

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 86449**

This is to certify that: **JANET E BIRD AND
KURT W BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464**

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-15926	WR/DECREED	12/31/1982	6.780 cfs	N/A	235.2	1554.5	BIG TIMBER CREEK
74-15927	WR/DECREED	12/31/1982	1.000 cfs	N/A	35.0	1554.5	BIG TIMBER CREEK
74-15928	WR/DECREED	4/10/1909	24.200 cfs	62.4 af	564.3	1554.5	BIG TIMBER CREEK
74-15929	WR/DECREED	4/10/1909	3.600 cfs	N/A	90.0	1554.5	BIG TIMBER CREEK
74-15930	WR/DECREED	10/28/1909	6.190 cfs	N/A	217.1	1554.5	BIG TIMBER CREEK
74-15931	WR/DECREED	10/28/1909	0.420 cfs	N/A	15.0	1554.5	BIG TIMBER CREEK
74-32	WR/DECREED	6/1/1895	3.240 cfs	N/A	136.6	1554.5	BIG TIMBER CREEK
74-34	WR/DECREED	6/1/1898	2.170 cfs	N/A	76.4	1554.5	BIG TIMBER CREEK
74-7165	WR/DECREED	10/6/1982	6.550 cfs	1134.9 af	321.5	1554.5	BIG TIMBER CREEK

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>
74-15926	NO	NO	YES	NO	NO	NO
74-15927	NO	NO	YES	NO	NO	NO
74-15928	NO	NO	YES	NO	NO	NO
74-15929	NO	NO	YES	NO	NO	NO
74-15930	NO	NO	YES	NO	NO	NO
74-15931	NO	NO	YES	NO	NO	NO
74-32	NO	NO	YES	NO	NO	NO
74-34	NO	NO	YES	NO	NO	NO
74-7165	NO	NO	YES	NO	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>
74-15926	74-15926	6.780 cfs	N/A	235.2	1554.5	N/A	N/A	N/A	N/A	N/A
74-15927	74-15927	1.000 cfs	N/A	35.0	1554.5	N/A	N/A	N/A	N/A	N/A
74-15928	74-15928	24.200 cfs	62.4 af	564.3	1554.5	N/A	N/A	N/A	N/A	N/A
74-15929	74-15929	3.600 cfs	N/A	90.0	1554.5	N/A	N/A	N/A	N/A	N/A
74-15930	74-15930	6.190 cfs	N/A	217.1	1554.5	N/A	N/A	N/A	N/A	N/A
74-15931	74-15931	0.420 cfs	N/A	15.0	1554.5	N/A	N/A	N/A	N/A	N/A

Transfer No. 86449

**Support Data
In File # 74-32**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

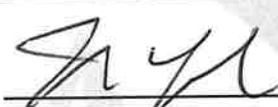
**TRANSFER OF WATER RIGHT
TRANSFER NO. 86449**

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>
74-32	74-32	3.240 cfs	N/A	136.6	1554.5	N/A	N/A	N/A	N/A	N/A
74-34	74-34	2.170 cfs	N/A	76.4	1554.5	N/A	N/A	N/A	N/A	N/A
74-7165	74-7165	6.550 cfs	1134.9 af	321.5	1554.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		46.370 cfs	N/A	1554.5	1554.5		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 28th day of July, 2022.



Regional Manager

WATER RIGHT NO. 74-32**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-32 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 6/1/1895

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	3.240 cfs 3.240 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK	SWSW	Sec 17 Twp 15N Rge 26E LEMHI County
BIG TIMBER CREEK	NWNW	Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 136.6
POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 136.6 acres within the authorized place of use in a single irrigation season.
2. Rights 74-32, 74-15926, and 74-15928 when combined shall not exceed a total diversion rate of 27.44 cfs and the irrigation of 799.5 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-32
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
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(s).
6. 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 place of use.
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. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 74-34**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-34 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 6/1/1898

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
2.170 cfs
2.170 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK

NWNW

Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14											24.0						24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 76.4

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 76.4 acres within the authorized place of use in a single irrigation season.
2. Rights 74-34 and 74-912 when combined shall not exceed the irrigation of 76.4 acres.
3. Rights 74-34, 74-912, 74-7165 and 74-15930 when combined shall not exceed the irrigation of 615 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-34
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. 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(s).
7. 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 place of use.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.
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.

