

86

Transfer No. 74204  
 Receipt No. E032682  
 E033458

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1**

**1. Applicant Information** KURT W BIRD  
 56 LOWER TEXAS CREEK RD  
 LEADORE ID 83464  
 (208)768-2425  
 And/Or  
 JANET E BIRD  
 56 LOWER TEXAS CREEK RD  
 LEADORE ID 83464  
 (208)768-2425

Will this transfer result in an ownership change? \_\_\_\_\_ Yes x No

**2. Current Water Right****Part 2 Attached for Each Right**

|       | Origin/Basis | Rate | Volume | Acre Limit | Total Acres | Source           |
|-------|--------------|------|--------|------------|-------------|------------------|
| 74-32 | AJC/Decreed  | 3.24 |        |            | 136.6       | BIG TIMBER CREEK |

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|-------|-------|-----|-----|---------|---------------|---------------|
| 74-32 | NO    | NO  | YES | YES     | NO            | NO            |

**Describe the reason for the proposed changes**

Adding this higher in elevation point of diversion will create greater head, allowing a change from diesel pumps to a more efficient gravity fed system.

**4. FOR CHANGES IN NATURE OF USE ONLY****A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

none anticipated

**B. Describe the effects on other water uses resulting from the proposed change**

none anticipated

**5. Total Amounts Transferred**

|       | Rate     | Acre Limit | Total Acres | Volume |
|-------|----------|------------|-------------|--------|
| 74-32 | 3.24 cfs |            | 136.6       |        |
| TOTAL | 3.24 cfs |            | 136.6       |        |

74204

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

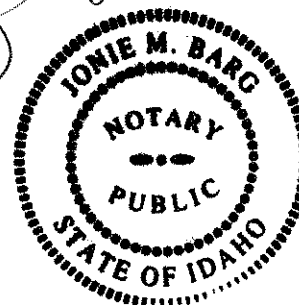
Kurt M. Bird  
(Signature of Applicant)

\_\_\_\_\_  
(Title or Office)

Subscribed and sworn to before me this 22 day of October, 2007.

Jonie M. Barger  
(Notary Public)

My commission expires July 24, 2013



pages: 6  
advertized in Recorder Herald

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

**Current Water Right No.** 74-32

Priority Date: June 01, 1895  
Origin: Adjudication Recommendation  
Basis: Decreed  
Status: Active

**Source:** BIG TIMBER CREEK      **Tributary:** LEMHI RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 3/15 11/15            | 3.24 CFS              |               |                    |
|                       | Total Diversion       | 3.24 CFS              |               |                    |

Source and Point(s) of Diversion:

BIG TIMBER CREEK      SWSW      Sec. 17 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   |      |      |    |    |    |    |    |    |    |    |    | 25.1 |    |    | 31.5 |    | 56.6   |
| 15N | 26E | 10  | 40.0 | 40.0 |    |    |    |    |    |    |    |    |    |      |    |    |      |    | 80.0   |

Total Acres: 136.6

Conditions/Remarks:

1. 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.

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Documentation of Ownership of the Current Place of Use  
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

~~NO~~ yes

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

74204

76

**IDAHO DEPARTMENT OF WATER RESOURCES  
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No.** 74-32

Priority Date: June 01, 1895

Origin:       Adjudication  
              Recommendation

Basis:       Decreed

Status:      Active

**Source:** BIG TIMBER CREEK**Tributary:** LEMHI RIVER

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15     | 3.24 CFS              |               |                    |
|                       | Total Diversion | 3.24 CFS              |               |                    |

Source and Point(s) of Diversion:

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

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

Describe the proposed diversion system**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

74204

Transfer No. 74204  
 Receipt No. *E032682*  
*E033458*

**STATE OF IDAHO  
 DEPARTMENT OF WATER RESOURCES  
 APPLICATION FOR TRANSFER OF WATER RIGHT  
 PART 1**

**1. Applicant Information** KURT W BIRD  
 56 LOWER TEXAS CREEK RD  
 LEADORE ID 83464  
 (208)768-2425  
 And/Or  
 JANET E BIRD  
 56 LOWER TEXAS CREEK RD  
 LEADORE ID 83464  
 (208)768-2425

