

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

2007

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A) **ORDER AUTHORIZING**
WATER RIGHT) **TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Lemhi
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department") is
authorized to allow temporary changes in the point of diversion, the place of use and the
purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 5/31/07, Kurt & Janet Bird submitted the attached
Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the
application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 74-32 is authorized
only at the point of diversion and place of use described on the
application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and the use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the
original right, be inconsistent with the conservation of water resources
within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a
replacement water supply to lands or other uses which normally have a
full water supply, except for the drought condition. This temporary

change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) 74-32 are limited to the irrigation of a total of 136.6 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works or another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 74-W is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11-15-2007 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 8th day of June 2007


LYLE SWANK
Eastern Region Manger

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Kurt W, Janet E Bird Phone 208-768-2425
Post Office Address 56 Lower Texas Creek Rd Leadore ID 83424

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof move water point of diversion upstream to put water into gravity flow main line - to increase efficiency and no longer use diesel pumps

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>74-32</u>	<u>6-1-1895</u>	<u>3.240 cfs</u>	<u>Irrigation</u>	<u>3-15 to 9-30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Timber Creek tributary to Lemhi River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	NW	20	15N	26E	Lemhi	Bird ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3												25.1			31.5		56.6
15N	26E	10	40	40															80

Total Acres 136.6

6. General Information:

- a. Who owns the water right to be changed? Kurt W. Janet E Bird
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Same land irrigated -
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Water would have to be pumped instead of gravity flow
- f. Describe other water rights used for the same purpose.
None
- g. Remarks: Water to be diverted ~~for~~ from original point after Sept 30 to be used for stock water and irrigation

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Kurt Bird
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by M HOLLIDAY Date 5/31/2007 Fee \$50

Receipted MWH # E032954 Recommend: _____ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-74-13

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

Witness my hand this 8th day of June, 2007.

Lyn Swank
For the Director

JUN 05 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: TC-74-13Applicant's Name: KURT BIRD

Watermaster's Recommendation:

a) X I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

c) _____ I oppose approval of this application for the following reasons: _____

d) _____ Additional Comment: _____

Dated this 1 day of June, 2007.Water District No: 74-WDon P. Smith
Watermaster's Signature

Use reverse side of page if you need more space.