

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 86449

JUN 15 2022

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

Department of Water Resources
Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Kurt Bird and Janet Bird**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Kurt Bird and Janet Bird Phone 208-303-0055
Mailing address 56 Lower Texas Creek Rd, Leadore, ID 83464 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Robert L. Harris Phone 208-523-0620
Mailing address P.O. Box 50130, Idaho Falls, ID 83402 Email rharris@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Robert L. Harris Attorney June 14, 2022
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

To update the place of use of the Applicant's water rights to match a change in pivot configuration and to move
acres off of property that will be covered by a forthcoming new water right permit (74-16187) to avoid
stacking.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 15 2022

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

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	Attorney	June 14, 2022
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

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To update the place of use of the Applicant's water rights to match a change in pivot configuration and to move acres off of property that will be covered by a forthcoming new water right permit (74-16187) to avoid stacking.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-32	3.24	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-34	2.17	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-15928	24.2/62.4	Div St/Irr/Irr fr St/Irr St	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-15929	3.6	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-15930	6.19	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-15931	0.42	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-7165	6.55/1134.9	Div St/Irr/Irr fr St/Irr St	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-15926	6.78	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River
☒ ☐	74-15927	1	Irrigation	3/15 to 11/15	Big Timber Ck/Lemhi River

Total authorized under rights 46.37 cmbd cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 46.37 cubic feet per second and/or 1197.3 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE	ATT	ACH	ED	SPR	EAD	SHE	ET									
Total Acres (for irrigation use)																			1554.5

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

[illegible]

PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

[illegible]

CHANGE IN ACRES

[illegible]

Total positive change in acres	109.9	Used for calculating filling fee
Total negative change in acres	-109.9	
Total WR Allowed Diversion Rate	46.37	
WR Rate/Acre	0.0298	
Diversion Rate for Positive Change in Acres	3.2783	
Diversion Rate for Negative Change in Acres	3.2783	
Filling Fee Based on Positive Change	\$740.00	
Filling Fee Based on Negative Change	\$740.00	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Lockable headgates and weirs through ditches deliver water through gravity flow mainline to pivots and through open ditches.
- b. Who owns the property at the point(s) of diversion? BLM; Tom Carlson
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Long established prescriptive easement. The PODs for the Applicant's water rights are not changing.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The authorized 1,554.5 acres will be rearranged.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a **Geographic Information System (GIS)** shape file, or an **aerial photo** or other image clearly delineating the location and extent of **existing** acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$740.00 Date 6/15/22 Received by CLB Receipt # E048236

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

**Attachment No. 2a
Water Right Ownership
Documentation**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79286**

This is to certify that: JANET E BIRD AND/OR
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. 79286

IN FILE # 74-32

86449

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

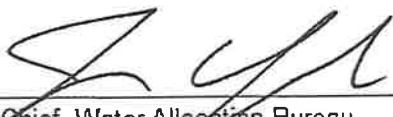
**TRANSFER OF WATER RIGHT
TRANSFER NO. 79286**

Summary Of Water Rights After the Approved Change

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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 7th day of May, 2014.

for 
Chief, Water Allocation Bureau

WATER RIGHT NO. 74-32**As Modified by Transfer No. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-32 is now described as follows:

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

Priority Date: 6/1/1895

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
3.240 cfs
3.240 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG TIMBER CREEK
BIG TIMBER CREEK

SWSW
NWNW

Sec 17 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											33.8	36.0			37.0	29.0	135.8
15N	26E	8											4.0		1.0	18.0			23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0			4.2	40.0	28.0	28.9	39.0		289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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.

WATER RIGHT NO. 74-32
As Modified by Transfer No. 79286

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. 79286

In accordance with the approval of Transfer No. 79286, 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											33.8	36.0			37.0	29.0	135.8
15N	26E	8											4.0			1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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.

Transfer No. 79286

86449

WATER RIGHT NO. 74-34
As Modified by Transfer No. 79286

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. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15926 is now described as follows:

Right Holder: KURT W BIRD AND/OR
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

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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0					24.8	1.0					26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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.

Transfer No. 79286

86449

WATER RIGHT NO. 74-15926
As Modified by Transfer No. 79286

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. 79286

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15927 is now described as follows:

Right Holder: JANET E BIRD AND/OR
 KURT W 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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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.

Transfer No. 79286

86449

WATER RIGHT NO. 74-15927
As Modified by Transfer No. 79286

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. 79286

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15929 is now described as follows:

Right Holder: KURT W BIRD AND/OR
 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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9			3.5	6.8	10.0	38.9	27.0	25.5	38.0			4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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.
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.