*Superseded*

Will this transfer result in an ownership change? \_\_\_\_\_ Yes *X* No

**2. Current Water Right**

**Part 2 Attached for Each Right**

|       | Origin/Basis | Rate | Volume | Acre<br>Limit | Total<br>Acres | Source           |
|-------|--------------|------|--------|---------------|----------------|------------------|
| 74-32 | AJC/Decreed  | 3.24 |        |               | 136.6          | BIG TIMBER CREEK |

**3. Purpose of Transfer (Change Proposed)**

**Part 3A Attached for Each Proposed Right**

**Part 3B Attached for Each Split Right**

| Right | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|-------|-------|-----|-----|---------|---------------|---------------|
| 74-32 | NO    | NO  | NO  | YES     | NO            | NO            |

**Describe the reason for the proposed changes**

Adding this higher in elevation point of diversion will create greater head, allowing a change from diesel pumps to a more effecient gravity fed system.

**4. FOR CHANGES IN NATURE OF USE ONLY**

**A. Describe the expected quantity of the return flows and location of discharge after the proposed Change** no change

**B. Describe the effects on other water uses resulting from the proposed change**

None Anticipated

**5. Total Amounts Transferred**

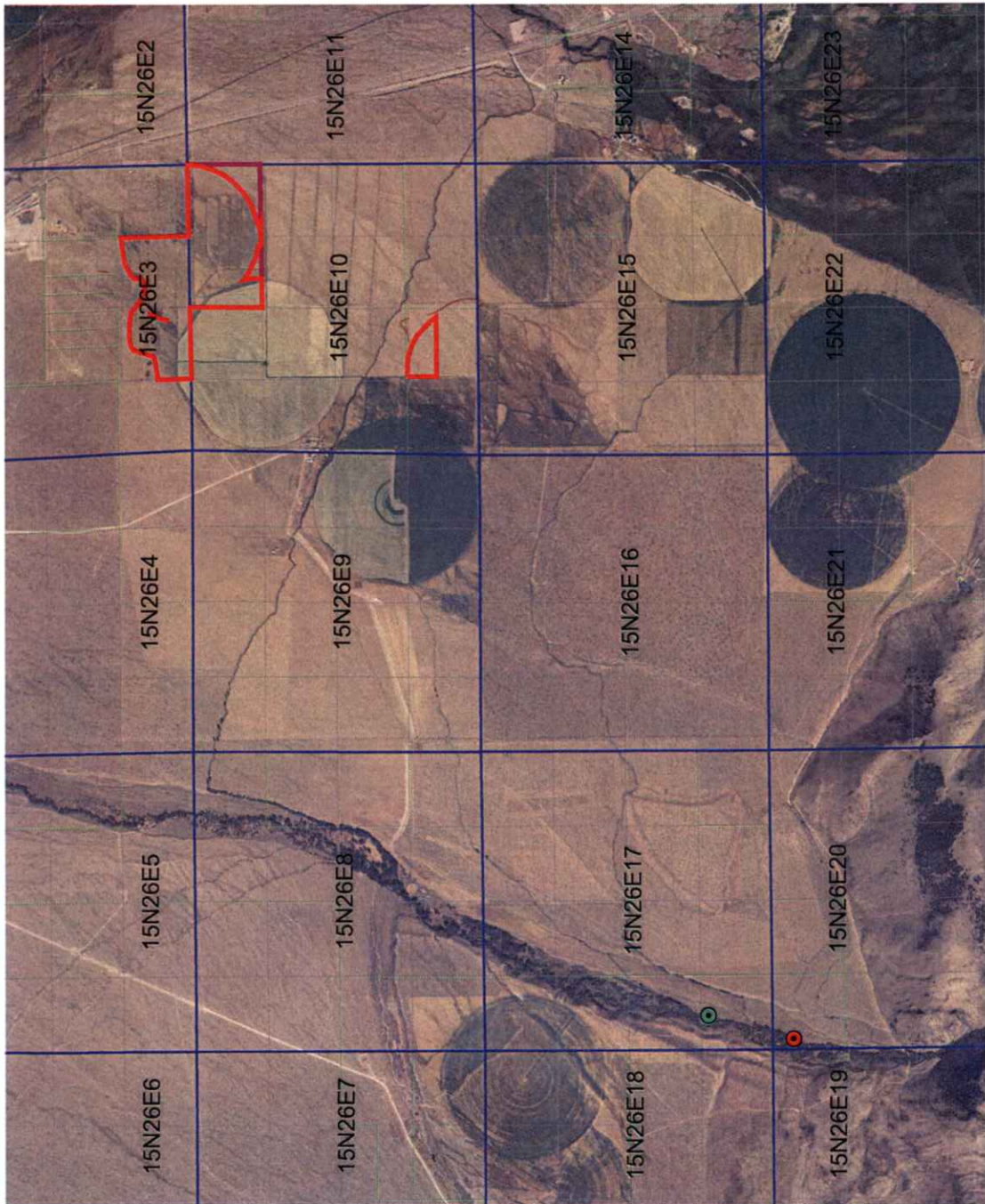
|       | Rate     | Acre Limit | Total Acres | Volume |
|-------|----------|------------|-------------|--------|
| 74-32 | 3.24 cfs |            | 136.6       |        |
| TOTAL | 3.24 cfs |            | 136.6       |        |

