

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76190

This is to certify that: KURT W BIRD And
 JANET E BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE ID 83464
 (208)768-2425

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-35	WR/Decreed	10/28/1909	6.61 cfs	N/A	N/A	232.0	BIG TIMBER CREEK
74-15657	WR/Decreed	12/31/1982	7.78 cfs	N/A	270.2	963.5	BIG TIMBER CREEK
74-148	WR/Decreed	04/10/1909	27.8 cfs	N/A	693.5	963.5	BIG TIMBER CREEK

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
74-32	WR/Decreed	06/01/1895	3.24 cfs	N/A	N/A	136.6	BIG TIMBER CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-35	YES	YES	YES	YES	NO	NO
74-15657	YES	NO	YES	YES	NO	NO
74-148	YES	NO	YES	YES	NO	NO

SUPPORT DATA
 IN FILE # 74-35

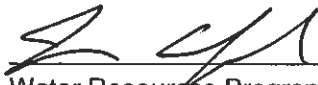
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76190**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
74-35	74-15931	0.42 cfs	N/A	15.0	140.0	74-15930	6.19 cfs	N/A	N/A	217.0
74-15657	74-15927	1 cfs	N/A	35.0	140.0	74-15926	6.78 cfs	N/A	235.2	838.5
74-148	74-15929	3.6 cfs	N/A	90.0	140.0	74-15928	24.2 cfs	N/A	603.5	838.5
						74-32	3.24 cfs	N/A	N/A	136.6
COMBINED										
TOTALS		4.02 cfs	N/A	140.0	140.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of July, 20 10



Water Resources Program Manager

WATER RIGHT NO. 74-15926
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-15926 is now described as follows.

Right Holder: JANET E BIRD And/Or
 KURT W BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE ID 83464

Priority Date: December 31, 1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15 to 11/15

To

Diversion Rate

6.78 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK

SWNW

Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

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									2.6	38.0					38.0		78.6
15N 26E 8									3.9				1.0	22.0			26.9
15N 26E 9			3.0	10.0					8.0	40.0	29.0	40.0	40.0	40.0			170.0
15N 26E 10	30.0	37.0	39.0	31.0	40.0	34.0	37.1	40.0	40.0	40.0	40.0	35.6	31.0	32.0			506.7
15N 26E 17		13.4	40.0												2.9		56.3

Total Acres: 838.5

WATER RIGHT NO. 74-15926
As Modified by Transfer No. 76190

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 235.2 acres within the place of use described for this right.
2. Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 838.5 acres.
3. 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.
4. 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. 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.
6. Right 74-15926 is based upon an enlargement of Right No. 74-15928 pursuant to Section 42-1426, Idaho Code.
7. 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.
8. 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. The right holder shall accomplish the change authorized by transfer 73431 by December 06, 2008.
10. Failure of the right holder to comply with the conditions of transfer 73431 is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 2010


Water Resources Program Manager

WATER RIGHT NO. 74-15927
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-15927 is now described as follows.

Right Holder: JANET E BIRD And/Or
 KURT W BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE ID 83464

Priority Date: December 31, 1982

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15 to 11/15

To

Diversion Rate

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK SWNW Sec. 20 Twp 15N Rge 26E LEMHI County
 BIG TIMBER CREEK SWNW Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	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	9		3.5	4.9		37.0	24.0	27.0	40.0	2.6	1.0							140.0

Total Acres: 140

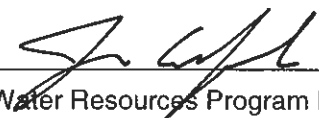
WATER RIGHT NO. 74-15927
As Modified by Transfer No. 76190

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 35 acres within the place of use described for this right.
2. Rights 74-15927, 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. 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. 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. 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.
6. Right 74-15927 is based upon an enlargement of Right No. 74-15929 pursuant to Section 42-1426, Idaho Code.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 2010



Water Resources Program Manager

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-15928 is now described as follows.

