

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79286

RECEIVED

APR 22 2014

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Name of Applicant(s) Kurt W and/or Janet E BirdPhone (208)768-2425Mailing address 56 Lower Texas Creek Road 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 _____

Phone _____

Mailing address _____

Email _____

☐ 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.

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. 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.2. Rearrange the authorized place of use to cover the addition of a quarter section of new pivot.**

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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 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-34	2.17 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-7165	6.55 cfs	Irrig/Irrig from Storage	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-15926	6.78 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-15927	1.0 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-15928	24.2 cfs	Irrig/Irrig from Storage	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-15929	3.6 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-15930	6.19 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi
☒ ☐	74-15931	0.42 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi

Total authorized under rights 46.37 cfs and/or _____ ac-ft

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

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	
15N	26E	3											33.8	36			37	29	135.8
15N	26E	8											4			1	18		23.0
15N	26E	9		3.5	6.8	10	38.9	27	25.5	38				4.2	40	28	28.9	39	289.8
15N	26E	10	33	38	38	34	39	33.7	34.7	40	40	40	37	40	38.0	34.5	11.1	1.5	532.5
15N	26E	14						1				24.8	1						26.8
15N	26E	15	33.6	30.5	35	39	36	31.8	30	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

Total Acres (for irrigation use) 1554.5

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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 headgate + weir with ditch
delivering water to gravity flow mainline to pivot

- 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:

prescriptive easement - diversion 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

it will be dry

- e. 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:

- f. 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-32

Current Owner: KURT W BIRD
JANET E BIRD

Priority Date: 6/1/1895

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

3.24 CFS

3.24 CFS

Annual Volume

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

BIG TIMBER CREEK

LEMHI County

SW1/4SW1/4

Sec. 17, Twp 15N, Rge 26E B.M.

NW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Conditions of Approval:

1. X35 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.
2. X35 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. R59 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. T19 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.
6. X27 This right is limited to the irrigation of 136.6 acres within the authorized place of use in a single irrigation season.
7. R43 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. R05 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.
10. 029 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.
11. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 6/12/2008

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 74-34

Current Owner: KURT W BIRD
JANET E BIRD

Priority Date: 6/1/1898

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

2.17 CFS

2.17 CFS

Annual Volume

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

NW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Conditions of Approval:

1. X35 Rights 74-34, 74-912, 74-7165 and 74-15930 when combined shall not exceed the irrigation of 615 acres.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. R43 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).
4. X35 Rights 74-34 and 74-912 when combined shall not exceed the irrigation of 76.4 acres.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. X35 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.
7. R59 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. 004 This right does not grant any right-of-way or easement across the land of another.
9. R05 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.
10. T19 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.
11. 029 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. X27 This right is limited to the irrigation of 76.4 acres within the authorized place of use in a single irrigation season.

Decreed Date: 7/9/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-7165

Current Owner: JANET E BIRD
KURT W BIRD
Priority Date: 10/6/1982
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

<u>Beneficial Use</u>	<u>From To</u>
DIVERSION TO STORAGE	03/15 to 11/15
IRRIGATION FROM STORAGE	03/15 to 11/15
IRRIGATION STORAGE	03/15 to 11/15
IRRIGATION	03/15 to 11/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.12 CFS	
	9.6 AF
	9.6 AF
6.43 CFS	1125.3 AF
6.55 CFS	1134.9 AF

Location of Point(s) of Diversion

BIG TIMBER CREEK
LEMHI County

NW1/4NW1/4NW1/4 Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION FROM STORAGE Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENW	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENW	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENW	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

IRRIGATION STORAGE Within LEMHI County

T15N R26E S17	SWSE	T15N R26E S17	SESE
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IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Place of Use: DIVERSION TO STORAGE same as IRRIGATION FROM STORAGE

Conditions of Approval:

1. 029 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.
2. R40 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.
3. 18B 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.
4. T19 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.
5. R43 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. R59 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. X27 This right is limited to the irrigation of 321.5 acres within the place of use described above in a single irrigation season.
9. R05 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.
10. X35 Rights 74-34, 74-912, 74-7165, and 74-15930 when combined shall not exceed the irrigation of 615 acres.
11. X35 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.
12. 220 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.
13. 219 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.
14. T08 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. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
16. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 7/9/2007

Page 15 of 35

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 74-15926

Current Owner: KURT W BIRD
JANET E BIRD

Priority Date: 12/31/1982

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
IRRIGATION	03/15	11/15
	<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
6.78 CFS	
6.78 CFS	

Location of Point(s) of Diversion

BIG TIMBER CREEK
LEMHI County

SW1/4NW1/4 Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60
T15N R26E S20	SWNW				

Total Acres: 1554.5

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. X35 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.
3. K09 This right is for an enlargement of 235.2 acres within the place of use described for this right.
4. T19 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 029 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.
7. X35 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.
8. K02 Right 74-15926 is based upon an enlargement of Right No. 74-15928 pursuant to Section 42-1426, Idaho Code.
9. R43 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. R05 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. 74VV.
11. R59 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.
12. T08 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. X35 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.
14. C11 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.

Decreed Date: 4/16/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-15927

Current Owner: JANET E BIRD
KURT W BIRD

Priority Date: 12/31/1982

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

1 CFS

1 CFS

Annual Volume

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

BIG TIMBER CREEK

LEMHI County

SW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

SW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Conditions of Approval:

1. X35 Rights 74-15927 and 74-15929 when combined shall not exceed a total diversion rate of 3.6 cfs.
2. T19 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.
3. C11 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.
4. R43 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).
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. X35 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.
7. K09 This right is for an enlargement of 35 acres within the place of use described for this right.
8. R59 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. R05 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.
11. K02 Right 74-15927 is based upon an enlargement of Right No. 74-15929 pursuant to Section 42-1426, Idaho Code.
12. X35 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.
13. 029 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.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 4/16/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-15928

Current Owner: JANET E BIRD
KURT W BIRD
Priority Date: 4/10/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/15 to 11/15

22.64 CFS

DIVERSION TO STORAGE 03/15 to 11/15

1.56 CFS

IRRIGATION FROM STORAGE 03/15 to 11/15

62.4 AF

IRRIGATION STORAGE 03/15 to 11/15

62.4 AF

Total Diversion

24.2 CFS

62.4 AF

Location of Point(s) of Diversion

BIG TIMBER CREEK

SW1/4NW1/4

Sec. 20,

Twp 15N,

Rge 26E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

DIVERSION TO STORAGE Within County

IRRIGATION FROM STORAGE Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

IRRIGATION STORAGE Within LEMHI County

T15N R26E S17	SWSE	T15N R26E S17	SESE
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Conditions of Approval:

1. 220 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.
2. X35 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 18B 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.
5. T19 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.
6. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. 029 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. 004 This right does not grant any right-of-way or easement across the land of another.
9. K01 Right No. 74-15926 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
10. 219 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.
11. R40 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.
12. R05 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.
13. X35 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.
14. X35 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.
15. R43 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).
16. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. X27 This right is limited to the irrigation of 564.3 acres within the authorized place of use in a single irrigation season.
18. R59 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.

Decreed Date: 4/16/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-15929

Current Owner: KURT W BIRD
JANET E BIRD
Priority Date: 4/10/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

3.6 CFS

3.6 CFS

Annual Volume

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

BIG TIMBER CREEK

LEMHI County

SW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

SW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENW	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENW	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENW	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Conditions of Approval:

1. X35 Rights 74-15927 and 74-15929 when combined shall not exceed a total diversion rate of 3.6 cfs.
2. 029 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.
3. R59 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.
4. R05 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. X27 This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
7. X35 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.
8. K01 Right No. 74-15927 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. R43 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).
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T19 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.
13. X35 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.

