

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

77706

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Kurt and Janet Bird Phone 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.



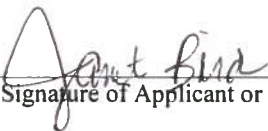
Signature of Applicant or Authorized Representative

Kurt Bird

Print Name and Title if applicable

1-12-12

Date



Signature of Applicant or Authorized Representative

Janet Bird

Print Name and Title if applicable

1-12-12

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**. See Attached sheet for narrative.

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Part 1A.2-

This transfer proposes to rearrange acres to cover what is currently being irrigated and a combined place of use will be created through this transfer. For water rights 74-7165 and 74-15928, the transfer will change a portion of the nature of use from irrigation to a storage element for the new dam. For the dam, 37.5 acres will be dried up and 7.4 acres will be dried up for evaporation of the dam. The total acres being dried up for the dam will total 45 acres.

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 ☐ ☐	SEE			to	
	SUPPLEMENTAL			to	
	PAGE			to	
				to	
				to	
				to	
				to	
				to	

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

2. Total amount of water proposed to be transferred or changed 2.53 cubic feet per second and/or 108.1 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	
SEE	SUPP	LEME	TAL	PAGE	E														

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

		<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part						
☐	☐	74-32	3.24 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-34	2.17 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-7165	0.06 cfs	Diversion to Storage	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-7165	10.5 af	Irrigation Storage	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-7165	10.5 af	Irrigation from Storage	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-7165	6.49 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15926	6.78 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15927	1.0 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15928	1.12 cfs	Diversion to Storage	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15928	97.6 af	Irrigation Storage	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15928	97.6 af	Irrigation from Storage	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15928	23.08 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15929	3.6 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15930	6.19 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐	74-15931	0.42 cfs	Irrigation	3/15 to 11/15	Big Timber Creek/Lemhi Riv.
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
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Total authorized under rights 54.15 cfs and/or 108.1 ac-ft

**Insert this page into Part 1B of the Application for Transfer of a Water Right.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	3											34	36			37.7		107.7
15N	26E	8											3.9			1	22		26.9
15N	26E	9		3.6	6.7	10.8	39	29	26	39				8	40	29	40	40	311.1
15N	26E	10	33	38.5	38.4	35.7	39.4	34	35	40	40	40	40	40	39.6	36.1	4.5	1.8	536
15N	26E	14							32			26	3						61
15N	26E	15	34.2	31	35	39	36	32	30.5	36.5	36.4	31	30.5	37.8	35	31.3	35	38.7	549.9
15N	26E	17		21.2													x	x	21.2
15N	26E	22	2.6	1.5															4.1
																	TOT	AL:=	1617.9

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

☐ 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 ☐
Weirs, headgates and ditches. Gravity is great enough to run the pivot so no pump is needed to run newly installed pivot.
- b. ☐ Who owns the property at the point(s) of diversion ☐ Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system ☐
- 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 Zions First National Bank- 74-34, 74-7165, 74-15927, 74-15930, 74-15931
- 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 ☐
The land now irrigated will be dried up to cover the storage element for the dam. The acres rearranged to cover irrigated acres outside the current POU boundary will be dried up.
- 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 ☐ ater Supply ☐ ank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a ☐ ederal 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

3/15 to 11/15

Diversion Rate

3.24 CFS

Annual Volume

Total Diversion

3.24 CFS

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

SW1/4SW1/4

Sec. 17,

Twp 15N,

Rge 26E B.M.

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	SESW	28.00	T15N R26E S3	SWSE	32.00
T15N R26E S10	NENE	30.00	T15N R26E S10	NWNE	37.00
T15N R26E S10	SESW	9.60			

Total Acres: 136.6

Page _____ of _____

Conditions of Approval:

1. 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.
2. 029 Prior to the diversion and use of water under transfer 74204, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
3. T08 Failure of the right holder to comply with the conditions of transfer 74204 is cause for the Director to rescind approval of the transfer.
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. T07 The right holder shall accomplish the change authorized by transfer 74204 by December 4, 2008.
6. X35 Rights 74-15928, 74-15926, and 74-32 when combined shall not exceed a total irrigation of 838.5 acres.
7. 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.
8. 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.