pages 6 of 6

7/20/04



- ADDED POINT OF DIVERSION
- ORIGINAL POD
- POST TRANSFER POU
- PRE-TRANSFER POU
- Sections
- Lemhi taxlots
- GCDB15N26E GCDB



7/20/04

Transfer No. 74204  
Receipt No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

*Superseded*

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

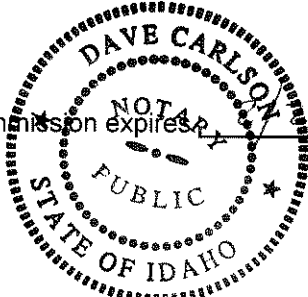
*Kurt M. Bine*  
(Signature of Applicant)

*Owner*  
(Title or Office)

Subscribed and sworn to before me this 4 day of Oct, 2007.

*Dave Carlson*  
(Notary Public)

My commission expires 8/2008



*See pages - no attachments  
advertise in Recorder Herald*

Transfer No. 74204  
Receipt No. \_\_\_\_\_

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

**Current Water Right No.** 74-32

*Superseded*

Priority Date: June 01, 1895  
Origin: Adjudication Recommendation  
Basis: Decreed  
Status: Active

**Source:** BIG TIMBER CREEK

**Tributary:** LEMHI RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 3/15 11/15            | 3.24 CFS              |               |                    |
|                       | Total Diversion       | 3.24 CFS              |               |                    |

Source and Point(s) of Diversion:

BIG TIMBER CREEK      SWSW      Sec. 17 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   |      |      |    |    |    |    |    |    |    |    |    | 25.1 |    |    | 31.5 |    | 56.6   |
| 15N | 26E | 10  | 40.0 | 40.0 |    |    |    |    |    |    |    |    |    |      |    |    |      |    | 80.0   |

Total Acres: 136.6

Conditions/Remarks:

1. 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.
2. Right Nos. 74-32 and 74-148 are limited to the irrigation of a combined total of 693.3 acres in a single irrigation season.

Page 416  
Documentation of Ownership of the Current Place of Use  
Warranty Deed

74204  
Superceded

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?  
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer  
NONE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?  
NO

74204

74204

Transfer No. 74204  
Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No.** 74-32

*superceded*

Priority Date: June 01, 1895  
Origin:       Adjudication  
              Recommendation  
Basis:       Decreed  
Status:      Active

**Source:** BIG TIMBER CREEK

**Tributary:** LEMHI RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15           | 3.24 CFS              |               |                    |
|                       | Total Diversion       | 3.24 CFS              |               |                    |

Source and Point(s) of Diversion:

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

Describe the proposed diversion system

**PLACE OF USE:**   IRRIGATION

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | <u>Totals</u> |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |               |
| 15N | 26E | 3   |           |           |           |           |           |           |           |           |           |           |           | 25.1      |           |           | 31.5      |           | 56.6          |
| 15N | 26E | 10  | 40.0      | 40.0      |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 80.0          |

Total Acres: 136.6

74204



March 13, 2007

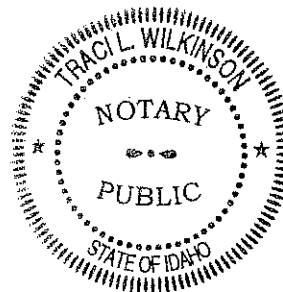
Idaho Department of Water Resources:

I have knowledge and full understanding of the water movements on the Guardian Limited Partnership #1 (Roger Ball) property, now owned by Kirt Bird. Kirt is desirous of putting pivot irrigation systems on the property and is in need of relocation of some of the water to accomplish this. It will only improve the land and it's value.

I concur with what he is doing and agree to the water movements.

Roger Ball  
Roger Ball

Traci L. Wilkinson  
residing in: Idaho Falls, ID  
Comm-exp: 3/20/09



SCANNED

MAR 26 2007

T 73431  
ATTACHMENT 1 OF 2

# Warranty Deed

For Value Received

GUARDIAN LIMITED PARTNERSHIP NO. 1, an Idaho Limited Partnership  
the grantor, does hereby grant, bargain, sell and convey unto

KURT W. BIRD and JANET E. BIRD, Husband and Wife,  
whose current address is:

56 Lower Texas Creek Road  
Leadore, ID 83464

the grantees, the following described premises in Lemhi County, to-wit:

Township 15 North, Range 26 East, Boise Meridian, Lemhi County, Idaho

Section 3: SE1/4SW1/4, SW1/4SE1/4, SW1/4SW1/4  
Section 4: S1/2SE1/4  
Section 8: N1/2NE1/4, SE1/4NE1/4, NW1/4SE1/4, S1/2SE1/4, E1/2SW1/4  
Section 9: ALL  
Section 10: S1/2NE1/4, N1/2SE1/4, NE1/4SW1/4, E1/2NW1/4, W1/2NW1/4, NW1/4SW1/4,  
N1/2NE1/4, S1/2SW1/4  
Section 17: N1/2NE1/4, E1/2NW1/4, N1/2SE1/4, S1/2NE1/4, E1/2SW1/4, SW1/4SE1/4,  
SE1/4SE1/4  
Section 20: NE1/4NW1/4

To have and to hold the said premises, with their appurtenances unto the said Grantees,  
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said  
Grantees, that they are the owners in fee simple of said premises; that they are free from all  
encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 7, 2007

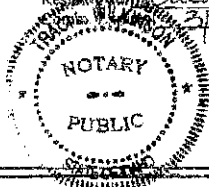
Roger Ball  
GUARDIAN LIMITED PARTNERSHIP NO. 1  
By Authorized Signatory

STATE OF IDAHO  
COUNTY OF Donnerville

On this 7 Day of March, 2007, before me, a notary  
public in and for said State, personally appeared:

Roger Ball  
known to me to be the authorized signatory of Guardian  
Limited Partnership No. 1 and whose name is subscribed to  
the within instrument, and acknowledged to me that he  
executed the same.

Chad S. Wilkinson  
Notary Public  
Residence Idaho Falls, ID  
Date 3/20/09



INSTRUMENT NO: 270897

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for  
record at the request of Lemhi Title

at 9:57 minutes past 3 o'clock P.m.,  
this 9th day of March  
2007, in my office, and duly recorded in Book  
of Deeds in Lemhi County.

Lerie J. Morton  
Ex-Officio Recorder

By Jana Eagle Deputy

Fees \$ 3  
Mail to:

SCANNED

MAR 26 2007

ATTACHMENT T 73431  
2 OF 2