Decreed Date: 4/16/2008

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 74-15930

Current Owner: KURT W BIRD
JANET E BIRD

Priority Date: 10/28/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

6.19 CFS

6.19 CFS

Annual Volume

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

NW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Conditions of Approval:

1. X35 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.
2. R05 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.
3. X35 Rights 74-34, 74-912, 74-7165 and 74-15930 when combined shall not exceed the irrigation of 615 acres.
4. R43 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).
5. R59 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.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 029 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. T19 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.
10. X27 This right is limited to the irrigation of 217.1 acres within the authorized place of use in a single irrigation season.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 7/9/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 74-15931

Current Owner: KURT W BIRD
JANET E BIRD

Priority Date: 10/28/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG TIMBER CREEK

Tributary

LEMHI RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

0.42 CFS

0.42 CFS

Annual Volume

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

BIG TIMBER CREEK

LEMHI County

SW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

SW1/4NW1/4

Sec. 20, Twp 15N, Rge 26E B.M.

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S3	SWSW	33.80	T15N R26E S3	SESW	36.10
T15N R26E S3	SWSE	37.80	T15N R26E S8	SESW	4.00
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	18.40
T15N R26E S9	NWNE	3.70	T15N R26E S9	SWNE	6.80
T15N R26E S9	SENE	10.80	T15N R26E S9	NENW	38.90
T15N R26E S9	NWNW	29.00	T15N R26E S9	SWNW	25.60
T15N R26E S9	SENE	38.50	T15N R26E S9	SESW	4.30
T15N R26E S9	NESE	40.00	T15N R26E S9	NWSE	28.80
T15N R26E S9	SWSE	35.20	T15N R26E S9	SESE	39.00
T15N R26E S10	NENE	32.40	T15N R26E S10	NWNE	38.50
T15N R26E S10	SWNE	38.40	T15N R26E S10	SENE	35.80
T15N R26E S10	NENW	39.40	T15N R26E S10	NWNW	33.70
T15N R26E S10	SWNW	34.70	T15N R26E S10	SENE	40.00
T15N R26E S10	NESW	40.00	T15N R26E S10	NWSW	40.00
T15N R26E S10	SWSW	37.70	T15N R26E S10	SESW	40.00
T15N R26E S10	NESE	39.70	T15N R26E S10	NWSE	39.60
T15N R26E S10	SWSE	3.80	T15N R26E S10	SESE	1.80
T15N R26E S14	NWSW	24.80	T15N R26E S15	NENE	35.50
T15N R26E S15	NWNE	30.80	T15N R26E S15	SWNE	35.00
T15N R26E S15	SENE	39.00	T15N R26E S15	NENW	36.40
T15N R26E S15	NWNW	32.00	T15N R26E S15	SWNW	30.20
T15N R26E S15	SENE	36.50	T15N R26E S15	NESW	36.50
T15N R26E S15	NWSW	30.80	T15N R26E S15	SWSW	30.40
T15N R26E S15	SESW	37.80	T15N R26E S15	NESE	35.10
T15N R26E S15	NWSE	30.90	T15N R26E S15	SWSE	36.40
T15N R26E S15	SESE	39.60	T15N R26E S17	NWNE	9.60

Total Acres: 1554.5

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. X27 This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
3. R05 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.
4. R59 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.
5. 029 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. T19 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.
8. R43 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).
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. X35 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.
11. X35 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.

Decreed Date: 7/9/2007

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ 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 you propose to change the nature of use or period of use of all or part of the rights(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**.

☐ 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 is no handwriting or other markings on the paper.