Decreed Date: 6/12/2008

**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

3/15 to 11/15

Diversion Rate

2.17 CFS

Annual Volume

Total Diversion

2.17 CFS

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 S14

NWSW

21.00

T15N R26E S15

NESE

19.00

T15N R26E S15

SESE

36.00

Total Acres: 76

Conditions of Approval:

1. E64 This right authorizes the irrigation of 76.4 total acres.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-912 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76.4 ACRES 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>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	6.55 CFS	1146.3 AF
	<u>Total Diversion</u>	6.55 CFS	1146.3 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 Within LEMHI County

T15N R26E S14	SWNW	36.00	T15N R26E S14	NWSW	23.00
T15N R26E S15	NENE	31.00	T15N R26E S15	NWNE	40.00
T15N R26E S15	SWNE	40.00	T15N R26E S15	SENE	31.00
T15N R26E S15	NENW	40.00	T15N R26E S15	NWNW	40.00
T15N R26E S15	SWNW	31.00	T15N R26E S15	SENW	40.00
T15N R26E S15	NESW	40.00	T15N R26E S15	NWSW	31.00
T15N R26E S15	SWSW	31.00	T15N R26E S15	SESW	40.00
T15N R26E S15	NESE	31.00	T15N R26E S15	NWSE	40.00
T15N R26E S15	SWSE	40.00	T15N R26E S15	SESE	31.00

Total Acres: 636

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Conditions of Approval:

1. X36 Rights 74-34 and 74-35 are also diverted through the point of diversion described above.
2. R63 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.
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. 74-W.
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.
5. Rights 74-7165, 74-34, 74-35 and 74-912 when combined shall not exceed the irrigation of 647 acres.
6. X27 This right is limited to the irrigation of 327.5 acres within the place of use described above in a single irrigation season.
7. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 7/9/2007

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

Current Water Right No.: 74-15926

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

Diversion Rate

6.78 CFS

Annual Volume

Total Diversion

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	2.60	T15N R26E S3	SESW	38.00
T15N R26E S3	SWSE	38.00	T15N R26E S8	SESW	3.90
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	22.00
T15N R26E S9	SWNE	3.00	T15N R26E S9	SENE	10.00
T15N R26E S9	SESW	8.00	T15N R26E S9	NESE	40.00
T15N R26E S9	NWSE	29.00	T15N R26E S9	SWSE	40.00
T15N R26E S9	SESE	40.00	T15N R26E S10	NENE	30.00
T15N R26E S10	NWNE	37.00	T15N R26E S10	SWNE	39.00
T15N R26E S10	SENE	31.00	T15N R26E S10	NENW	40.00
T15N R26E S10	NWNW	34.00	T15N R26E S10	SWNW	37.10
T15N R26E S10	SENW	40.00	T15N R26E S10	NESW	40.00
T15N R26E S10	NWSW	40.00	T15N R26E S10	SWSW	40.00
T15N R26E S10	SESW	35.60	T15N R26E S10	NESE	31.00
T15N R26E S10	NWSE	32.00	T15N R26E S17	NWNE	13.40
T15N R26E S17	SWNE	40.00	T15N R26E S17	SWSE	2.90

Total Acres: 838.5

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Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 838.5 acres in a single irrigation season. Combined Right Nos.: 74-32, 74-15926, 74-15928.
2. T08 Failure of the right holder to comply with the conditions of transfer 73431 is cause for the Director to rescind approval of the transfer.
3. K09 This right is for an enlargement of 235.2 acres within the place of use described for this right.
4. 029 Prior to the diversion and use of water under Transfer 73431, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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(s).
6. K02 Right 74-15926 is based upon an enlargement of Right No. 74-15928 pursuant to Section 42-1426, Idaho Code.
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 838.5 acres.
8. 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.
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. T07 The right holder shall accomplish the change authorized by transfer 73431 by December 06, 2008.
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 lands above.

