRIGATION	03/15 to	11/15	8.32 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

LEMHI RIVER                      SESE                      Sec. 28 Twp 16N Rge 26E LEMHI County

**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 20									25.3	40.0	27.8				9.5		102.6
16N 26E 29	2.5	40.0	39.7	2.6	40.0	40.0	40.0	40.0	8.2	32.7				5.6			291.3
16N 26E 30	40.0			36.7									17.2				93.9

Total Acres: 487.8

**CONDITIONS OF APPROVAL**

1. Rights 74-37, 74-39A, and 74-996 when combined shall not exceed a total diversion rate of 9.8 cfs and the irrigation of 487.8 acres.
2. Rights 74-37, 74-39A, 74-996, and 74-15213 when combined shall not exceed the irrigation of 487.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within the water district. At the time of this approval, this water right is within State Water District No. 74.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.



**WATER RIGHT NO. 74-996**  
**As Modified by Transfer No. 74724**

**CONDITIONS OF APPROVAL**

5. 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.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5<sup>th</sup> day of June, 20 09

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-15213**  
**As Modified by Transfer No. 74724**

In accordance with the approval of Transfer No. 74724, Water Right No. 74-15213 is now described as follows.

**Right Holder:** LEADORE LAND PARTNERS LTD PARTNERSHIP  
 C/O KARL TYLER  
 3663 N RESERVE  
 MISSOULA MT 59808

**Priority Date:** March 15, 1966

**Source:** BIG TIMBER CREEK

**Tributary:** LEMHI RIVER

**BENEFICIAL USE**  
 IRRIGATION

**From To**  
 03/15 to 11/15

**Diversion Rate**  
 21.00 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BIG TIMBER CREEK      NWNW      Sec. 33 Twp 16N Rge 26E LEMHI County

**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 20									25.3	40.0	27.8				9.5		102.6
16N 26E 29	2.5	40.0	39.7	2.6	40.0	40.0	40.0	40.0	8.2	32.7				5.6			291.3
16N 26E 30	40.0			36.7									17.2				93.9

Total Acres: 487.8

**CONDITIONS OF APPROVAL**

1. Rights 74-37, 74-39A, 74-996, and 74-15213 when combined shall not exceed the irrigation of 487.8 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within the water district. At the time of this approval, this water right is within State Water District No. 74.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 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.

**WATER RIGHT NO. 74-15213**  
**As Modified by Transfer No. 74724**

**CONDITIONS OF APPROVAL**

5. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5<sup>th</sup> day of June, 20 09

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 74-37**  
**As Modified by Transfer No. 74724**

In accordance with the approval of Transfer No. 74724, Water Right No. 74-37 is now described as follows.

**Right Holder:** LEADORE LAND PARTNERS LTD PARTNERSHIP  
 C/O KARL TYLER  
 3663 N RESERVE  
 MISSOULA MT 59808

**Priority Date:** September 01, 1874

**Source:** BIG TIMBER CREEK

**Tributary:** LEMHI RIVER

<u><b>BENEFICIAL USE</b></u>	<u><b>From</b></u>	<u><b>To</b></u>	<u><b>Diversion Rate</b></u>
IRRIGATION	03/15	to 11/15	3.35 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BIG TIMBER CREEK	NWSE	Sec. 20 Twp 16N Rge 26E LEMHI County
BIG TIMBER CREEK	NWNW	Sec. 33 Twp 16N Rge 26E LEMHI County

**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 20									25.3	40.0	27.8				9.5		102.6
16N 26E 29	2.5	40.0	39.7	2.6	40.0	40.0	40.0	40.0	8.2	32.7				5.6			291.3
16N 26E 30	40.0			36.7									17.2				93.9

Total Acres: 487.8

**CONDITIONS OF APPROVAL**

1. Rights 74-37, 74-39A, and 74-996 when combined shall not exceed a total diversion rate of 9.8 cfs and the irrigation of 487.8 acres.
2. Rights 74-37, 74-39A, 74-996, and 74-15213 when combined shall not exceed the irrigation of 487.8 acres.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within the water districts. At the time of this approval, this water right is within State Water District Nos. 74 and 74W.

**WATER RIGHT NO. 74-37**  
**As Modified by Transfer No. 74724**

**CONDITIONS OF APPROVAL**

5. Diversion of water from the Lemhi River is limited to those times water is available for diversion under this right and priority from Big Timber Creek. Availability of water from the Lemhi River shall be determined based on the lesser of the flow in Big Timber Creek at the authorized point of diversion or at the mouth of Big Timber Creek.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Big Timber Creek at the original point of diversion, at the mouth of Big Timber Creek, and at the point of diversion from the Lemhi River.
7. 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 watermasters suitable control of the diversion(s).
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5<sup>th</sup> day of June, 20 09

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

# Big Timber Creek near Leadore, ID

## Parameter Q

Station number: 13303800  
 River: Salmon River  
 River No.: 13317000  
 River section:

Cartesian Easting:  
 Cartesian Northing:  
 Measuring point height: 0.00ft  
 Catchment area: 0.00sqm

### Q/Rating 2.1

Rating curve Rating 2 Version 1  
 Last change Wednesday, September 23, 2009  
 Comment S Comment

### Validities for Q/Rating 2.1

From	Transition since	Valid since	Valid to	Transition to	After
Rating 1		10/22/2008 10:45:00 AM			

### List of supporting points

S [ft]	Q [cfs]
2.00	0.000
3.00	0.000
3.03	0.010
3.10	0.160
3.20	0.560

S [ft]	Q [cfs]
3.30	1.30
3.40	2.45
3.50	4.00
3.60	6.00
3.70	8.60

S [ft]	Q [cfs]
3.80	11.3
3.90	14.9
4.00	18.9
4.20	28.5
7.50	195

### Table S [ft] Q [cfs]

	0.000	0.010	0.020	0.030	0.040	0.050	0.060	0.070	0.080	0.090
2.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.10	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.20	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.30	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.40	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.50	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.60	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.70	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.80	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2.90	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
3.00	0.000	0.003	0.007	0.010	0.031	0.052	0.073	0.094	0.116	0.137
3.10	0.158	0.195	0.234	0.273	0.313	0.352	0.391	0.430	0.469	0.508
3.20	0.548	0.615	0.695	0.776	0.856	0.936	1.02	1.10	1.18	1.26
3.30	1.35	1.47	1.58	1.70	1.81	1.93	2.04	2.15	2.27	2.38
3.40	2.51	2.66	2.82	2.97	3.12	3.27	3.42	3.57	3.73	3.88
3.50	4.04	4.23	4.43	4.63	4.82	5.02	5.22	5.41	5.61	5.80
3.60	6.00	6.26	6.52	6.78	7.04	7.30	7.55	7.81	8.07	8.33
3.70	8.59	8.86	9.12	9.39	9.66	9.92	10.2	10.5	10.7	11.0
3.80	11.3	11.6	12.0	12.4	12.8	13.2	13.6	13.9	14.3	14.7
3.90	15.1	15.5	15.9	16.3	16.7	17.1	17.5	17.9	18.3	18.7
4.00	19.1	19.6	20.1	20.6	21.0	21.5	22.0	22.5	22.9	23.4
4.10	23.9	24.4	24.9	25.3	25.8	26.3	26.8	27.2	27.7	28.2
4.20	28.7	29.2	29.7	30.2	30.7	31.2	31.7	32.2	32.7	33.2
4.30	33.7	34.2	34.7	35.2	35.7	36.2	36.7	37.2	37.7	38.2
4.40	38.7	39.2	39.7	40.2	40.7	41.2	41.7	42.2	42.8	43.3
4.50	43.8	44.3	44.8	45.3	45.8	46.3	46.8	47.3	47.8	48.3
4.60	48.8	49.3	49.8	50.3	50.8	51.3	51.8	52.3	52.8	53.3
4.70	53.8	54.3	54.8	55.3	55.8	56.3	56.8	57.3	57.8	58.3
4.80	58.8	59.3	59.8	60.3	60.8	61.3	61.8	62.3	62.9	63.4
4.90	63.9	64.4	64.9	65.4	65.9	66.4	66.9	67.4	67.9	68.4
5.00	68.9	69.4	69.9	70.4	70.9	71.4	71.9	72.4	72.9	73.4
5.10	73.9	74.4	74.9	75.4	75.9	76.4	76.9	77.4	77.9	78.4

# Big Timber Creek near Leadore, ID

Parameter Q

Station number: 13303800

River: Salmon River

Q/Rating 2.1 (Continuation)

Table (Continuation)

	0.000	0.010	0.020	0.030	0.040	0.050	0.060	0.070	0.080	0.090
5.20	78.9	79.4	79.9	80.4	80.9	81.4	81.9	82.5	83.0	83.5
5.30	84.0	84.5	85.0	85.5	86.0	86.5	87.0	87.5	88.0	88.5
5.40	89.0	89.5	90.0	90.5	91.0	91.5	92.0	92.5	93.0	93.5
5.50	94.0	94.5	95.0	95.5	96.0	96.5	97.0	97.5	98.0	98.5
5.60	99.0	99.5	100	101	101	102	102	103	103	104
5.70	104	105	105	106	106	107	107	108	108	109
5.80	109	110	110	111	111	112	112	113	113	114
5.90	114	115	115	116	116	117	117	118	118	119
6.00	119	120	120	121	121	122	122	123	123	124
6.10	124	125	125	126	126	127	127	128	128	129
6.20	129	130	130	131	131	132	132	133	133	134
6.30	134	135	135	136	136	137	137	138	138	139
6.40	139	140	140	141	141	142	142	143	143	144
6.50	144	145	145	146	146	147	147	148	148	149
6.60	149	150	150	151	151	152	152	153	153	154
6.70	154	155	155	156	156	157	157	158	158	159
6.80	159	160	160	161	161	162	162	163	163	164
6.90	164	165	165	166	166	167	167	168	168	169
7.00	169	170	170	171	171	172	172	173	173	174
7.10	174	175	175	176	176	177	177	178	178	179
7.20	179	180	180	181	181	182	182	183	183	184
7.30	184	185	185	186	186	187	187	188	188	189
7.40	189	190	190	191	191	192	193	193	194	194
7.50	195	---	---	---	---	---	---	---	---	---