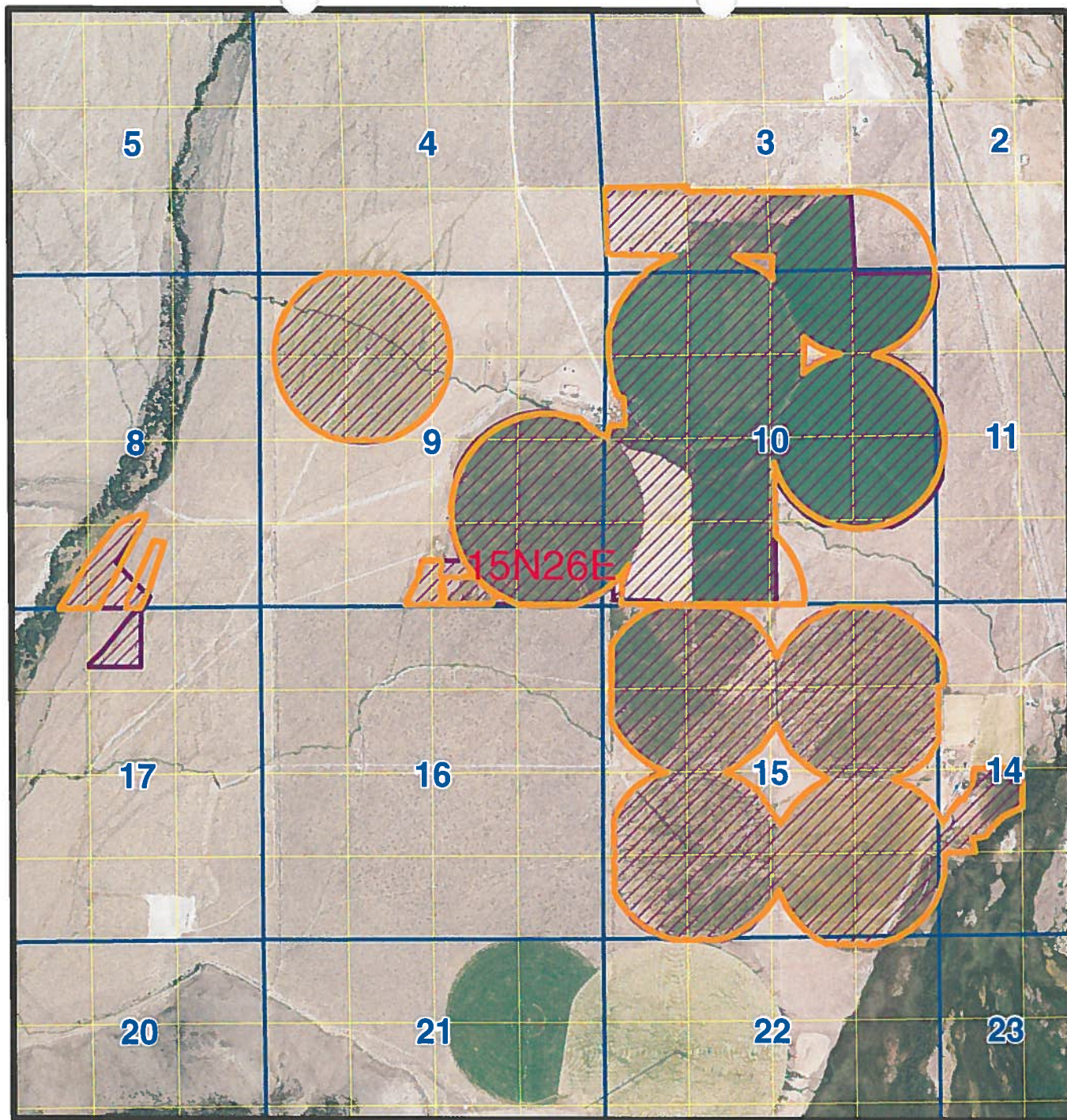
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid \$ 580.00 Date 4/22/2014 Received by Blake Receipt # E039754

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

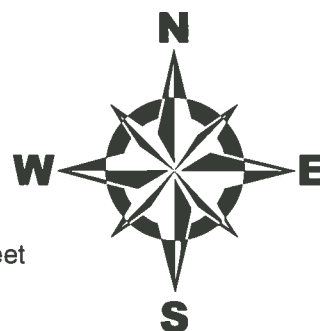
79286



-  Proposed Water Right POU
-  Current Water Right POU
-  Township/Range
-  Sections
-  QQ

0 1,300 2,600 5,200 Feet

1 inch = 2,401 feet



Instrument # 296053 # Pages: 1
LEMHI COUNTY, Idaho
Mar 21, 2014 11:37:28 am Fee: \$ 10.00
For: LEMHI TITLE
TERRI J. MORTON, Recorder
SDICKENS, Deputy

