

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A74-00674
Date Received: / /
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: PHOEBE BIRD 208-756-4323
Address: BOX 27
TENDON ID 83468

AND/OR

Name: A LEROY BIRD 208-756-4323
Address: BOX 27
TENDON ID 83468

2. Date of Priority: OCT 2, 1913

3. Source: MC DEVITT CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	23E	36	NE	SW			LEMHI

5. Description of diverting works:
DIVERSION TO PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.060		

7. Total Quantity Appropriated is:
1.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	23E	36	NE	SE		IRR	32.0 15.000

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	23E	36	NW	SE	IRR	21.0
Section Acres						53.0
Total Acres						53.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

P/D IN NESW, S36, T19N, R23E.

THIS RIGHT WAS AMENDED TO REFLECT TRANSFER #4453 GJT 2-1-96.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

LAST COPIED
R01 15 000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN.

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 74-00674

DATE RECEIVED:

RECEIPT NO: X499999/90

RECEIVED BY: -----

RECEIVED
MAY 10 1990
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ANDREWS LIVESTOCK CO.
ADDRESS:

TENDON, ID

83468

2. DATE OF PRIORITY: OCT 02, 1913

3. SOURCE: MC DEVITT CREEK

TRIB. ID: LEMHI RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
19N	23E	36	NE	SW			LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	1.060		

7. TOTAL QUANTITY APPROPRIATED IS:
1.060 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
19N	23E	36	NE	SE		IRR	32.0
			NW	SE		IRR	21.0

SECTION ACRES 53.0



10. PLACE OF USE: CONTINUED

TOTAL ACRES 53.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

2 P/D IN NESW, S36, T19N, R23E.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE:

DECREE PLAINTIFF

VS

DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO _____ DO NOT ✓ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: 1

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): Phoebe Bird DATE: 8 May 1990

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
_____, TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF
_____, TITLE
_____, AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Lemhi) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 8th DAY

OF May 19 90

SEAL

Shirley R. Day
NOTARY PUBLIC

RESIDING AT Salmon, Id.

MY COMMISSION EXPIRES June 14, 1992
DATE: 02/08/90 1862

FEBRUARY 1, 1995

PHOEBE AND/OR L LEROY BIRD
BOX 27
TENDON ID 83468

RE: TRANSFER

Dear Mr. Bird:

Our office has received notice of your approved transfer #4453 of water right #74-00674. The Snake River Basin Adjudication claim filed on this right has been amended pursuant to the approved transfer.

Please review the enclosed notice carefully and if you have any questions about any of the items, please contact our office. If you agree with the items on the notice, please place the copies with your records.

Respectfully submitted,

Gregory J Taylor
Sr. Water Resource Agent
Adjudications Bureau

GJT:sc

RECEIVED
NOV 15 1995

T # 1453
74-00674

NOV 15 1956

- ☐ PULL ORIGINAL ADJUDICATION CLAIM
- ☒ MAKE COPY ORIGINAL TRANSFER APPLICATION
- ☒ GET COPY OF APPROVED TRANSFER
- ☒ PROOF REPORT OF WATER RIGHT FROM "WR"
- ☒ SPLIT RIGHT (YES ___ NO ☒)
- ☒ NEED CHANGE OF OWNERSHIP (YES ___ NO ☒)
- ☒ GIVE TO AGENT
- ☒ CHECKED AND DATA ENTERED
- ☒ RECEIVED BACK FROM AGENT
- ☐ SEND LETTER TO CLAIMANT
- ☐ FILE IN "P" FILE

ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4453
WATER RIGHT NO. 74-00674

RECEIVED

APR 10 1995

Department of Water Resources
Eastern District Office

This is to certify that: LEROY BIRD
PHOEBE BIRD
PO BOX 27
TENDON ID 83468

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.06 CFS	185.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MC DEVITT CREEK	LEMHI RIVER

Priority: 10/02/1913

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 36, Township 19N, Range 23E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
19N 23E 36	NESE 32	NWSE 21		53
Total number of acres irrigated:				53

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. 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.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

RECORDED
NOV 15 1995

TRANSFER NO. 4453
WATER RIGHT NO. 74-00674

CONDITIONS/REMARKS:

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. 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 28th day of March, 1995.


Chief, Water Alloc. Bureau

RECEIVED
RUE 15 1995

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4453

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant LEROY OR PHOEBE BIRD Phone (208) 756-4323
Post Office address BOX 27 TENDON, ID 83468

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes WE WOULD LIKE TO PUT THIS LAND UNDER A GRAVITY SPRINKLER SYSTEM AND NEED TO GO UP THE CREEK 600' TO GAIN MORE ELEVATION.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|-------------------|---------------------------|
| <u>74-00674</u> | <u>10-2-1913</u> | <u>1.06</u> | <u>IRRIGATION</u> | <u>4-1</u> to <u>11-1</u> |
| | | | | to _____ |
| | | | | to _____ |
| | | | | to _____ |
- Total amount of water being transferred 1.06 cubic feet per second and/or _____ acre-feet per annum.
- Source of water MCDEVITT CREEK tributary to LEMHI RIVER
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	36	19N	23E	LEMHI	NEW PIPELINE

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	
19N	23E	36													32	21			53

RECORDED
NOV 15 1986

PART 1

6. General Information:

a. Description of diversion system NEW DIVERSION POINT ON CREEK TO A PIPELINE TO SPRINKLERS. NEW POINT OF DIVERSION IS A PIPELINE 600' UPSTREAM FROM THE OLD DITCH DIVERSION.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA Yes NA 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:

NA

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

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. 74-00674 Decreed to ANDREWS LIVESTOCK CO
in case of STATE OF IDAHO vs MARY ADAMS ET AL.
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 MCDEVITT CREEK tributary to LEMHI RIVER

4. Date or priority 10-2-1913

5. Water is used for the following purpose:

amount 1.06 cfs for IRRIGATION purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.06 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
		NE	SW	36	19N	23E	LEMHI	MCDEVITT DITCH

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	23E	36													32	21			53

Total acres 53

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

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

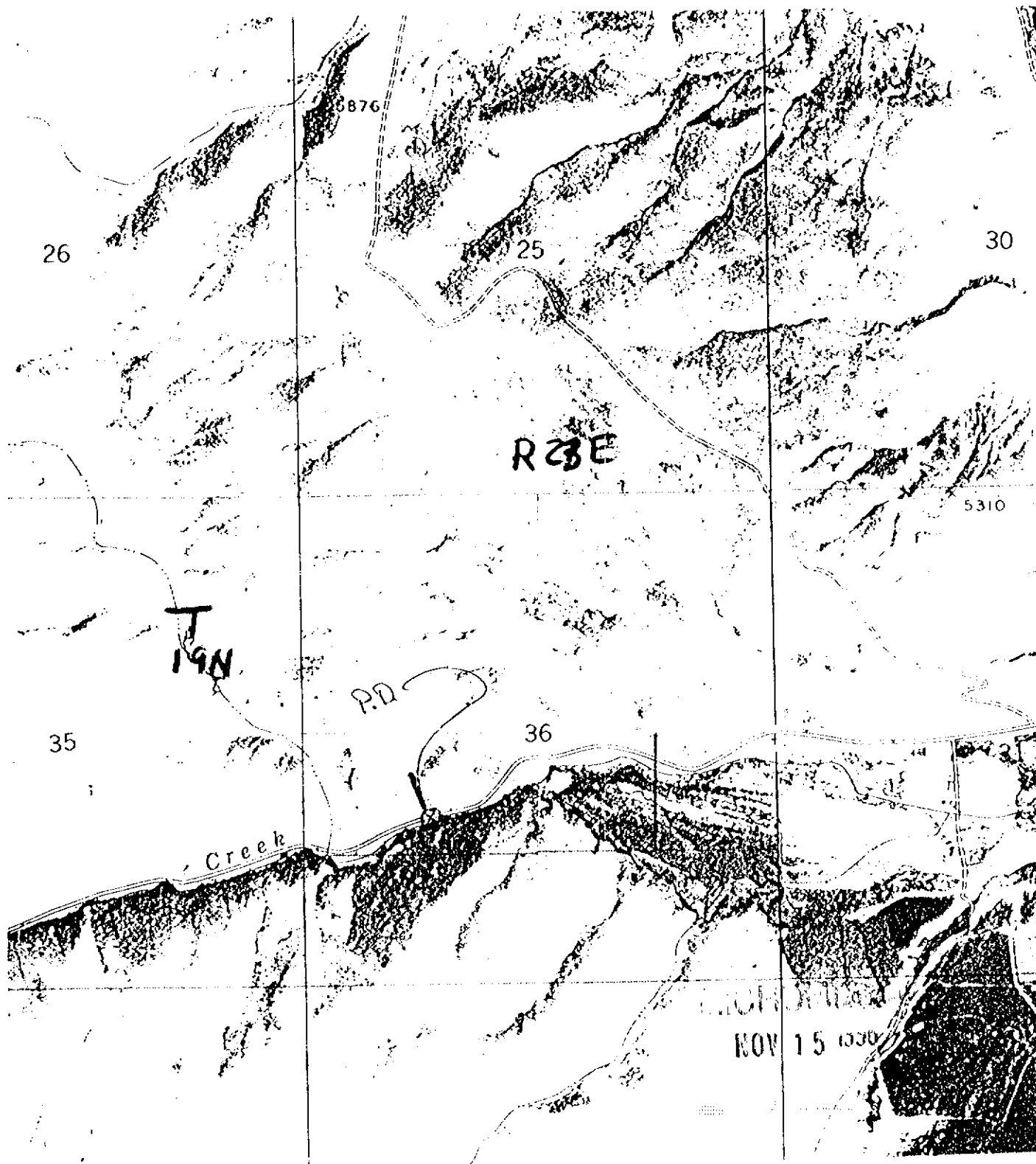
3 Lands irrigated or place of use:

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 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.



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.

Leroy Bird
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of September, 1994

Chris Krupp
(Notary Public)

My commission expires Aug. 14, 1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWS Date 9-22-94

Protest filed by _____

Prelim. check by Kaw Fee \$100.00 E020320

Received by HWS Date 9-22-94

Published in Recorder Herald

Copies of protest forwarded by _____

Pub. dates 10-6 & 13-94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____ by _____

Copy of transfer sent to lien holder _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN
WATER SYSTEM

CIVIL CASE NUMBER: 3956
Ident. No.

RECEIVED
MAY 10 1990

Department of Water Resources

ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly:

Name of claimant(s) A. Leroy and/or Phoebe BIRD

Mailing Address
(including zip code) Box 27
Tendoy, IDAHO
83468

Phone Number (208) 756 - 4323 De/a

MICROFILMED
DEC 14 1992