

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81331**

This is to certify that: **YARD BIRD LLC**
PO BOX 41
KETCHUM, ID 83340

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>
37-22065	WR/DECREED	6/1/1883	6.800 cfs	N/A	319.9	474.0	CROY CREEK
37-22067	WR/DECREED	6/1/1883	1.940 cfs	N/A	319.9	474.0	BULLION CREEK
37-22069	WR/DECREED	6/1/1883	0.290 cfs	N/A	319.9	474.0	UNNAMED STREAM
37-7319	WR/DECREED	1/17/1974	1.090 cfs	395.7 af	222.0	474.0	GROUND WATER

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>
37-22065	NO	NO	YES	NO	NO	YES
37-22067	NO	NO	YES	NO	NO	YES
37-22069	NO	NO	YES	NO	NO	YES
37-7319	NO	NO	YES	NO	NO	YES

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>
37-22065	37-22065	6.800 cfs	N/A	317.6	504.7	N/A	N/A	N/A	N/A	N/A
37-22067	37-22067	1.940 cfs	N/A	317.6	504.7	N/A	N/A	N/A	N/A	N/A
37-22069	37-22069	0.290 cfs	N/A	317.6	504.7	N/A	N/A	N/A	N/A	N/A
37-7319	37-7319	1.090 cfs	395.3 af	219.7	504.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.120 cfs	N/A	317.6	504.7		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 8th day of August, 2017.


Southern Region Manager

Transfer No. 81331

SUPPORT DATA
IN FILE # 37-7319

WATER RIGHT NO. 37-7319**As Modified by Transfer No. 81331**

In accordance with the approval of Transfer No. 81331, Water Right No. 37-7319 is now described as follows:

Right Holder: YARD BIRD LLC
PO BOX 41
KETCHUM, ID 83340

Priority Date: 1/17/1974

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/15	1.080 cfs	391.6 af
AESTHETIC	04/15	to 10/15	0.010 cfs	3.7 af
WILDLIFE	04/15	to 10/15	0.010 cfs	3.7 af
RECREATION	04/15	to 10/15	0.010 cfs	3.7 af
DIVERSION TO STORAGE	04/15	to 10/15	0.010 cfs	
AESTHETIC STORAGE	01/01	to 12/31		3.7 af
WILDLIFE STORAGE	01/01	to 12/31		3.7 af
RECREATION STORAGE	01/01	to 12/31		3.7 af
IRRIGATION STORAGE	01/01	to 12/31		3.7 af
			1.090 cfs	395.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNENE	Sec 35 Twp 02N Rge 17E	BLAINE County
GROUND WATER	SWNENE	Sec 35 Twp 02N Rge 17E	BLAINE County
GROUND WATER	SWNENE	Sec 35 Twp 02N Rge 17E	BLAINE County

PLACE OF USE: AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: AESTHETIC 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												
																			0

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	
02N	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7

Transfer No. 81331

WATER RIGHT NO. 37-7319**As Modified by Transfer No. 81331****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	
02N	17E	26																38.2	38.2
02N	17E	35	40.0			37.9													77.9
02N	17E	36		25.9	38.7		40.2	40.2	38.4	38.0						40.5			261.9

Right Acre Limit: 219.7

POU Total Acres: 504.7

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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												0

PLACE OF USE: WILDLIFE 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

Transfer No. 81331

WATER RIGHT NO. 37-7319
As Modified by Transfer No. 81331

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 219.7 acres within the place of use described above in a single irrigation season.
2. Rights 37-7319 and 37-23023 when combined shall not exceed a total diversion rate of 1.09 cfs.
3. Rights 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
4. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
5. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 are limited to the irrigation of a specific 317.6 acres within the 504.7 acre place of use authorized by this right in a single irrigation season. The specific 317.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 317.6 acres to be irrigated within the 504.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. Use of water under this right may 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. 37.
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(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 authorize total annual storage volume of 27.8 acre-feet, 24.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 3.8 acre-feet for the replacement of losses caused by evaporation.

WATER RIGHT NO. 37-7319

As Modified by Transfer No. 81331

CONDITIONS OF APPROVAL

12. The 3 ponds established by the storage of water under rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 shall not exceed a total capacity of 24.0 acre-feet or a total surface area of 3.0 acres.
13. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
14. Pursuant to Transfer 81331, right 37-7319 authorizes the diversion and delivery of 0.01 cfs and 3.7 af of water for aesthetic, aesthetic storage, recreation, recreation storage, wildlife, wildlife storage, and irrigation storage. Right 37-7319 provides for replacement of evaporative losses associated with 3 ponds located within the place of use described by the right.
15. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of the approval of transfer # 71652 (10/24/2008).
16. This right does not grant any right-of-way or easement across the land of another.
17. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
19. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-22065**As Modified by Transfer No. 81331**

In accordance with the approval of Transfer No. 81331, Water Right No. 37-22065 is now described as follows:

Right Holder: YARD BIRD LLC
PO BOX 41
KETCHUM, ID 83340

Priority Date: 6/1/1883

Source: CROY CREEK

Tributary: BIG WOOD RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	6.750 cfs	
AESTHETIC	04/15	to 10/31	0.050 cfs	
RECREATION	04/15	to 10/31	0.050 cfs	
WILDLIFE	04/15	to 10/31	0.050 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.050 cfs	
AESTHETIC STORAGE	01/01	to 12/31		3.8 af
WILDLIFE STORAGE	01/01	to 12/31		3.8 af
RECREATION STORAGE	01/01	to 12/31		3.8 af
IRRIGATION STORAGE	01/01	to 12/31		3.8 af