Decreed Date: 4/16/2008

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

Current Water Right No.: 74-15927

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

Diversion Rate

1 CFS

Annual Volume

1 CFS

Total Diversion

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

SW1/4NW1/4

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

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 S9	NWNE	3.50	T15N R26E S9	SWNE	4.90
T15N R26E S9	NENW	37.00	T15N R26E S9	NWNW	24.00
T15N R26E S9	SWNW	27.00	T15N R26E S9	SENW	40.00
T15N R26E S9	NESW	2.80	T15N R26E S9	NWSW	1.00

Total Acres: 140

Conditions of Approval:

1. K02 Right 74-15927 is based upon an enlargement of Right No. 74-15929 pursuant to Section 42-1426, Idaho Code.
2. 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).
3. 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.
4. 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.
5. K09 This right is for an enlargement of 35 acres within the place of use described for this right.
6. 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.
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. 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.
9. 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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: 4/16/2008

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**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

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

24.2 CFS

Annual Volume

Total Diversion

24.2 CFS

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	2.60	T15N R26E S3	SESW	38.00
T15N R26E S3	SWSE	38.00	T15N R26E S8	SESW	3.90
T15N R26E S8	NWSE	1.00	T15N R26E S8	SWSE	22.00
T15N R26E S9	SWNE	3.00	T15N R26E S9	SENE	10.00
T15N R26E S9	SESW	8.00	T15N R26E S9	NESE	40.00
T15N R26E S9	NWSE	29.00	T15N R26E S9	SWSE	40.00
T15N R26E S9	SESE	40.00	T15N R26E S10	NENE	30.00
T15N R26E S10	NWNE	37.00	T15N R26E S10	SWNE	39.00
T15N R26E S10	SENE	31.00	T15N R26E S10	NENW	40.00
T15N R26E S10	NWNW	34.00	T15N R26E S10	SWNW	37.10
T15N R26E S10	SENW	40.00	T15N R26E S10	NESW	40.00
T15N R26E S10	NWSW	40.00	T15N R26E S10	SWSW	40.00
T15N R26E S10	SESW	35.60	T15N R26E S10	NESE	31.00
T15N R26E S10	NWSE	32.00	T15N R26E S17	NWNE	13.40
T15N R26E S17	SWNE	40.00	T15N R26E S17	SWSE	2.90

Total Acres: 838.5

Page _____ of _____

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of transfer 73431 is cause for the Director to rescind approval of the transfer.
2. T07 The right holder shall accomplish the change authorized by transfer 73431 by December 06, 2008.
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. K06 Right 74-15928 is limited to the irrigation of 603.5 acres within the place of use described above in a single irrigation season.
5. 029 Prior to the diversion and use of water under Transfer 73431, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
6. E56 The rights listed below are limited to the irrigation of a combined total of 838.5 acres in a single irrigation season. Combined Right Nos.: 74-32, 74-15926, 74-15928.
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 lands above.
8. K01 Right No. 74-15926 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
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. X35 Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 838.5 acres.

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

Diversion Rate

3.6 CFS

Annual Volume

Total Diversion

3.6 CFS

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

SW1/4NW1/4

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

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 S9	NWNE	3.50	T15N R26E S9	SWNE	4.90
T15N R26E S9	NENW	37.00	T15N R26E S9	NWNW	24.00
T15N R26E S9	SWNW	27.00	T15N R26E S9	SENE	40.00
T15N R26E S9	NESW	2.60	T15N R26E S9	NWSW	1.00

Total Acres: 140

Conditions of Approval:

1. 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.
2. X27 This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
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. K01 Right No. 74-15927 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. 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.
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. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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. 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. 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.

Decreed Date: 4/16/2008

Page _____ of _____

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

Current Water Right No.: 74-15930

Current Owner: JANET E BIRD
KURT W 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

Diversion Rate

6.19 CFS

Annual Volume

Total Diversion

6.19 CFS

Location of Point(s) of Diversion

BIG TIMBER CREEK

NW1/4NW1/4

Sec. 20,

Twp 15N,

Rge 26E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T15N R26E S15	SWNE	5.00	T15N R26E S15	NENW	33.00
T15N R26E S15	NWNW	28.00	T15N R26E S15	SWNW	19.00
T15N R26E S15	SENE	32.00	T15N R26E S15	NESW	28.00
T15N R26E S15	NWSW	5.00	T15N R26E S15	SESW	1.00
T15N R26E S15	NWSE	26.00	T15N R26E S15	SWSE	40.00

Total Acres: 217

Conditions of Approval:

1. E64 This right authorizes the irrigation of 217.1 total acres.
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.

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

Diversion Rate

0.42 CFS

Annual Volume

Total Diversion

0.42 CFS

Location of Point(s) of Diversion

BIG TIMBER CREEK

LEMHI County

SW1/4NW1/4

Sec. 20,

Twp 15N,

Rge 26E B.M.