Warranty Deed

For Value Received

Davon E Findley and Stacy R Findley, husband and wife

does hereby convey, release, remise and forever quit claim unto:

Kurt W Bird and Janet E Bird, husband and wife

Whose current address is:

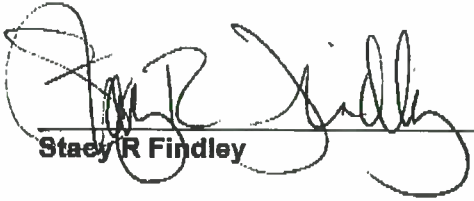
**56 Lower Texas Creek Rd
Leadore, ID 83464**

the following described property located in Lemhi County, Idaho to-wit:

**S½S½SE½SE½ SECTION 3, TOWNSHIP 15 NORTH, RANGE 28 EAST, BOISE MERIDIAN,
LEMHI COUNTY, IDAHO**

Dated: March 21, 2014


Davon E Findley


Stacy R Findley

STATE OF IDAHO)
) ss
COUNTY OF LEMHI)

On this 21 day of March, 2014, before me, a notary public in and for said State, personally appeared **Davon E Findley and Stacy R Findley** known to me or proved to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed the same.


Beth Howell
Notary Public
Residing at: Salmon, ID
Comm. Expires: July 24, 2019

BETH HOWELL
NOTARY PUBLIC
STATE OF IDAHO

Instrument # 295044 # Pages: 2
LEMHI COUNTY, Idaho
Dec 18, 2013 10:29:36 am Fee: \$ 13.00
For: LEMHI TITLE
TERRI J. MORTON, Recorder
JEDWARDS, Deputy

Warranty Deed

For Value Received

Leadore Land Partners Limited Partnership, a Montana Limited Partnership

does hereby convey, release, remise and forever quit claim unto:

Kurt W Bird and Janet E Bird, husband and wife

Whose current address is:

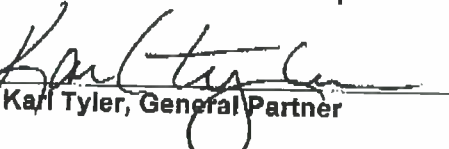
**56 Lower Texas Creek rd
Leadore, ID 83464**

the following described property located in Lemhi County, Idaho to-wit:

See Attached Legal

Dated: December 11, 2013

**Leadore Land Partners Limited Partnership,
a Montana Limited Partnership**

By: 

Karl Tyler, General Partner

STATE OF MT)
COUNTY OF MISSOULA) ss

On this 11 day of December, 2013, before me, a notary public in and for said State, personally appeared **Karl Tyler** known to me or proved to me to be the General Partner of Leadore Land Partners Limited Partnership, and the General Partner who subscribed said partnership name to the within instrument and acknowledged to me that he executed the same in said partnership name


Notary Public

Residing at: Missoula

Comm. Expires: 5-20-2014



JACKIE HENDERSON
NOTARY PUBLIC for the
State of Montana
Residing at Missoula, MT
My Commission Expires
May 20, 2014

Legal Description

That part of Sections 2, 10, 11 and 14 located west of Idaho State Highway 28, T. 15 N., R. 26 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows.

Beginning at the NW Corner of said Section 11 from which the W 1/4 Corner of said section bears S 00°58'54" E 2684.05 ft., the Basis Of Bearing of this description, run thence N 00°12'33" W along the westerly boundary of said Section 2 a distance of 2012.99 ft. to a point on the westerly right-of-way of Idaho State Highway 28;

Thence the following courses along said right-of-way:

851.66 ft. along a curve to the right having a chord of S 21°32'39" E 849.83 ft., a delta of 13°01'51" and a radius of 3744.72 ft.; 247.55 ft. along a spiral curve to the right having a chord of S 13°46'33" E 247.53 ft. and a spiral angle of 01°52'30";