WATER RIGHT NO. 74-15926**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-15926 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 12/31/1982

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

BENEFICIAL USE **From** **To** **Diversion Rate**
IRRIGATION 03/15 to 11/15 6.780 cfs
6.780 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK SWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 235.2
POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 235.2 acres within the place of use described for this right.
2. Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 799.5 acres.
3. Rights 74-32, 74-15926, and 74-15928 when combined shall not exceed a total diversion rate of 27.44 cfs and the irrigation of 799.5 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15930 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-15926
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. 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(s).
7. 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 place of use.
8. Right 74-15926 is based upon an enlargement of Right No. 74-15928 pursuant to Section 42-1426, Idaho Code.
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. This right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

WATER RIGHT NO. 74-15927**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-15927 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 12/31/1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWNW
SWNW

Sec 20 Twp 15N Rge 26E LEMHI County
Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 35.0

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 35 acres within the place of use described for this right.
2. Rights 74-15927 and 74-15929 when combined shall not exceed a total diversion rate of 3.6 cfs.
3. Rights 74-15927, 74-15929 and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

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WATER RIGHT NO. 74-15927
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. 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(s).
7. 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.
8. Right 74-15927 is based upon an enlargement of Right No. 74-15929 pursuant to Section 42-1426, Idaho Code.
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. This right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

WATER RIGHT NO. 74-15929**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-15929 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 4/10/1909

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	3.600 cfs 3.600 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK	SWNW	Sec 20 Twp 15N Rge 26E	LEMHI County
BIG TIMBER CREEK	SWNW	Sec 20 Twp 15N Rge 26E	LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 90.0
POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15927 and 74-15929 when combined shall not exceed a total diversion rate of 3.6 cfs.
3. Rights 74-15927, 74-15929, and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.

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WATER RIGHT NO. 74-15929
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. 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(s).
7. 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.
8. Right No. 74-15927 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
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. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

WATER RIGHT NO. 74-15930**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-15930 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 10/28/1909

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

BENEFICIAL USE **From** **To** **Diversion Rate**
IRRIGATION 03/15 to 11/15 6.190 cfs
6.190 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK NWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 217.1
POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 217.1 acres within the authorized place of use in a single irrigation season.
2. Rights 74-34, 74-912, 74-7165 and 74-15930 when combined shall not exceed the irrigation of 615 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15930 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

Transfer No. 86449

WATER RIGHT NO. 74-15930
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
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(s).
6. 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 place of use.
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. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 74-15931**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-15931 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 10/28/1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 11/15

Diversion Rate
0.420 cfs
0.420 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWNW
SWNW

Sec 20 Twp 15N Rge 26E LEMHI County
Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 15.0

POU Total Acres: 1554.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15927, 74-15929 and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.

Transfer No. 86449

WATER RIGHT NO. 74-15931
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
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(s).
6. 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 place of use.
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. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 74-7165**As Modified by Transfer No. 86449**

In accordance with the approval of Transfer No. 86449, Water Right No. 74-7165 is now described as follows:

Right Holder: KURT W BIRD AND
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

Priority Date: 10/6/1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	03/15	to 11/15	0.120 cfs	
IRRIGATION	03/15	to 11/15	6.430 cfs	1125.3 af
IRRIGATION FROM STORAGE	03/15	to 11/15		9.6 af
IRRIGATION STORAGE	03/15	to 11/15	6.550 cfs	9.6 af
				1134.9 af

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK NWNWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14											24.0						24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 321.5
POU Total Acres: 3109.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0			35.0	23.0	128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14											24.0						24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 321.5
POU Total Acres: 3109.0

Transfer No. 86449

WATER RIGHT NO. 74-7165
As Modified by Transfer No. 86449

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	17															X	X	

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 321.5 acres within the place of use described above in a single irrigation season.
2. Rights 74-34, 74-912, 74-7165, and 74-15930 when combined shall not exceed the irrigation of 615 acres.
3. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.
4. Right(s) 74-7165 and 74-15928 authorize the diversion of an annual total of 72.0 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by evaporation.
5. The pond established by the storage of water under rights 74-7165 and 74-15928 shall not exceed a total capacity of 60 acre-feet or a total surface area of 7 acres.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
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 watermaster suitable control of the diversion.
8. 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 place of use.
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 storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
11. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
12. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 74-7165
As Modified by Transfer No. 86449

CONDITIONS OF APPROVAL

13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.