6 800 cfs

LOCATION OF POINT(S) OF DIVERSION

CROY CREEK SWNENE Sec 35 Twp 02N Rge 17E BLAINE County

PLACE OF USE: AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: AESTHETIC 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												0

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	
02N	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
02N	17E	26																38.2	38.2
02N	17E	35	40.0			37.9													77.9

Transfer No. 81331

WATER RIGHT NO. 37-22065**As Modified by Transfer No. 81331****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	
02N	17E	36		25.9	38.7		40.2	40.2	38.4	38.0						40.5			261.9

Right Acre Limit: 317.6

POU Total Acres: 504.7

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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												0

PLACE OF USE: WILDLIFE 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

Transfer No. 81331

WATER RIGHT NO. 37-22065
As Modified by Transfer No. 81331

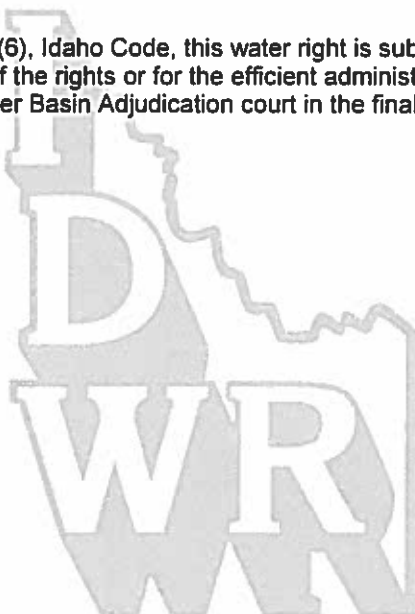
CONDITIONS OF APPROVAL

1. Rights 37-22065 and 37-23022 when combined shall not exceed a total diversion rate of 6.80 cfs.
2. Rights 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
3. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
4. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 are limited to the irrigation of a specific 317.6 acres within the 504.7 acre place of use authorized by this right in a single irrigation season. The specific 317.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 317.6 acres to be irrigated within the 504.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 37.
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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 authorize total annual storage volume of 27.8 acre-feet, 24.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 3.8 acre-feet for the replacement of losses caused by evaporation.
9. The 3 ponds established by the storage of water under rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 shall not exceed a total capacity of 24.0 acre-feet or a total surface area of 3.0 acres.
10. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
11. Pursuant to Transfer 81331, right 37-22065 authorizes the diversion and delivery of 0.05 cfs and 3.8 af of water for aesthetic, aesthetic storage, recreation, recreation storage, wildlife, wildlife storage, and irrigation storage. Right 37-22065 provides for replacement of evaporative losses associated with 3 ponds located within the place of use described by the right.
12. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-22065
As Modified by Transfer No. 81331

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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 37-22067**As Modified by Transfer No. 81331**

In accordance with the approval of Transfer No. 81331, Water Right No. 37-22067 is now described as follows:

Right Holder: YARD BIRD LLC
PO BOX 41
KETCHUM, ID 83340

Priority Date: 6/1/1883

Source: BULLION GULCH CREEK

Tributary: CROY CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	1.930 cfs	
AESTHETIC	04/15	to 10/31	0.010 cfs	
WILDLIFE	04/15	to 10/31	0.010 cfs	
RECREATION	04/15	to 10/31	0.010 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.010 cfs	
AESTHETIC STORAGE	01/01	to 12/31		3.8 af
WILDLIFE STORAGE	01/01	to 12/31		3.8 af
RECREATION STORAGE	01/01	to 12/31		3.8 af
IRRIGATION STORAGE	01/01	to 12/31		3.8 af
			1.940 cfs	

LOCATION OF POINT(S) OF DIVERSION

BULLION GULCH CREEK NESESW

Sec 25 Twp 02N Rge 17E BLAINE County

PLACE OF USE: AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: AESTHETIC 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												0

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	
02N	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
02N	17E	26																38.2	38.2
02N	17E	35	40.0			37.9													77.9

Transfer No. 81331

WATER RIGHT NO. 37-22067**As Modified by Transfer No. 81331****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	
02N	17E	36		25.9	38.7		40.2	40.2	38.4	38.0						40.5			261.9

Right Acre Limit: 317.6

POU Total Acres: 504.7

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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25									X								
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION 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	
02N	17E	25									X								
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25									X								
02N	17E	26																X	
02N	17E	36					X												0

PLACE OF USE: WILDLIFE 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	
02N	17E	25									X								
02N	17E	26																X	
02N	17E	36					X												

WATER RIGHT NO. 37-22067
As Modified by Transfer No. 81331

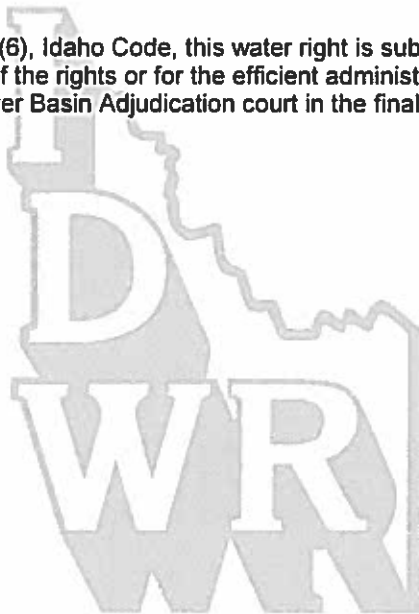
CONDITIONS OF APPROVAL

1. Rights 37-22067 and 37-23021 when combined shall not exceed a total diversion rate of 1.94 cfs.
2. Rights 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
3. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
4. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 are limited to the irrigation of a specific 317.6 acres within the 504.7 acre place of use authorized by this right in a single irrigation season. The specific 317.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 317.6 acres to be irrigated within the 504.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 37.
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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 authorize total annual storage volume of 27.8 acre-feet, 24.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 3.8 acre-feet for the replacement of losses caused by evaporation.
9. The 3 ponds established by the storage of water under rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 shall not exceed a total capacity of 24.0 acre-feet or a total surface area of 3.0 acres.
10. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
11. Pursuant to Transfer 81331, right 37-22067 authorizes the diversion and delivery of 0.01 cfs and 3.8 af of water for aesthetic, aesthetic storage, recreation, recreation storage, wildlife, wildlife storage, and irrigation storage. Right 37-22067 provides for replacement of evaporative losses associated with 3 ponds located within the place of use described by the right.
12. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-22067
As Modified by Transfer No. 81331

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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 37-22069**As Modified by Transfer No. 81331**

In accordance with the approval of Transfer No. 81331, Water Right No. 37-22069 is now described as follows:

Right Holder: YARD BIRD LLC
PO BOX 41
KETCHUM, ID 83340

Priority Date: 6/1/1883

Source: UNNAMED STREAM

Tributary: CROY CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	0.280 cfs	
STOCKWATER	01/01	to 12/31	0.020 cfs	
AESTHETIC	04/15	to 10/31	0.010 cfs	
WILDLIFE	04/15	to 10/31	0.010 cfs	
RECREATION	04/15	to 10/31	0.010 cfs	
DIVERSION TO STORAGE	04/15	to 10/31	0.010 cfs	
AESTHETIC STORAGE	01/01	to 12/31		3.8 af
RECREATION STORAGE	01/01	to 12/31		3.8 af
WILDLIFE STORAGE	01/01	to 12/31		3.8 af
IRRIGATION STORAGE	01/01	to 12/31		3.8 af
			0.290 cfs	

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM SESENV Sec 36 Twp 02N Rge 17E BLAINE County

PLACE OF USE: AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: AESTHETIC 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												0

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	
02N	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
02N	17E	26																38.2	38.2

Transfer No. 81331

WATER RIGHT NO. 37-22069**As Modified by Transfer No. 81331****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	
02N	17E	35	40.0			37.9													77.9
02N	17E	36		25.9	38.7		40.2	40.2	38.4	38.0						40.5			261.9

Right Acre Limit: 317.6

POU Total Acres: 504.7

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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: RECREATION 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25											X	X		X	X	X	
02N	17E	26																X	0
02N	17E	35	X			X													
02N	17E	36		X	X		X	X	X	X						X			

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												0

Transfer No. 81331

WATER RIGHT NO. 37-22069**As Modified by Transfer No. 81331****PLACE OF USE: WILDLIFE 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	
02N	17E	25										X							
02N	17E	26																X	
02N	17E	36					X												

CONDITIONS OF APPROVAL

1. Rights 37-22069 and 37-23027 when combined shall not exceed a total diversion rate of 0.29 cfs.
2. Rights 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
3. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 when combined shall not exceed the irrigation of 317.6 acres.
4. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 are limited to the irrigation of a specific 317.6 acres within the 504.7 acre place of use authorized by this right in a single irrigation season. The specific 317.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 317.6 acres to be irrigated within the 504.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 37.
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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 authorize total annual storage volume of 27.8 acre-feet, 24.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 3.8 acre-feet for the replacement of losses caused by evaporation.
9. The 3 ponds established by the storage of water under rights 37-23021, 37-23022, 37-23023, 37-23027, 37-7319, 37-22065, 37-22067, and 37-22069 shall not exceed a total capacity of 24.0 acre-feet or a total surface area of 3.0 acres.

WATER RIGHT NO. 37-22069
As Modified by Transfer No. 81331

CONDITIONS OF APPROVAL

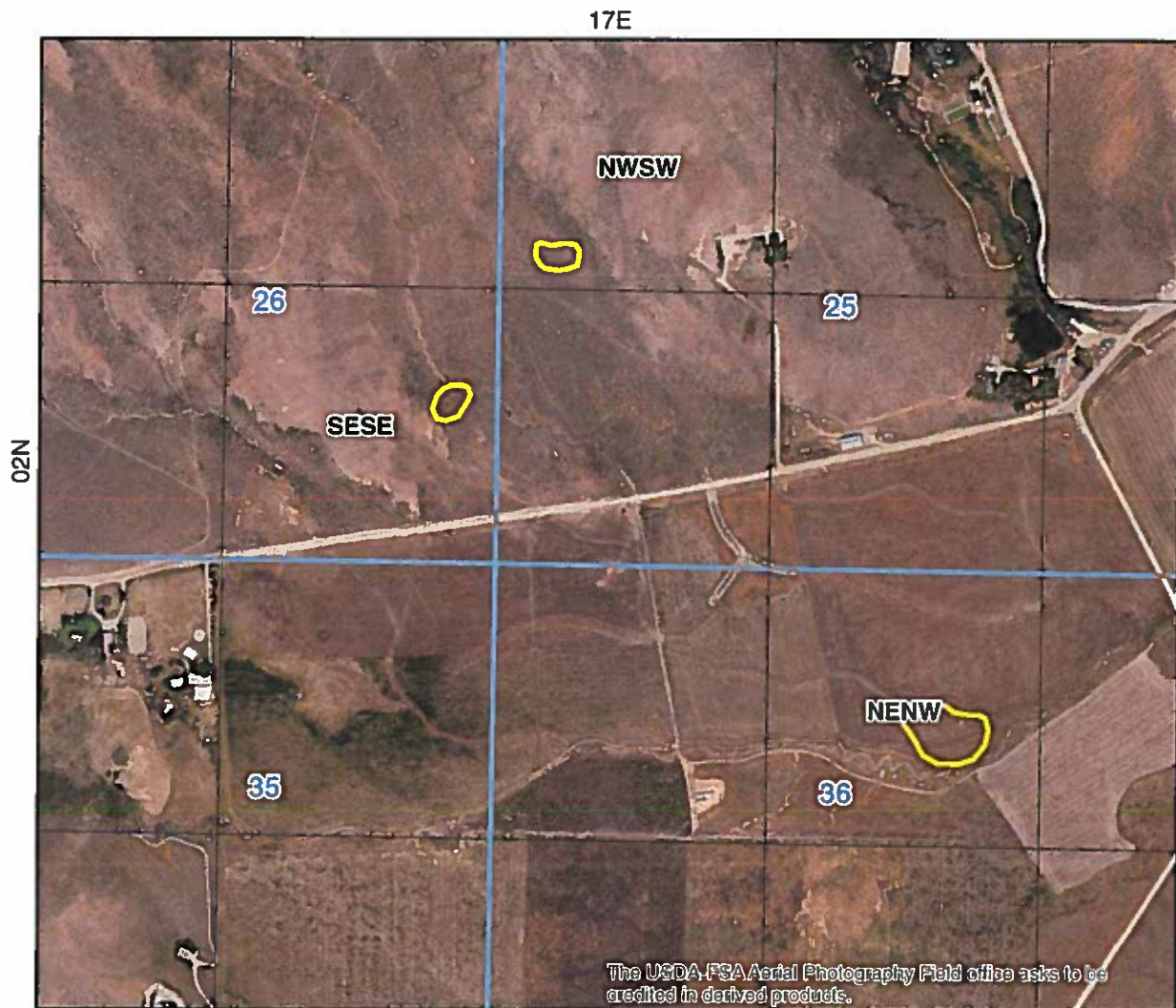
10. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
11. Pursuant to Transfer 81331, right 37-22069 authorizes the diversion and delivery of 0.01 cfs and 3.8 af of water for aesthetic, aesthetic storage, recreation, recreation storage, wildlife, wildlife storage, and irrigation storage. Right 37-22069 provides for replacement of evaporative losses associated with 3 ponds located within the place of use described by the right.
12. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
13. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
14. This right does not grant any right-of-way or easement across the land of another.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer # 81331

Rights 37-7319, 37-22065, 37-22067, and 37-22069

This map depicts the AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, and IRRIGATION STORAGE place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



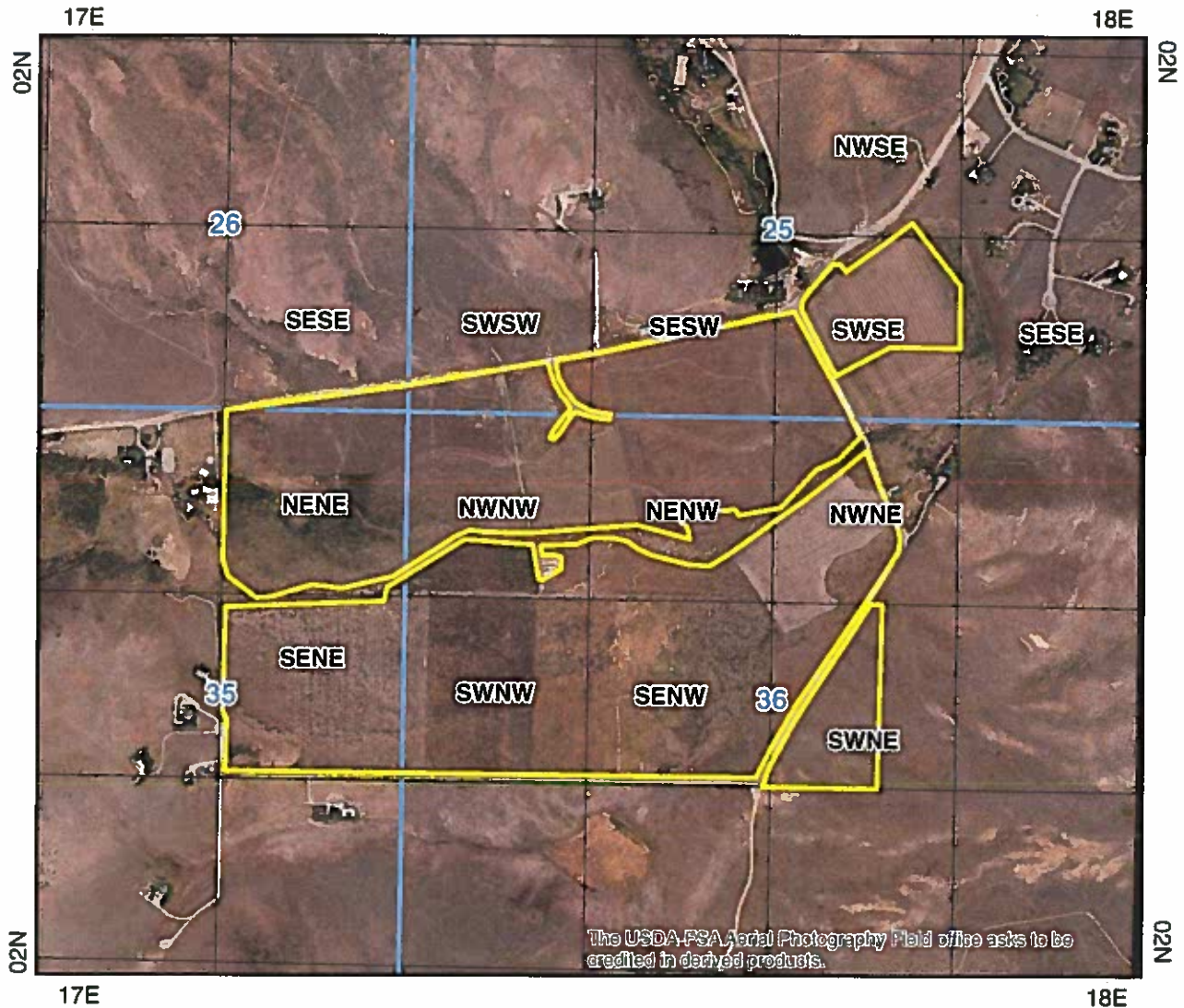
0 0.1 0.2 0.4 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections



State of Idaho
Department of Water Resources
Attachment to Transfer # 81331
Rights 37-7319, 37-22065, 37-22067, and 37-22069

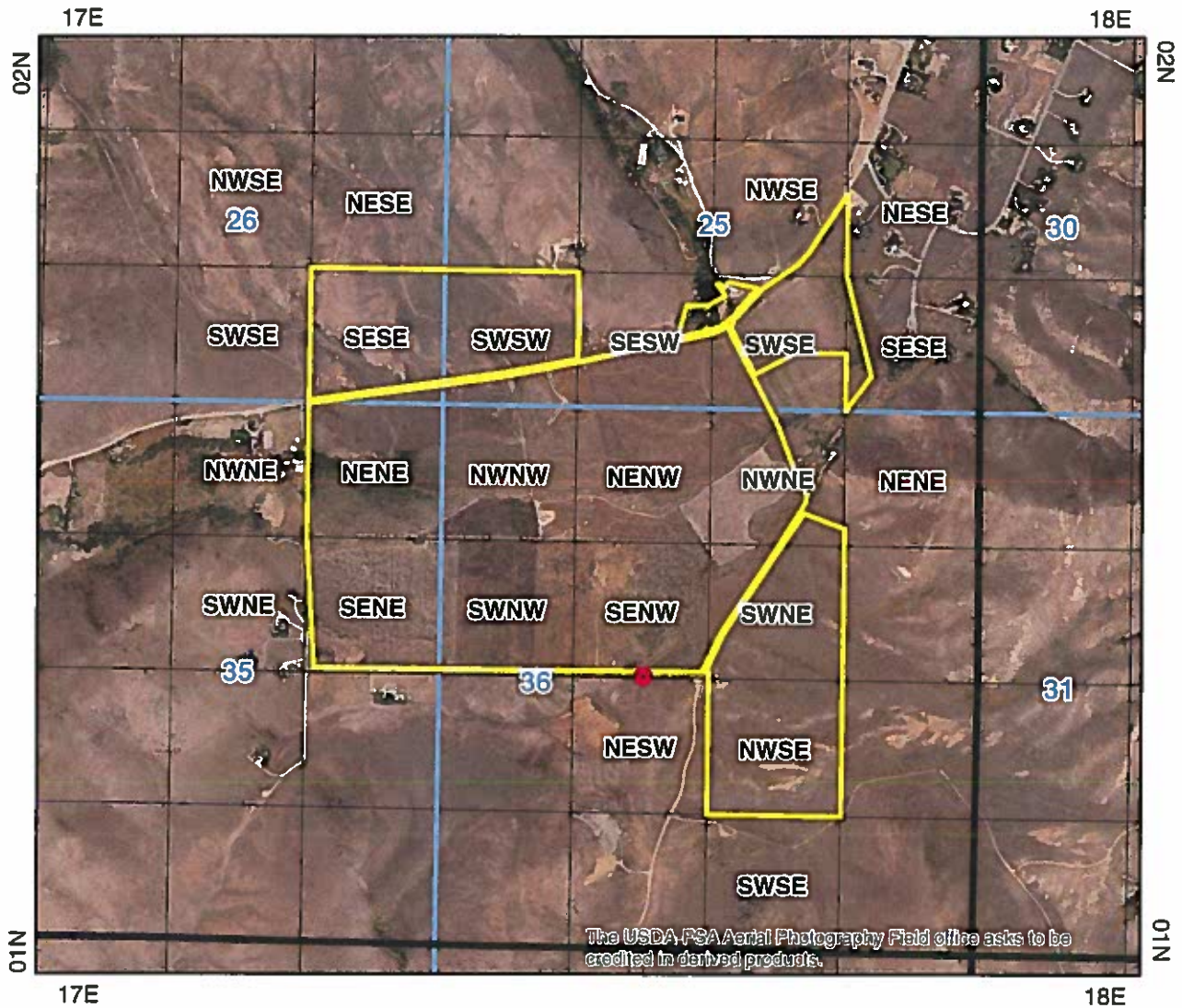
This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Townships
-  PLS Sections

State of Idaho
Department of Water Resources
Attachment to Transfer # 81331
37-22069

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2017

YARD BIRD LLC
PO BOX 41
KETCHUM ID 83340

Re: Transfer No: 81331
Water Right No(s): 37-7319, 37-22065, 37-22067, 37-22069

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2017 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.: 81331

Water Right No(s): 37-7319, 37-22065, 37-22067, 37-22069

**YARD BIRD LLC
PO BOX 41
KETCHUM ID 83340**

**BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352**

via e-mail



**Denise Maline
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.

Bitzenburg, James

From: Ian Berdanier <ian.berdanier@brockwayeng.com>
Sent: Monday, May 22, 2017 4:21 PM
To: Bitzenburg, James
Cc: 'Zach Latham'
Subject: Yard Bird LLC revised "206" shape
Attachments: POU317.6ac_byQQ.zip

Jim,

Please see the attached zip file with the new shapefile including the 14.6 ac dryup area and the extra 0.3 ac.

Thanks,
Ian

Bitzenburg, James

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Tuesday, May 09, 2017 3:38 PM
To: Bitzenburg, James
Cc: ian.berdanier@brockwayeng.com
Subject: FW: Yard Bird LLC 206 Condition Acres Shapefile
Attachments: POU302.7ac.zip

Jim-

Please see the attached shapefile and associated files showing the location of irrigation in 2017 for Yard Bird LLC. The irrigated area limit of 319.9 acres, - 2.3 acre of ponds, -14.6 acres of first fill – additional 0.3 acres of first fill on Croy Creek right = 302.7 total acres irrigated in 2017, which is what the shape shows.

Call or email with comments or questions, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Ian Berdanier [mailto:ian.berdanier@brockwayeng.com]
Sent: Tuesday, May 09, 2017 10:26 AM
To: 'Zach Latham'
Subject: Yard Bird LLC

Zach,

Here's the new shapefile.

Ian



Virus-free. www.avq.com

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

APR 27 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 81331

Water Right No(s): 37-7319, etc.

Transfer Applicant's Name: YARD BIRD LLC
PO BOX 41
KETCHUM ID 83340

Water master's Recommendation:

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

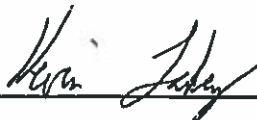
Refer to Attachment #1

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

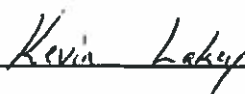
- d) _____ Additional comments:

Dated this 27th day of April , 2016 / 2017

Water District No. 37



Water master's Signature



Printed Name

Attachment #1

Watermaster comment to Transfer 81331 and accompanying permits

In order to control the expenses of administering ever increasing numbers of water rights/permits etc., Water District 37 is requesting water right owners accept some of the responsibility of self reporting their delivery data. In order to accomplish this, Water District 37 is requesting the following conditions be added to the above mentioned applications:

- 1.) All surface/open channel diversions shall have an approved measuring device and control structure accompanied by an ultrasonic depth sensor (not pressure transducer), data logger and cellular modem telemetry that will send daily diversion data to Water District 37.
- 2.) All ground water diversions shall have control valves along with an IDWR approved flow meter capable of telemetric transmission of daily diversion data that will be sent to Water District 37.
- 3.) Water user will identify the Place of Use of 219.7 acres of 37-7319 in the 504.7 acre Permissible Place of Use each year.
- 4.) Water user will identify the Place of Use for 317.6 acres for 37-22065, 37-22067 and 37-22069 in the 504.7 acres Permissible Place of Use each year.

RECEIVED

MAR 24 2017

AFFIDAVIT of PUBLICATION

State of Idaho
County of BlainePam MorrisDEPT OF WATER RESOURCES
SOUTHERN REGION

being the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 15 day of

March, 20 17, and the date of the last publication was

on the 22 day of March, 20 17

Subscribed and sworn to before me this 22 day of

March, 20 17.

Pam Morris22

Connie N. Johnson
NOTARY PUBLIC

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 303

Number of Insertions 2

303 Lines tabular at 278.76 9.0 cents/pica

303 Lines straight at 243.92 8.0 cents/pica

303 Subsequent lines at 243.92 7.0 cents/pica

TOTAL COST \$ 522.68

COPY OF NOTICE

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDW

BILL TO

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23021

YARD BIRD LLC

PO BOX 41

KETCHUM, ID 83340

Point of Diversion NESESW S25 T02N

R17E BLAINE County Source BULLION

CREEK Tributary CROY CREEK

Use: AESTHETIC 01/01 to 12/31

1.93 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31 1.93 CFS

Use: IRRIGATION FROM STORAGE

04/15 to 10/31 1111.6 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 1111.6 AF

Use: RECREATION 01/01 to 12/31 1.93 CFS

Use: RECREATION STORAGE 01/01 to 12/31 24 AF

Use: WILDLIFE 01/01 to 12/31 1.93 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF

Total Diversion: 1.93 CFS 1111.6 AF

Date Filed: 12/2/2016

Place Of Use: AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, IRRIGATION STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM STORAGE

T02N R17E S25 SWNW NWSW

SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE

NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within a 504.7 acre Permissible Place of Use

✓ OK. DM 3/31/2017

over →

37-23022

YARD BIRD LLC
PO BOX 41

KETCHUM, ID 83340

Point of Diversion SWNENE S35 T02N
R17E BLAINE County Source CROY

CREEK Tributary BIG WOOD RIVER

Use: AESTHETIC 01/01 to 12/31
6.75 CFSUse: AESTHETIC STORAGE 01/01 to
12/31 24 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31 6.75 CFS

Use: IRRIGATION FROM STORAGE

04/15 to 10/31 1111.6 AF

Use: IRRIGATION STORAGE 01/01 to
12/31 1111.6 AFUse: RECREATION 01/01 to 12/31
6.75 CFSUse: RECREATION STORAGE 01/01
to 12/31 24 AFUse: WILDLIFE 01/01 to 12/31 6.75
CFSUse: WILDLIFE STORAGE 01/01 to
12/31 24 AFTotal Diversion: 6.75 CFS 1111.6 AF
Date Filed: 12/2/2016Place Of Use: AESTHETIC, RECRE-
ATION, WILDLIFE, AESTHETIC
STORAGE, RECREATION STORAGE,
WILDLIFE STORAGE, IRRIGATION
STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM
STORAGE

T02N R17E S25 SWNW NWSW

SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE

NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within
a 504.7 acre Permissible Place of Use

37-23023

YARD BIRD LLC
PO BOX 41

KETCHUM, ID 83340

Point of Diversion NWNENE S35

T02N R17E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNENE S35

T02N R17E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNENE S35

T02N R17E BLAINE County Source

GROUND WATER Tributary

Use: AESTHETIC 01/01 to 12/31
1.08 CFSUse: AESTHETIC STORAGE 01/01 to
12/31 24 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31 1.08 CFS

Use: IRRIGATION FROM STORAGE

04/15 to 10/31 391.9 AF

Use: IRRIGATION STORAGE 01/01 to
12/31 391.9 AFUse: RECREATION 01/01 to 12/31
1.08 CFSUse: RECREATION STORAGE 01/01
to 12/31 24 AFUse: WILDLIFE 01/01 to 12/31 1.08
CFSUse: WILDLIFE STORAGE 01/01 to
12/31 24 AFTotal Diversion: 1.08 CFS 391.9 AF
Date Filed: 12/2/2016Place Of Use: AESTHETIC, RECRE-
ATION, WILDLIFE, AESTHETIC
STORAGE, RECREATION STORAGE,
WILDLIFE STORAGE, IRRIGATION
STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM
STORAGET02N R17E S25 SWNW NWSW
SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE

NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within
a 504.7 acre Permissible Place of Use

37-23027

YARD BIRD LLC
PO BOX 41

KETCHUM, ID 83340

Point of Diversion SESENW S36

T02N R17E BLAINE County Source

UNNAMED STREAM Tributary CROY
CREEKUse: AESTHETIC 01/01 to 12/31
0.29 CFSUse: AESTHETIC STORAGE 01/01 to
12/31 24 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31 0.29 CFS

Use: IRRIGATION FROM STORAGE

04/15 to 10/31 1111.6 AF

Use: IRRIGATION STORAGE 01/01 to
12/31 1111.6 AFUse: RECREATION 01/01 to 12/31
0.29 CFSUse: RECREATION STORAGE 01/01
to 12/31 24 AFUse: WILDLIFE 01/01 to 12/31 0.29
CFSUse: WILDLIFE STORAGE 01/01 to
12/31 24 AFTotal Diversion: 0.29 CFS 1111.6 AF
Date Filed: 1/30/2017Place Of Use: AESTHETIC, RECRE-
ATION, WILDLIFE, AESTHETIC
STORAGE, RECREATION STORAGE,
WILDLIFE STORAGE, IRRIGATION
STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM
STORAGET02N R17E S25 SWNW NWSW
SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE
NW(ALL) NWSETotal Acres: Limited to 317.6 acres within
a 504.7 acre Permissible Place of Use

Applications for permit 37-23021, 37-23022, 37-23023, and 37-23027 propose to divert water from existing points of diversion into 3 proposed ponds with a total storage volume of 24.0 acre-feet. Additionally, the ponds will be used as irrigation regulation ponds (Irrigation Storage, Irrigation from Storage) for water rights 37-7319 (ground water), 37-22065 (Croy Creek), 37-22067 (Bullion Creek), and 37-22069, (Unnamed Stream) appurtenant to adjacent farm ground. The ponds will be located approximately 3.2 miles west and 3.6 miles south; 3.5 miles west and 3.2 miles south; and 3.6 miles west and 3.3 miles south of the intersection of Bullion Street and Main Street in Hailey. The initial fill for the ponds will be mitigated by the one-time dry-up of 14.6 acres of farm ground appurtenant to the above four water rights, while the mitigation for the evaporation from the ponds will be accomplished by an accompanying water right transfer, which will permanently dry up 2.3 acres of farm ground. The ponds will be lined with an impermeable liner to negate seepage losses.

✓ OK DM 3/31/2017

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 81331

✓
YARD BIRD LLC, PO BOX 41, KETCHUM, ID 83340; has filed Application No. 81331 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22065, 37-22067, 37-22069, 37-7319. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creation of a permissible place of use (PPU) for a portion of water rights 37-7319 (ground water), 37-22065 (Croy Creek), 37-22067 (Bullion Creek), and 37-22069, (Unnamed Stream) which currently irrigate 319.9 acres with a total flow rate of 10.12 cfs on ground located approximately 2.8 to 3.8 miles west and 2.9 to 4.2 miles south of the intersection of Main Street and Bullion Street in Hailey. The transfer proposes the irrigation of 317.6 acres within a proposed 504.7 acre irrigation permissible place of use with a total flow rate of 10.048 cfs. The transfer also proposes to change the nature of use for a 0.072 cfs (2.3 acre) portion of the 4 rights to account for consumptive uses associated with 3 new ponds and 4 new water right permits being sought for the ponds. The new uses will be Aesthetic, Wildlife, Recreation, Aesthetic Storage, Wildlife Storage, and Recreation Storage. Diversion to Storage will accompany the new uses, and Irrigation Storage will be added to allow for drawdown of the irrigation portion of the pond volume.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 3, 2017. The protestant must also send a copy of the protest to the applicant

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
MAR. 15 & 22, 2017

✓ OK DM
3/31/2017

MEMORANDUM

TO: Sascha Marston
FROM: Jim Bitzenburg / Denise Maline 
DATE: March 13, 2017
RE : Refund (partial) of fees for Application for Transfer 81331

On December 2, 2016, Brockway Engineering paid \$1,220.00 for an application for transfer, along with 3 applications for permit (S035832). They later paid an additional \$250.00 on January 23, 2017 (S035895) for the transfer application; totaling \$1,470.00. A 4th application for permit was later filed on January 30, 2017 in which \$250.00 was applied from S035895.

After further review, and amended applications were received; it was determined that the correct fee for the application for transfer is \$750.00. Please refer to the attached review memo dated February 21, 2017 as needed.

Please update S035895 to "Permits", etc. (see attached notes)

Please issue a refund in the amount of \$470.00 to:

BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301
(208) 736-8543

RECEIPT #

S035832 & S035895, copy attached

Copy: transfer 81331, 37-23027

Receipt Details for ID S035832

Status	Adjustment Type	Version
		1

General Information:				
Date Received 12/2/2016 1:50:24 PM	Date Deposited 12/2/2016 3:12:56 PM	Region SOUTHERN	Total Amount \$2,290.00	Payment Type Check
Payee: BROCKWAY ENGINEERING PLLC				

Account Information	
Check Number	13698

Comment (3) APPLICATIONS FOR PERMIT FOR YARD BIRD LLC: T02N, R17E, S-25 & S-35 FOR REC STORAGE, WILDLIFE STORAGE, AESTHETIC STORAGE, DIV TO STORAGE (1.09 CFS), (1.94 CFS), (6.8 CFS); APP. FOR TRANSFER: 37-7319, 37-22065 & 37-22067 (9.83 CFS)

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$290.00	PERMITS	64103	0229	21		1155
\$290.00	PERMITS	64103	0229	21		1155
\$490.00	PERMITS	64103	0229	21		1155
\$1,220.00	TRANSFERS	64106	0229	21		1155

Transfer 81331:

\$1,220.00 paid 12/2/2016

\$250.00 paid 1/23/2017 (S035895)

\$1,470.00 total

Correct fees for 81331:

\$750.00 (\$500.00 + \$250.00)

\$720.00 balance / refund due to Brockway

** 37-23027 rec'd 1/30/2017:

Fee = \$250.00 (applied from S035895)

\$470.00 balance / refund due to Brockway (S035832)

DM
3-13-2017

Receipt Details for ID S035895

Status	Adjustment Type	Version
		1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
1/23/2017 1:31:24 PM	1/23/2017 3:10:03 PM	SOUTHERN	\$250.00	Check
Payee:	BROCKWAY ENGINEERING PLLC			

Account Information	
Check Number	13805

Comment ADDITIONAL FEES FOR TRANSFER #81331 FOR YARD BIRD LLC; (CHANGE IN NATURE OF USE FEES)

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$250.00	TRANSFERS	64106	0229	21		1155



Fees applied to 37-23027 (received 1/30/2017)

Please change comments to read: Application for Permit 37-23027

Please change fee details to "Permits"

DM 3-13-2017