S 13°09'14" E 125.30 ft.; N 76°50'46" E 15.00 ft.;
S 13°09'14" E 4296.11 ft.; S 13°01'44" E 1956.93 ft.;

1183.31 ft. along a curve to the left having a chord of S 14°12'35" E 1183.22 ft., a delta of 02°21'42" and a radius of 28707.90 ft.; S 15°23'26" E 125.45 ft. to a point on the northerly boundary of Record Of Survey Inst. No. 223120;

Thence S 89°51'49" W along said boundary a distance of 838.08 ft.;

Thence S 01°39'11" E along the westerly boundary of said R.O.S. a distance of 53.40 ft. to a point on the southerly boundary of the N1/2NW1/4 of said Section 14;

Thence S 87°37'54" W along the southerly boundary of said N1/2NW1/4 a distance of 1293.09 ft. to the SW Corner of said N1/2NW1/4;

Thence N 00°10'29" W along the westerly boundary of said N1/2NW1/4 a distance of 1316.56 ft. to the SE Corner of said Section 10;

Thence the following courses around the S1/2SE1/4 of said section:

N 89°35'17" W 2619.47 ft.; N 00°22'27" W 1297.60 ft.;
S 89°40'35" E 2642.50 ft. to the NE Corner of said S1/2SE1/4;

Thence N 00°38'32" E along the westerly boundary of said Section 11 a distance of 1301.56 ft. to the W 1/4 Corner of said section;

Continuing along said boundary N 00°58'54" W a distance of 2684.05 ft. to the POINT OF BEGINNING.

Also Including:

A parcel of land located in Section 14, T. 15 N., R. 26 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the NE corner of Section 13, T. 15 N., R. 26 E., run thence S. 80deg 47' 19" W. a distance of 8465.78 ft. to the POINT OF BEGINNING;

Thence S. 14deg 52' 10" E. along the Westerly right of way of Highway 28 a distance of 194.88 ft. to the PC of a curve to the left;

Thence along said curve a distance of 194.40 ft. having a central angle of 0deg 24' 52.6", a radius of 28707.90 ft. and a long chord of 194.40 ft., to a point in the centerline of Texas Creek;

Thence S. 77deg 24' 10" W. along said centerline a distance of 28.70 ft.;

Thence N. 16deg 58' 43" W. a distance of 397.96 ft.;

Thence S. 89deg 46' 19" E. a distance of 37.00 ft. to the POINT OF BEGINNING.

Instrument # 295796 # Pages: 2
LEMHI COUNTY, Idaho
Feb 04, 2014 12:58:38 pm Fee: \$ 13.00
For: ALLIANCE TITLE
TERRI J. MORTON, Recorder
JEDWARDS, Deputy

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:212478

FOR VALUE RECEIVED

Laura K. Hatch and Donald R. Hatch, wife and husband

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Kurt W. Bird and Janet Bird, husband and wife, husband and wife

whose current address is

**56 Lower Texas Creek Rd., Leadore, ID 83464
56 Lower Texas Creek Rd.
Leadore, ID 83464**

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

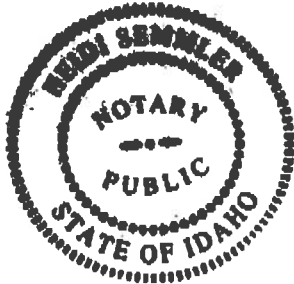
**The north half southeast quarter southeast quarter and north half south half
southeast quarter southeast quarter, Section 3, Township 15 North, Range 26 East,
Boise Meridian, Lemhi County, Idaho.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 02/04/2014Laura K. Hatch
Laura K. HatchDonald R. Hatch
Donald R. HatchState of Idaho} ss
County of Lemhi}

On this 4th day of February, ²⁰¹⁴~~2013~~, before me, Heidi Semmler, a Notary Public in and for said state, personally appeared Laura K. Hatch and Donald R. Hatch, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Heidi Semmler
Notary Public for the State of Idaho
Residing at: Salmon
Commission Expires: 5/19/2015