WATER RIGHT NO. 74-15928
As Modified by Transfer No. 86449

In accordance with the approval of Transfer No. 86449, Water Right No. 74-15928 is now described as follows:

Right Holder: KURT W BIRD AND
 JANET E BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE, ID 83464

Priority Date: 4/10/1909

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	03/15	to 11/15	1.560 cfs	
IRRIGATION	03/15	to 11/15	22.640 cfs	
IRRIGATION FROM STORAGE	03/15	to 11/15		62.4 af
IRRIGATION STORAGE	03/15	to 11/15		62.4 af
			24.200 cfs	

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK SWNW Sec 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0					128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 564.3
 POU Total Acres: 1554.5

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											33.0	37.0					128.0
15N	26E	4															4.9	3.0	7.9
15N	26E	8												7.5					7.5
15N	26E	9	18.0	7.3	6.7	12.1	36.0	34.0	32.0	35.0					40.0	34.0	34.0	38.0	327.1
15N	26E	10	27.0	36.0	36.0	28.0	36.0	31.0	39.0	40.0	38.0	40.0	40.0	39.0	31.0	37.0	9.2	0.9	508.1
15N	26E	14										24.0							24.0
15N	26E	15	29.0	34.0	38.0	33.0	33.0	38.0	36.0	33.0	33.0	37.0	36.0	34.0	30.0	35.0	38.0	32.0	549.0
15N	26E	22	0.9	2.0															2.9

Right Acre Limit: 564.3
 POU Total Acres: 1554.5

Transfer No. 86449

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 86449

PLACE OF USE: IRRIGATION STORAGE

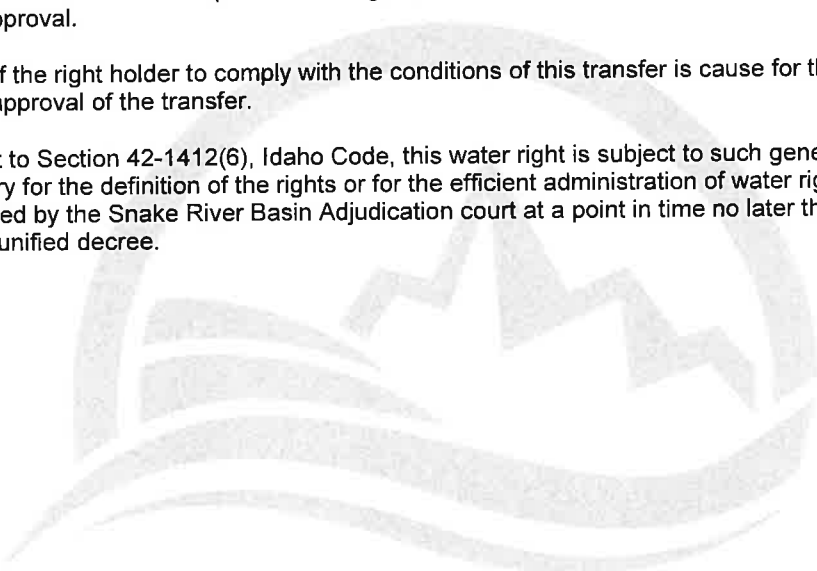
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	17															X	X	

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 564.3 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 799.5 acres.
3. Rights 74-32, 74-15926, and 74-15928 when combined shall not exceed a total diversion rate of 27.44 cfs and the irrigation of 799.5 acres.
4. Rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 when combined shall not exceed a total diversion rate of 46.37 cfs and the irrigation of 1554.5 acres.
5. Right(s) 74-7165 and 74-15928 authorize the diversion of an annual total of 72.0 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation.
6. The pond established by the storage of water under rights 74-7165 and 74-15928 shall not exceed a total capacity of 60 acre-feet or a total surface area of 7 acres.
7. Right No. 74-15926 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
9. 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(s).
10. 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.
11. 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.
12. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 86449

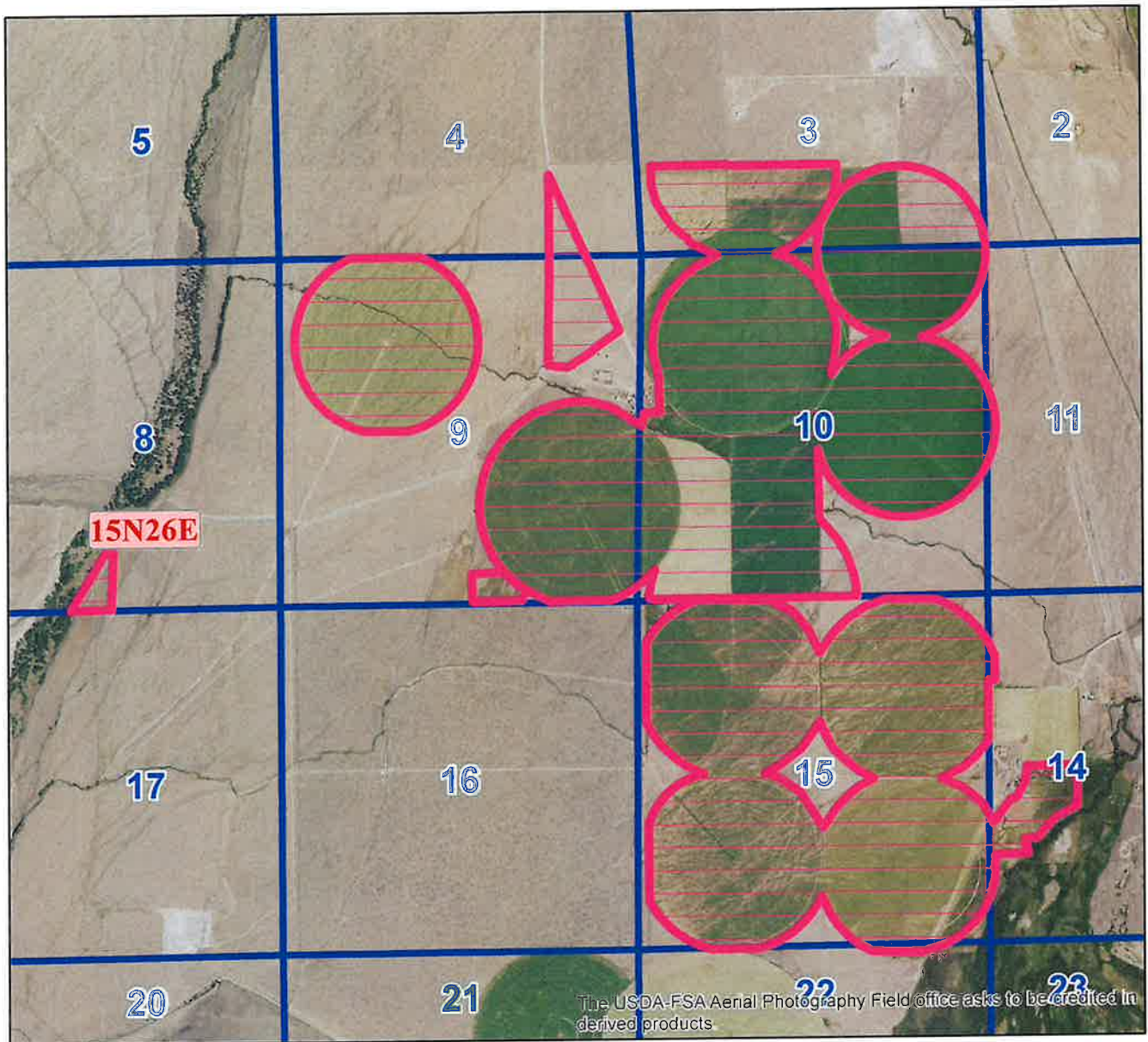
CONDITIONS OF APPROVAL

13. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
 14. This right does not grant any right-of-way or easement across the land of another.
 15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 17. 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.
- 

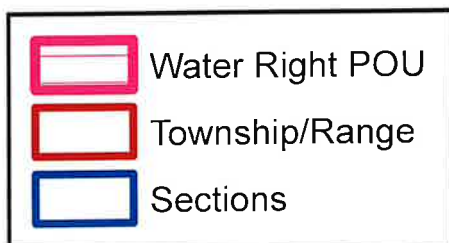
Attachment to Transfer Approval 86449

Water Rights 34-301E and 34-301F

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



0 4,000 8,000 Feet



Date: 7/28/2022



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 28, 2022

KURT W BIRD
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

Re: Transfer No: 86449
Water Right No(s): 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928,
74-15929, 74-15930, 74-15931

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

ZIONS FIRST NATIONAL BANK
219 E MAIN
PO BOX 54
RIGBY ID 83442

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 86449

Water Right No(s): 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930, 74-15931

**KURT W BIRD
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464**

**ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130**

**ZIONS FIRST NATIONAL BANK
219 E MAIN
PO BOX 54
RIGBY ID 83442**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.