Right Holder: JANET E BIRD And/Or
 KURT W BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE ID 83464

Priority Date: April 10, 1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

03/15 to 11/15

To

Diversion Rate

24.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK SWNW Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

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									2.6	38.0					38.0		78.6
15N	26E	8									3.9				1.0	22.0			26.9
15N	26E	9			3.0	10.0					8.0	40.0	29.0	40.0	40.0	40.0			170.0
15N	26E	10	30.0	37.0	39.0	31.0	40.0	34.0	37.1	40.0	40.0	40.0	40.0	35.6	31.0	32.0			506.7
15N	26E	17			13.4	40.0											2.9		56.3

Total Acres: 838.5

WATER RIGHT NO. 74-15928
As Modified by Transfer No. 76190

CONDITIONS OF APPROVAL

1. Right 74-15928 is limited to the irrigation of 603.5 acres within the place of use described above in a single irrigation season.
2. Rights 74-15926 and 74-15928 when combined shall not exceed a total diversion rate of 24.2 cfs and the irrigation of 838.5 acres.
3. 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.
4. 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. 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.
6. Right No. 74-15926 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. 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.
8. The right holder shall accomplish the change authorized by transfer 73431 by December 06, 2008.
9. Failure of the right holder to comply with the conditions of transfer 73431 is cause for the Director to rescind approval of the transfer.
10. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 2010


Water Resources Program Manager

WATER RIGHT NO. 74-15929
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-15929 is now described as follows.

Right Holder: KURT W BIRD And/Or
 JANET E BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE ID 83464

Priority Date: April 10, 1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	3.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK	SWNW	Sec. 20 Twp 15N Rge 26E LEMHI County
BIG TIMBER CREEK	SWNW	Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

Twp	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	9		3.5	4.9		37.0	24.0	27.0	40.0	2.6	1.0							140.0

Total Acres: 140

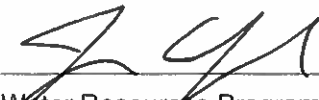
WATER RIGHT NO. 74-15929
As Modified by Transfer No. 76190

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15927, 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. 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. 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. 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.
6. Right No. 74-15927 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. 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. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager

WATER RIGHT NO. 74-15930
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-15930 is now described as follows.

Right Holder: JANET E BIRD And
KURT W BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

Priority Date: October 28, 1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	6.19 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK NWNW Sec. 20 Twp 15N Rge 26E LEMHI County

PLACE OF USE: IRRIGATION

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	15			5.0		33.0	28.0	19.0	32.0	28.0	5.0		1.0		26.0	40.0		217.0

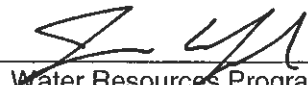
Total Acres: 217

CONDITIONS OF APPROVAL

1. This right authorizes the irrigation of 217.1 total acres.
2. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager

WATER RIGHT NO. 74-15931
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-15931 is now described as follows.

Right Holder: KURT W BIRD And
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

Priority Date: October 28, 1909

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.42 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK	SWNW	Sec. 20 Twp 15N	Rge 26E	LEMHI County
BIG TIMBER CREEK	SWNW	Sec. 20 Twp 15N	Rge 26E	LEMHI County

PLACE OF USE: IRRIGATION

Twp	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	9		3.5	4.9		37.0	24.0	27.0	40.0	2.6	1.0							140.0

Total Acres: 140

WATER RIGHT NO. 74-15931
As Modified by Transfer No. 76190

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 74-15927, 74-15929 and 74-15931 when combined shall not exceed a total diversion rate of 4.02 cfs and the irrigation of 140 acres.
3. 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. 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. 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.
6. 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. 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. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager

WATER RIGHT NO. 74-32
As Modified by Transfer No. 76190

In accordance with the approval of Transfer No. 76190, Water Right No. 74-32 is now described as follows.

Right Holder: KURT W BIRD And/Or
 JANET E BIRD
 56 LOWER TEXAS CREEK RD
 LEADORE ID 83464

Priority Date: June 01, 1895

Source: BIG TIMBER CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15 to	11/15	3.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG TIMBER CREEK	SWSW	Sec. 17 Twp 15N	Rge 26E	LEMHI County
BIG TIMBER CREEK	NWNW	Sec. 20 Twp 15N	Rge 26E	LEMHI County

PLACE OF USE: IRRIGATION

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												28.0			32.0		60.0
15N	26E	10	30.0	37.0										9.6					76.6

Total Acres: 136.6

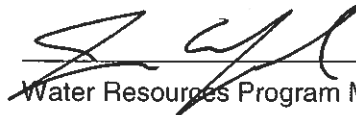
WATER RIGHT NO. 74-32
As Modified by Transfer No. 76190

CONDITIONS OF APPROVAL

1. Rights 74-15928, 74-15926, and 74-32 when combined shall not exceed a total irrigation of 838.5 acres.
2. 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. 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. 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.
5. 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.
6. The right holder shall accomplish the change authorized by transfer 74204 by December 4, 2008.
7. Failure of the right holder to comply with the conditions of transfer 74204 is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of July, 20 10


Water Resources Program Manager