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 S9	NWNE	3.50	T15N R26E S9	SWNE	4.90
T15N R26E S9	NENW	37.00	T15N R26E S9	NWNW	24.00
T15N R26E S9	SWNW	27.00	T15N R26E S9	SENE	40.00
T15N R26E S9	NESW	2.60	T15N R26E S9	NWSW	1.00

Total Acres: 140

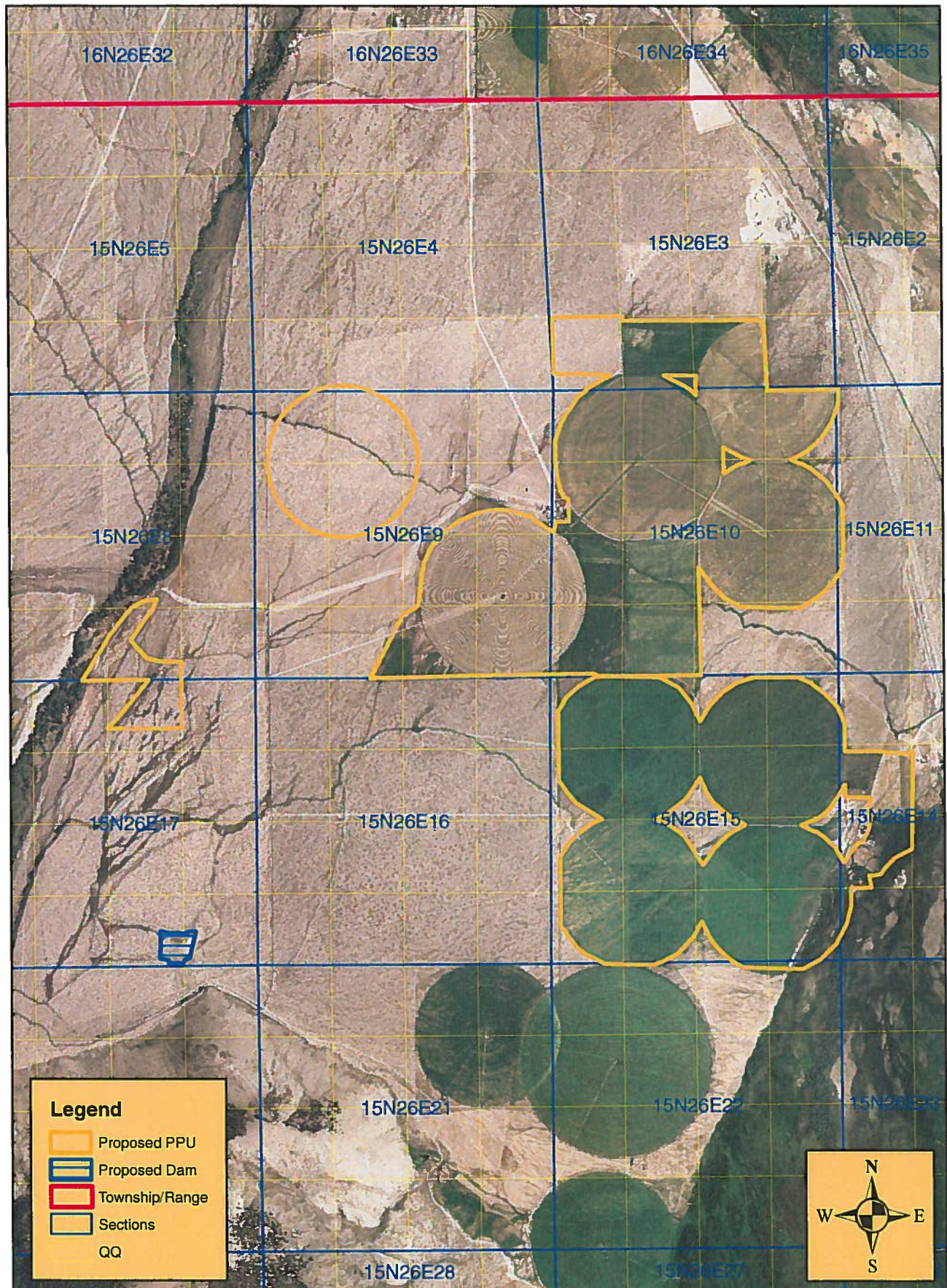
Page _____ of _____

Conditions of Approval:

1. 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.
2. 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.
3. 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.
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. 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).
6. 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.
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. X27 This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Decreed Date: 7/9/2007

Transfer 77706- Kurt Br.J



77706

PRECIPITATION DEFICIT CALCULATION FOR PONDS/DAM

	MM/DAY												TOTAL MM	TOTAL FEET	Pond Size	AF needed
	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC				
MONTHLY	0	0.44	0.91	1.56	2.01	2.75	3.63	3.08	1.57	0.82	0.04	0				
Surface Area in ACRES	0	12.3	28.21	46.8	62.31	82.5	112.5	95.5	47.1	25.4	1.2	0	513.87	1.7	7	11.8014764
MM/Day	7	7	7	7	7	7	7	7	7	7	7	7				
	0	86.2	197.47	327.6	436.17	577.5	787.7	668	330	178	8.4	0	3597.09	Total evaporate AF		
													acres needed Evap	11.8014764		
														7.375922747		

acres needed Evap 7.38
Total acres to dry up 7.38

Total AF for Pond 0

DATA ENTRY IN YELLOW

DAYS

29
30
31
28

77706

Crop Type = Alfalfa Frequent cutting
CIR AF/ACRE 1.6

Pond Size ACRES 7
AVERAGE depth of POND in FEET 8.58
AF NEEDED TO FILL POND 60.06
acres to dry up to fill pond 37.538

Total Acres to Dry UP 44.91342275
45

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2010, University of Idaho.

Leadore 2 (NWS --105177)

Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Hay														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b
Mean	mm/day												mm	
Monthly ^c	0.01	0.05	0.04	0.07	0.93	4.03	6.10	4.72	0.39	0.12	-0.14	0.08	502	-15
15-Day Moving Average ^d	0.00	0.04	0.05	0.10	0.78	3.91	6.15	4.80	0.22	0.10	-0.09	0.06		
7-Day Moving Average ^e	0.01	0.05	0.04	0.08	0.88	3.88	6.11	4.81	0.30	0.11	-0.11	0.06		
3-Day Moving Average ^f	0.01	0.06	0.04	0.09	0.92	3.97	6.10	4.75	0.35	0.12	-0.12	0.08		
Standard Deviation	mm/day												mm	
Monthly	0.09	0.06	0.15	0.41	1.01	0.63	1.38	1.25	0.69	0.38	0.26	0.22	53	15
15-Day Moving Average	0.10	0.08	0.17	0.44	1.08	1.04	1.23	1.39	0.92	0.36	0.23	0.16		
7-Day Moving Average	0.16	0.12	0.28	0.55	1.47	1.69	1.75	1.75	1.28	0.54	0.38	0.24		
3-Day Moving Average	0.24	0.19	0.46	0.78	1.92	2.42	2.35	2.24	1.84	0.92	0.71	0.43		
20% Exceedance	mm/day												mm	
Monthly	0.02	0.09	0.10	0.08	1.34	4.44	6.92	5.31	0.97	0.03	-0.03	0.03	537	-5
15-Day Moving Average	0.08	0.14	0.26	0.36	2.80	5.59	7.57	6.52	2.25	0.24	0.11	0.06		
7-Day Moving Average	0.13	0.16	0.34	0.62	4.43	6.72	7.86	7.07	3.46	0.45	0.20	0.09		
3-Day Moving Average	0.20	0.25	0.54	0.99	5.13	7.41	8.24	7.45	4.62	0.84	0.30	0.14		

77706

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2010, University of Idaho.

Leadore 2 (NWS --105177)

Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b
Mean	mm/day												mm	
Monthly ^c	0.05	0.44	0.91	1.56	2.01	2.75	3.63	3.08	1.57	0.82	0.04	0.24	506	0
15-Day Moving Average ^d	0.02	0.42	0.98	1.59	1.97	2.74	3.63	3.04	1.50	0.84	0.10	0.19		
7-Day Moving Average ^e	0.04	0.43	0.95	1.55	2.00	2.63	3.60	3.09	1.57	0.83	0.06	0.22		
3-Day Moving Average ^f	0.05	0.44	0.92	1.55	2.01	2.69	3.62	3.08	1.58	0.82	0.04	0.25		
Standard Deviation	mm/day												mm	
Monthly	0.31	0.22	0.49	0.65	1.21	0.54	1.54	0.99	0.67	0.72	0.44	0.67	78	0
15-Day Moving Average	0.28	0.25	0.41	0.68	1.29	1.02	1.31	1.15	1.01	0.63	0.43	0.60		
7-Day Moving Average	0.46	0.33	0.63	1.08	1.71	1.68	1.80	1.38	1.57	0.92	0.70	0.87		
3-Day Moving Average	0.67	0.45	1.00	1.57	2.41	2.37	2.31	1.83	2.34	1.37	1.15	1.29		
20% Exceedance	mm/day												mm	
Monthly	0.02	0.50	1.06	2.07	2.44	3.04	4.37	3.35	1.87	1.18	0.38	0.04	549	0
15-Day Moving Average	0.28	0.72	1.67	2.52	3.84	3.94	4.52	4.07	2.66	1.46	0.54	0.25		
7-Day Moving Average	0.39	0.84	1.96	2.73	4.22	4.68	4.86	4.41	3.18	1.80	0.78	0.30		
3-Day Moving Average	0.45	0.93	2.28	3.55	4.64	5.00	5.07	4.60	3.41	2.12	0.92	0.37		

77706

Kurt Bird
Rearrangement of 33 acres

January 12, 2012

To: The State of Idaho
Department of Water Resources

Regarding: The movement of water from approximately 33 acres upon which Zions Bank has a lien on to an adjoining parcel that Zions does not have a lien on:

The Department of Water Resources has the permission of Zions Bank as a lienholder of the affected ground to move the water.

It is our understanding the the affected acres are the dry corners section 15 upon which there are four center pivots presently and the acres under those pivots will be unaffected.

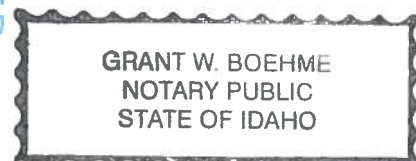
We acknowledge that once the water from these dry corners is moved that these corners will be left dry into the future.

Sincerely,


Dan L. Hammon
VP & Manager
Zions Rigby Office

STATE OF IDAHO
COUNTY OF JEFFERSON

ON THIS 12TH DAY OF JANUARY, 2012, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR THE STATE OF IDAHO, PERSONALLY APPEARED DAN L. HAMMON, VICE PRESIDENT AND MANAGER OF ZIONS FIRST NATIONAL BANK, KNOWN OR IDENTIFIED TO ME (OR PROVED TO ME ON THE OATH OF _____), TO BE THE AUTHORIZED SIGNER OF ZIONS FIRST NATIONAL BANK, THE CORPORATION THAT EXECUTED THE INSTRUMENT OR THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.




NOTARY PUBLIC FOR IDAHO

RESIDING AT: _____
MY COMMISSION EXPIRES: _____
GRANT W. BOEHME,
NOTARY PUBLIC
RESIDING AT: REXBURG, IDAHO
MY COMMISSION EXPIRES: AUGUST 29, 2015

Department of Water Resources
Eastern Region

JAN 12 2012

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77706

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

Department of Water Resources
Eastern Region

JAN 12 2012

90222

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