Transfer No. 79286

86449

WATER RIGHT NO. 74-15929
As Modified by Transfer No. 79286

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 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. 79286

In accordance with the approval of Transfer No. 79286, 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

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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. 79286

WATER RIGHT NO. 74-15930
As Modified by Transfer No. 79286

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. 79286

In accordance with the approval of Transfer No. 79286, 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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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. 79286

86449

WATER RIGHT NO. 74-15931
As Modified by Transfer No. 79286

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. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-7165 is now described as follows:

Right Holder: JANET E BIRD AND/OR
KURT W 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		9.6 af
			6.550 cfs	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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

Right Acre Limit: 321.5

POU Total Acres: 1554.5

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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

POU Total Acres: 1554.5

Transfer No. 79286

86449

WATER RIGHT NO. 74-7165
As Modified by Transfer No. 79286

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.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79286**86449**

WATER RIGHT NO. 74-7165

As Modified by Transfer No. 79286

CONDITIONS OF 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. 79286**

In accordance with the approval of Transfer No. 79286, Water Right No. 74-15928 is now described as follows:

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

Priority Date: 4/10/1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
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	62.4 af

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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

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											33.8	36.0			37.0	29.0	135.8
15N	26E	8												4.0		1.0	18.0		23.0
15N	26E	9		3.5	6.8	10.0	38.9	27.0	25.5	38.0				4.2	40.0	28.0	28.9	39.0	289.8
15N	26E	10	33.0	38.0	38.0	34.0	39.0	33.7	34.7	40.0	40.0	40.0	37.0	40.0	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1.0				24.8	1.0						26.8
15N	26E	15	33.6	30.5	35.0	39.0	36.0	31.8	30.0	36.5	36.5	30.5	29.7	36.9	34.9	30.9	34.9	36.9	543.6
15N	26E	22	1.5	1.5															3.0

POU Total Acres: 1554.5

Transfer No. 79286

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 79286

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.
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.

Transfer No. 79286

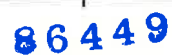
WATER RIGHT NO. 74-15928
As Modified by Transfer No. 79286

CONDITIONS OF APPROVAL

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 No. 7a

Map



BIRD TRANSFER



Legend

Bird_PODs

Bird_Revised_POU

Bird_Current_POU

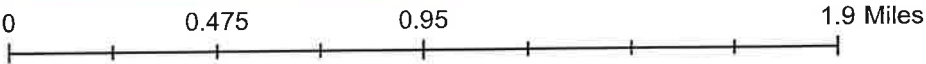
Sections_Adjusted

QQ_Adjusted

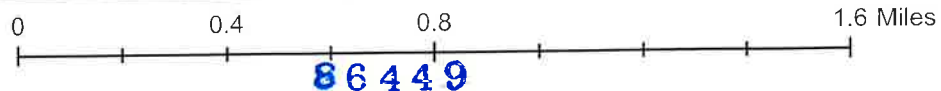
Ditch



2021 Aerial Photo



86449





Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

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June 15, 2022

RECEIVED

JUN 15 2022

James Cefalo
Regional Manager, Eastern Region
Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402

Department of Water Resources
Eastern Region

Re: Application for Transfer Submitted on Behalf of Kurt Bird and Janet Bird.

Dear James:

The enclosed transfer is being directed to you because I believe you are familiar with the property owned by Kurt and Janet Bird in Basin 74 as you previously signed an approval for transfer for the same water rights described in the enclosed transfer in 2014 (Transfer No. 79286). You were also the hearing officer in the contested case for a forthcoming water right permit for the Birds, 74-16187. I understand that you may want to assign processing of this transfer to another individual in your office, however, given your familiarity with the Bird water rights, I wanted to provide this to you first.

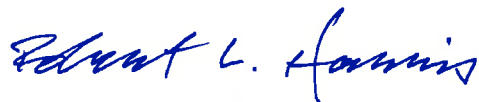
As described in the application, the enclosed transfer is simply a place of use adjustment of the existing 1,554.5-acre place of use of my clients' water rights. As part of a comprehensive resolution of an judicial review appeal filed by the Idaho Water Resource Board and the Idaho Department of Fish and Game of the issuance of a permit for 74-16187, there is a provision that allows for this transfer (without protest by the Idaho Water Resource Board and the Idaho Department of Fish and Game) to avoid stacking of Birds' existing water rights with the place of use of the forthcoming permit for 74-16187.

Enclosed is a filing fee in the amount of \$740.00, which is based upon our determination that there will be a shift of 109.9 acres as calculated on the place of use spreadsheet included with the application. The place of use description in the transfer complies with Department guidance to round acres per quarter-quarter to the nearest acre for any acreage amount that exceeds 10 acres, with one exception (the 12.1-acre description for the NESE ¼ of Section 9, Township 15N., Range 26E) to make the acreage amounts equal 1,554.5 acres. There are tenths of an acre amounts for acres per quarter-quarter for those that are less than 10 acres.

Additionally, I wanted to make you aware that the township, section, and quarter-quarter data in the area of Birds' water rights appears to be materially off from physical features depicted on recent aerial photos. Accordingly, I clipped the data from the standard shapefile and shifted section and quarter-quarter lines in order to calculate the acres per quarter-quarter. Once the IDWR agent who will process this transfer is assigned, please have him or her email me and I will email you the shifted section and quarter-quarter lines, as well as the updated 1,554.5-acre shapefile for Birds' water rights.

Where the enclosed transfer only proposes to rearrange the place of use, it appears that this transfer fits into a category of transfers that does not need to be advertised by the Department as provided in Idaho Code § 42-222(1). Additionally, in conversations with Clive Strong, who primarily negotiated the comprehensive settlement, if possible, it would be great if this transfer is approved by the end of June as it will then allow for the issuance of Birds' water right permit, which will then lead to further actions as provided in the comprehensive settlement agreement. However, we recognize that the Department has other obligations, and we understand if this transfer will take time to process. We appreciate your attention to this matter. If you have any questions or concerns regarding the transfer, please do not hesitate to give me a call.

Best regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures