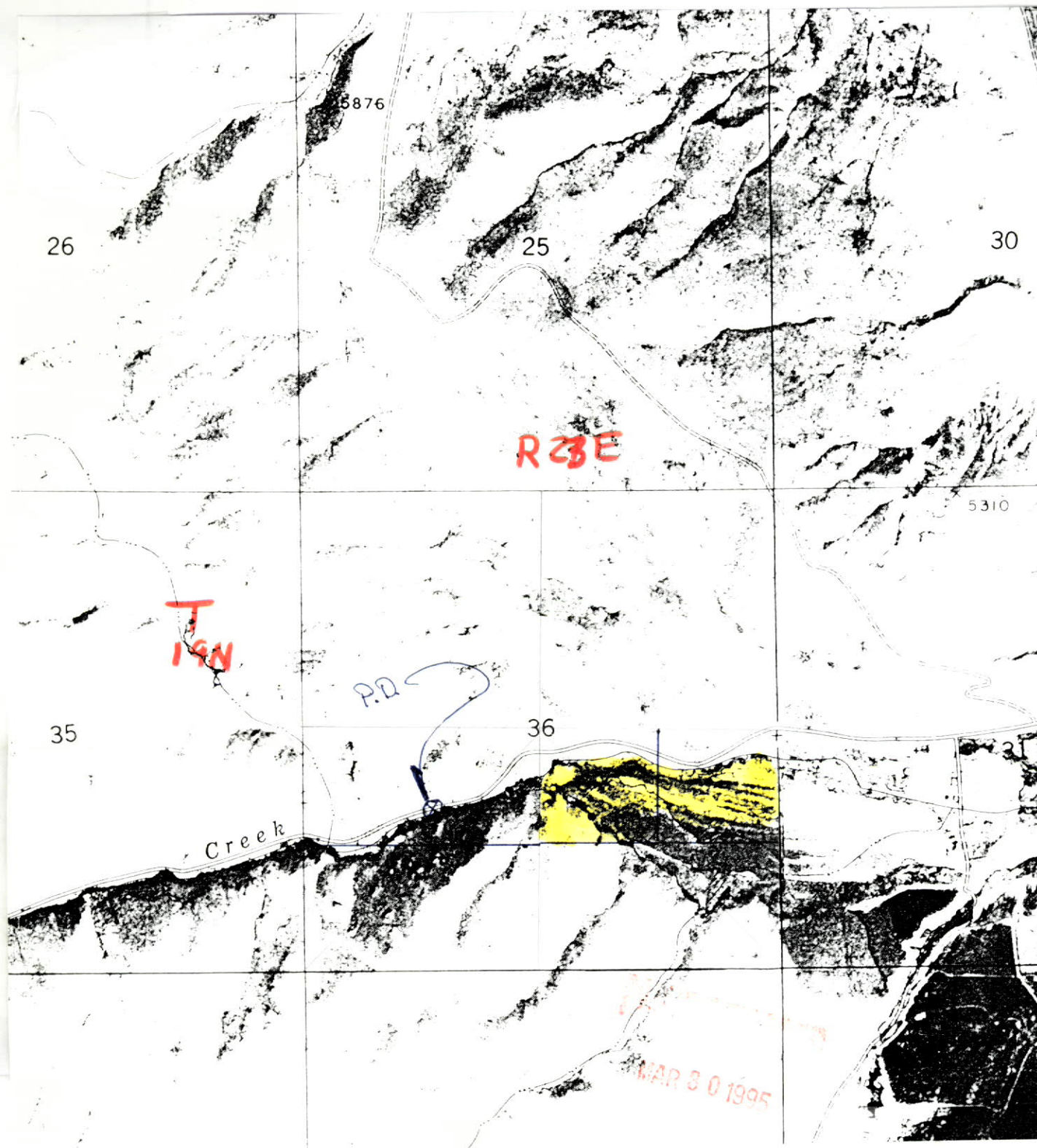


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



**NOTICE OF PROPOSED
CHANGE OF A WATER
RIGHT NO. 4453**

Notice is hereby given that Leroy or Phoebe Bird, Box 27, Tendoy, ID, 83468, has applied to the Department of Water Resources to change point of diversion of the waters of McDevitt Creek tributary to Lemhi River. The right sought to be changed is evidenced by a decree and recorded as follows:

DECREE NO.: 74-00674 Decreed to Andrews Livestock Co. in case of State of Idaho vs. Mary Adams Et Al

AMOUNT: 1.06 cfs

PRIORITY: 10/02/1913

POINT(S) OF DIVERSION:
NESE, SEC 36, T19N, R23E
(McDevitt Ditch), Lemhi County

The water is used to irrigate 53 acres within the NESE, NWSE, SEC 36, T19N, R23E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNESW, SEC 36, T19N, R23E (New Pipeline), Lemhi County and will be used to irrigate 53 acres within the NESE, NWSE, SEC 36, T19N, R23E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before October 31, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the Recorder Herald
on October 13 & 20, 1994.

10-13-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES, being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the NOTICE OF CHANGE OF A WATER RIGHT NO. 4453

....., a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO (2) consecutive issues, commencing with the issue dated 10/13/94 and ending with the issue dated 10/20/94.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this 20 day of OCTOBER in the year of 1994, before me, A Notary Public, personally appeared RICKY G. HODGES known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheila K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

9-21-95

My Commission expires:

Publication Fee \$ 49.68
#630

MAR 30 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4453
WATER RIGHT NO. 74-00674

This is to certify that: LEROY BIRD
PHOEBE BIRD
PO BOX 27
TENDON ID 83468

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.06 CFS	185.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MC DEVITT CREEK	LEMHI RIVER

Priority: 10/02/1913

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 36, Township 19N, Range 23E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
19N	23E	36	NESE 32	NWSE 21		53
Total number of acres irrigated:						53

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

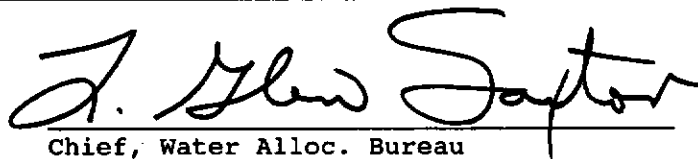
RECORDED
MAR 30 1995

TRANSFER NO. 4453
WATER RIGHT NO. 74-00674

CONDITIONS/REMARKS:

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 28th day of March, 1995.


Chief, Water Alloc. Bureau

MAR 30 1995

PART 1

Transfer No. 4433
RECEIVED

Department of Water Resources

Post Office address BOX 27 TENDROY, ID 83468

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes WE WOULD LIKE TO PUT THIS LAND UNDER
A GRAVITY SPRINKLER SYSTEM AND NEED TO GO UP THE CREEK 600' TO GAIN
MORE ELEVATION.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
74-00674	10-2-1913	1.06	IRRIGATION	4-1	to 11-1
					to
					to
					to

3. Source of water MCDEVITT CREEK tributary to LEMHI RIVER

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	36	19N	23E	LEMHI	NEW PIPELINE

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system NEW DIVERSION POINT ON CREEK TO A PIPELINE TO
SPRINKLERS. NEW DOINT OF DIVERSION IS A PIPELINE 600' UPSTREAM FROM
THE OLD DITCH DIVERSION.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

NA

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA

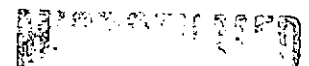
d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.



MAR 30 1995

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00674

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	1.06 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MC DEVITT CREEK	LEMHI RIVER

Priority: 10/02/1913

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 36, Township 19N, Range 23E
LEMHI CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
19N	23E	36	NESE 32	NWSE 21		53
Total number of acres irrigated:						53

CONDITIONS/REMARKS:

1. 2 P/D IN NESW, S36, T19N, R23E.

RECORDED
MAR 30 1995

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-00674 Decreed to ANDREWS LIVESTOCK CO
 in case of STATE OF IDAHO vs. MARY ADAMS ET AL
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water MCDEVITT CREEK tributary to LEMHI RIVER

4. Date or priority 10-2-1913

5. Water is used for the following purpose:

amount 1.06 cfs for IRRIGATION purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	36	19N	23E	LEMHI	MCDEVITT DITCH

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
19N	23E	36													32	21			53

Total acres 53

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

RECEIVED
MAR 30 1995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO WATER FROM
THE SNAKE RIVER BASIN

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 74-00674

DATE RECEIVED:

RECEIPT NO: X999999/90

RECEIVED BY: -----

RECEIVED
MAY 10 1990

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ANDREWS LIVESTOCK CO.

ADDRESS:

TENDRY, ID

83468

2. DATE OF PRIORITY: OCT 02, 1913

3. SOURCE: MC DEVITT CREEK

TRIS. TO: LEMHI RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
19N	23E	36	NE	SW			LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	1.060		

7. TOTAL QUANTITY APPROPRIATED IS:

1.060 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
19N	23E	36	NE	SE		IRR	32.0
			NW	SE		IRR	21.0

SECTION ACRES 53.0

10. PLACE OF USE: CONTIGUOUS

TOTAL ACRES 53.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

2 P/C IN NESW, S36, T19N, R23E.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE:

DECREE PLAINTIFF

VS

DECREE DEFENDANT

RECEIVED
MAR 30 1995

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ☒ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: 1

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): Phoebe Ruid DATE: 8 May 1990

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Lemhi) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 8th DAY
OF May 19 90

NOTARY PUBLIC

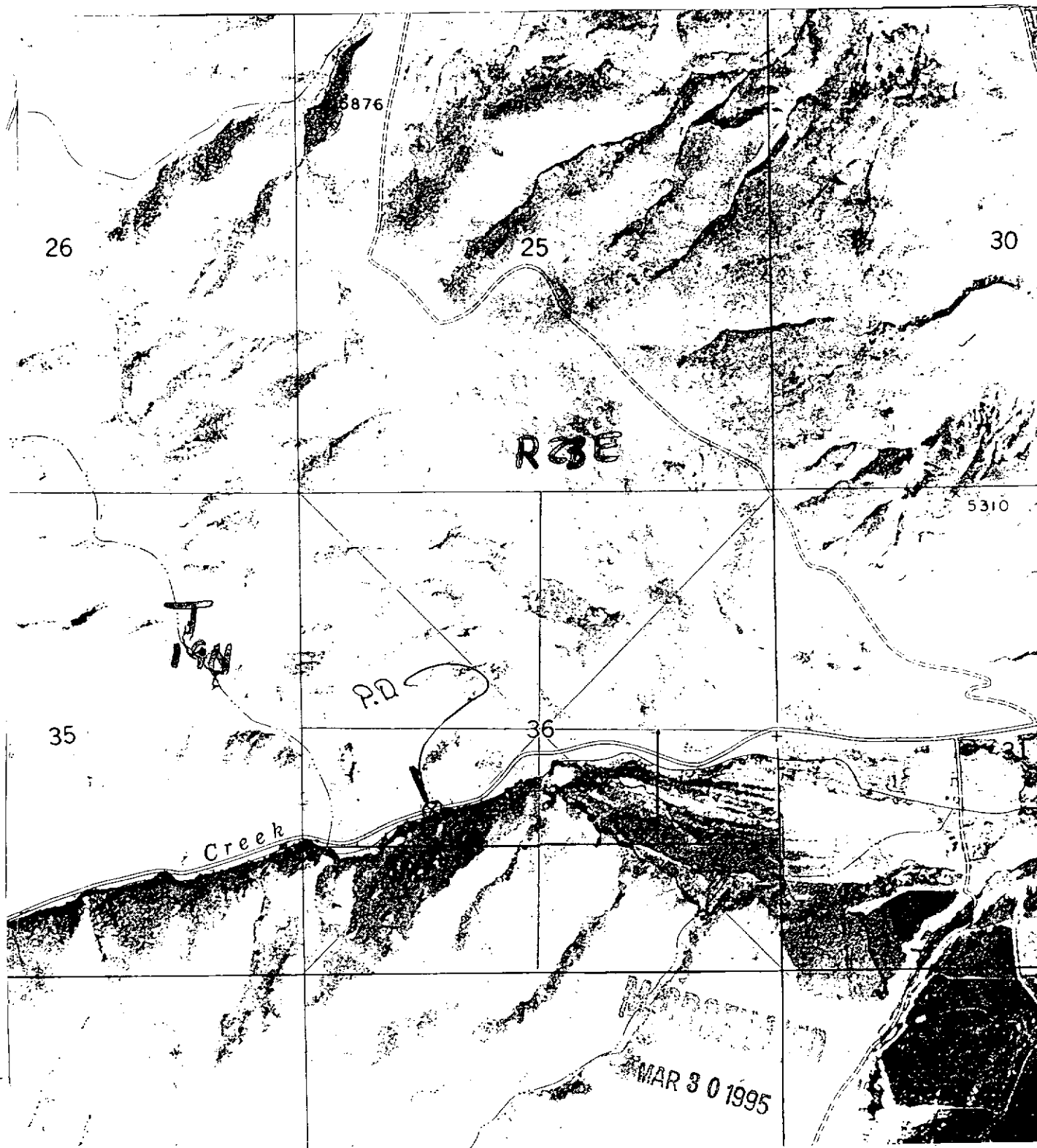
SEAL

RESIDING AT Salmon, Id.

COMMISSION EXPIRES June 14 1992
DATE: 02/08/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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.

Leroy Bird

(Signature of Applicant)

Subscribed and sworn to before me this 18th day of September, 19 94.

David Grupp

(Notary Public)

My commission expires Aug. 14, 1998**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by AWJ Date 9-22-94

Protest filed by _____

Prelim. check by KW Fee \$100⁰⁰ E020320Receipted by AWJ Date 9-22-94Published in Recorder-Herald

Copies of protest forwarded by _____

Pub. dates 10-6 & 13-94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by RDC

Copy of transfer sent to lien holder _____

RECORDED

MAR 30 1995

ARLA BOOTS
LEMHI COUNTY ASSESSOR
LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

IMPORTANT NOTICE — THIS IS NOT A BILL

PARCEL NO. RP 19N23E367200 A

ADDRESS CORRECTION REQUESTED

TAX CODE

21-00

CATEGORY DESCRIPTION

LOTS / ACRES

MARKET VALUE

2	IRRGTD PASTURE	50.740	AC
4	MEADOW	2.946	AC
5	DRY GRAZING	23.314	AC
19	PUBLIC RIGHT-OF	3.000	AC

12,969
1,399
649

1994

TAXPAYERS

VALUATION

ASSESSMENT NOTICE

80.000

15,017*

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 17, 1994

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

MAR 3 0 1995

PROPERTY ADDRESS
PREVIOUS NUMBER

N2SE4
36 19 23

Mail To:

BIRD, A LEROY
& BIRD, PHEOBE
BOX 27
TENDON, ID 83468

ANY PROTEST REGARDING THE MARKET VALUATION OF THIS PROPERTY MUST BE FILED WITH THE BOARD OF EQUALIZATION ON OR BEFORE THE FOURTH MONDAY IN JUNE (OR PRIOR TO THE FIRST MONDAY IN DECEMBER FOR PROPERTY ON THE SUBSEQUENT ASSESSMENT ROLLS).

FAILURE TO OBSERVE THE ABOVE DEADLINES WILL RESULT IN THE FORFEITURE OF THE RIGHT OF PROTEST AND APPEAL.

CONTACT THE COUNTY ASSESSOR OR COUNTY COMMISSIONERS AS TO DATES AND LOCATION OF MEETINGS OF THE BOARD OF EQUALIZATION.

A NUMBER OF EXEMPTIONS RELATING TO PROPERTY TAXES ARE AVAILABLE TO PROPERTY OWNERS, INCLUDING THE FOLLOWING:

HOMEOWNER
CIRCUIT BREAKER
AGRICULTURE
FOREST LAND
HARDSHIP

CONTACT THE ASSESSOR'S OFFICE FOR DETAILS AND DEADLINES:

BOARD OF EQUALIZATION DATES AND RESPONSIBILITIES

**The board of county commissioners must meet as a BOARD OF EQUALIZATION AT LEAST ONCE IN EVERY MONTH THROUGH THE FOURTH MONDAY IN JUNE AND DAY TO DAY THROUGH THE SECOND MONDAY OF JULY at which time it must adjourn, for the purposes of equalizing the assessment of real and personal property; allowing or disallowing claims for hardship exemptions; and hearing protests regarding the assessment of property. See Idaho Code, Section 63-401 and 63-402.

** The board of county commissioners of each county shall meet as a BOARD OF EQUALIZATION FROM THE FOURTH MONDAY OF NOVEMBER THROUGH THE FIRST MONDAY OF DECEMBER for the purposes of equalizing the assessment of all property entered upon the subsequent property assessment rolls, allowing or disallowing exemptions and rebates claimed, and hearing protests regarding such assessments. If other personal or real property is discovered and assessed after the subsequent board has adjourned, the taxpayer may appeal that assessment to the county BOARD OF EQUALIZATION DURING THE MONTHLY MEETING IN JANUARY OF THE FOLLOWING YEAR. See Section 63-1904, Idaho Code.

ARLA BOOTS
LEMHI COUNTY ASSESSOR
LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

IMPORTANT NOTICE — THIS IS NOT A BILL

PARCEL NO. RP 19N23E367200 A

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION	
2	IRRGTO PASTURE
4	MEADOW
5	DRY GRAZING
19	PUBLIC RIGHT-OF

TAX CODE	21-00
LOTS / ACRES	MARKET VALUE
50.740 AC	12,969
2.946 AC	1,399
23.314 AC	649
3.000 AC	

80.000

15,017*

1994
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement
IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 17, 1994

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER

NZSE4
36 19 23

Mail To:

BIRD, A LEROY
& BIRD, PHEOBE
BOX 27
TENDON, ID 83468

MAR 30 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

05/04/83

INDICATES TOTAL

SOURCE: MC DEVITT CREEK

TRIBUTARY TO: LEWIS RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0678	ANDREWS LIVESTOCK CO. TENDRY ID 83468	12-01-1911	IRRIGATION	03-15 11-15	2.44 CFS	NWSW S31 T19N R24E NESW S36 T19N R23E	NESW(33) SESW(23) DECREE LT03 (NWSW)(36) LT04 (SWSW)(30) S31 T19N R24E	122 ACRES*
			STOCKWATER	01-01 12-31	.04 CFS		SAVE AS OTHER USE	
					2.48 CFS			
74-0675	ANDREWS LIVESTOCK CO. TENDRY ID 83468	06-23-1913	IRRIGATION	03-15 11-15	2.62 CFS	NWSW S36 T19N R23E NESW S31 T19N R24E NWSW S31 T19N R24E	NESE(25) NWSE(36) DECREE SWSE(34) SESE(36) S31 T19N R24E	131 ACRES*
			STOCKWATER	01-01 12-31	.04 CFS		SAVE AS OTHER USE	
					2.66 CFS			
74-0674	ANDREWS LIVESTOCK CO. TENDRY ID 83468	10-02-1913	IRRIGATION	03-15 11-15	1.06 CFS	NWSW S36 T19N R23E	NESE(32) NWSE(21) DECREE S36 T19N R23E	53 ACRES*
74-0664	ANDREWS LIVESTOCK CO. TENDRY ID 83468	03-17-1915	IRRIGATION	03-15 11-15	1.64 CFS	NWSW S32 T19N R23E	NWSW(04) SWSW(16) DECREE S33 T19N R23E NESE(25) NWSE(23) SWSE(03) SESE(06) S32 T19N R23E	77 ACRES*
74-0533	ANDREWS LIVESTOCK CO. TENDRY ID 83468	04-01-1951	IRRIGATION	03-15 11-15	1.86 CFS	NWSW S36 T19N R23E	NESE(17) NWSE(36) DECREE S33 T19N R23E S06 T19N R24E	

REMARKS: 2 P/D IN NESW, S36, T19N, R23E.

STOCKWATER 01-01 12-31

.04 CFS

---*AFA

2.48 CFS

06-23-1913 IRRIGATION 03-15 11-15

2.62 CFS

NWSW S36
T19N R23E
NESW S31
T19N R24E
NWSW S31
T19N R24E

* 131 ACRES*

SAME AS OTHER USE

.04 CFS

---*AFA

2.66 CFS

10-02-1913 IRRIGATION 03-15 11-15

1.06 CFS

NWSW S36
T19N R23E

* 53 ACRES*

03-17-1915 IRRIGATION 03-15 11-15

1.64 CFS

NWSW S32
T19N R23E
NWSW(04) SWSW(16) DECREE
S33 T19N R23E
NESE(25) NWSE(23)
SWSE(03) SESE(06)
S32 T19N R23E

* 77 ACRES*

REMARKS: AC. IRR.=76.9.

04-01-1951 IRRIGATION 03-15 11-15

1.86 CFS

NWSW S36
T19N R23E
NESE(17) NWSE(36) DECREE
S33 T19N R23E
S06 T19N R24E



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MARCH 29, 1995

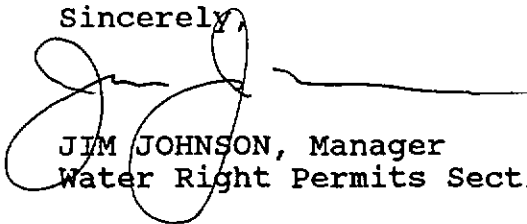
LEROY BIRD
PHOEBE BIRD
P O BOX 27
TENDON ID 83468

Transfer of Water Right No. 74-00674

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4453). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECORDED
MAR 30 1995

MEMORANDUM

TO: FILE NO. 74-00674
FROM: PAM SKAGGS/²STATE OFFICE
SUBJECT: TRANSFER NO. 4453
DATE: March 28, 1995

=====

Transfer No. 4453 was filed to change the point of diversion under Right No. 74-00674. The system is being changed to a gravity fed sprinkler system and the point of diversion is being moved upstream to gain lift for the pipeline.

The season was adjusted and volume assigned according to current standards. Recommended conditions include watermaster control, measuring device/lockable controlling works, right-of-way, irrigation overlap and standard transfer conditions.

RECEIVED
MAR 30 1995

TRANSFER REVIEW SHEET

(11-94)

Transfer # 4453

Date Reviewed 3-28-95

Right(s) 74-00674

☒ Print Split Summary WR

☒ B: Change P/D C: Add P/D D: Change P/U E: Change Nature of Use
F: Change Period of Use G: Other H: Change P/D & Add P/D
I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership NA P/D change only

94 Tax notice covers entire P/U N/2 SE - 80 Acres, 19N, 23E, Sec 36

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Right

Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume
(6) ☒ Source (7) ☐ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) 74 Water District (12) NONE Pertinent Conditions (13) NO Expansion

(3) Reduce to standard season 4-15 to 10-15

(5) No VOL on decree $53 \times 3.5 = 185.5 \text{ cfs} < 1.06 \times 183 \times 1.9835 = 384.8$

(7) Change to single P/D 600' upstream for lift.

Watermaster approval request MD.

Transfer Remarks —

Conditions R04, R43, R30, T04, T07, T08, T09

Database/Processing Notes T file

Database updated 3-28-95

WR0749NP
No. 74-00674

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEROY BIRD	10/02/1913	IRRIGATION	04-15 10-15	1.060 CFS	185.50 AFA
C	PHOEBE BIRD PO BOX 27 TENDON ID 83468 (208) 756-4323					
TOTAL DIVERSION:					1.060 CFS	185.50 AFA

Water Source: MC DEVITT CREEK

Tributary to: LEMHI RIVER

Stage: DECREED

Point(s) of Diversion:

T19N R23E S36

NESW

LEMHI County

Point of Diversion Name(s):

T19N R23E S36

NE SW

Name
PIPELINE

Rate

Number

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM
19N	23E	36	:								:										:	32	21				: 53.0
																								TOTAL ACRES		53.0	

Pou County: LEMHI

Other Water Rights with Same Point(s) of Diversion and Source:

74-00533 74-00674 74-00675 74-00678 74-02336

Other Water Rights Listing Overlapping Place(s) of use:

74-00674 74-02337

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

WR0749NP
No. T74-00674

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/95
PAGE: 2

Conditions of Approval:

- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Dates:	App. Received:	Priority Date:	10/02/1913
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 74 Field Exam Fee:

Comments: Date: 09/27/1994 User-ID: RBODELL Subject: TRANSFER NO. 4453
Applicant would like to put this land under a gravity flow
sprinkler system and needs to go up the creek 600' to gain more
elevation.
Change to single P/D.

Audit: 09/27/94 RBODELL 03/28/95 PSKAGGS

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 03/28/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

74-00674

ANDREWS LIVESTOCK CO.

1.06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KCWilber

1. Right number 24-00674 Applicant Leroy or Phoebe Bird
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments NONE
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) GIN 74-2337
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 74

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 9-30-1994 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Lockable diversion works & a
Permanent measuring device must be
installed & maintained at the PD
4. By RDC DEC 21 1994 Date 12/16/94
AD-5.O. 9-27-94
APP-5.O. 10-4-94

**NOTICE OF PROPOSED
CHANGE OF A WATER
RIGHT NO. 4453**

Notice is hereby given that Leroy or Phoebe Bird, Box 27, Tendoy, ID, 83468, has applied to the Department of Water Resources to change point of diversion of the waters of McDevitt Creek tributary to Lemhi River. The right sought to be changed is evidenced by a decree and recorded as follows:

DECREE NO.: 74-00674 Decreed to Andrews Livestock Co. in case of State of Idaho vs. Mary Adams Et Al

AMOUNT: 1.06 cfs

PRIORITY: 10/02/1913

POINT(S) OF DIVERSION:
NESE, SEC 36, T19N, R23E
(McDevitt Ditch), Lemhi County

The water is used to irrigate 53 acres within the NESE, NWSE, SEC 36, T19N, R23E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNESW, SEC 36, T19N, R23E (New Pipeline), Lemhi County and will be used to irrigate 53 acres within the NESE, NWSE, SEC 36, T19N, R23E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before October 31, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson

Director

Published in the Recorder Herald on October 13 & 20, 1994.

10-13-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES, being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the NOTICE OF CHANGE OF A WATER RIGHT NO. 4453

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for TWO (2) consecutive issues, commencing with the issue dated 10/13/94 and ending with the issue dated 10/20/94.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this 20 day of OCTOBER in the year of 1994, before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheila K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 49.68
#630

RECORDED

MAR 30 1995

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. A74-00674

RECEIVED

NOV 04 1994

Department of Water Resources
Eastern District Office

WATER DISTRICT .74

WATERMASTER Rick Sager

DATE: Oct 31, 1994

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

I recommend that Roy install a measuring
station at the confluence of this installation.
It is the only water right we charge an amount
delivered instead of decreed right.

Rick Sager
Watermaster

MICROFILMED

MAR 30 1995

September 30, 1994

LEROY OR PHOEBE BIRD
PO BOX 27
TENDON ID 83468

RE: Application for Transfer No. 4453

Dear Mr. Bird:

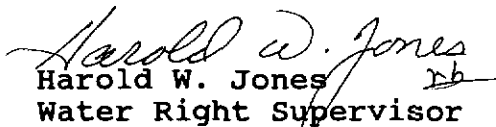
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Recorder Herald on October 6 & 10, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones *rb*
Water Right Supervisor

HWJ/rb

RECEIVED

MAR 30 1995

September 30, 1994

RICK SAGER
WATER DIST 74
HWY 28
SALMON ID 83467

RE: Application for Transfer No. 4453

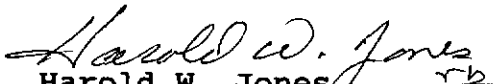
Dear Mr. Sager:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold W. Jones *rb*
Water Right Supervisor

HWJ/rb
enc.

RECEIVED

MAR 30 1995

September 28, 1994

RECORDER HERALD
PO BOX 310
SALMON ID 83467

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 24, 1994.

Yours truly,


Rita Bodell
Secretary

Enc.

RECORDED
INDEXED

MAR 30 1995

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4453

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PRIORITY: 10/02/1913

POINT(S) OF DIVERSION: NESE, SEC 36, T19N, R23E (McDevitt Ditch), Lemhi County

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R. Keith Higginson
Director

Published in the Recorder Herald on October ~~6~~¹³ & ~~12~~²⁰, 1994.

MAR 30 1995

74 0674

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Mike Turnipseed

SEP 5 1972

DATE September 1, 1972

TO Glen Saxton

Department of Water Administration

file

SUBJECT Water Rights in Lemhi River Adjudication

Robert Steele, Rt. #1, Box 504, Elbert, Colorado 80106, called inquiring about use rights and/or claims of Ernest Andrew on McDevitt Creek in 19N, 24E, Sec. 31 & 36, and 18N, 24E, Sec. 6.

We would like for you to write the letter to Mr. Steele.

Mike

SIGNATURE

MICROFILMED

September 6, 1972

Mr. Robert Steele
Route 1, Box 504
Elbert, Colorado 80106

Dear Mr. Steele:

This office is in receipt of your inquiry concerning use rights and/or claims of Andrews Livestock Co. c/E.J. Andrews on McDevitt Creek trib., to Lemhi River in Lemhi County, Idaho.

Mr. E. M. Andrews has filed the following "Notice of Claim to a Water Right" forms with the Department of Water Administration on McDevitt Creek Water uses:

Claim Identification No's.:

74-2336	74-0674
74-2337	74-0675
74-0533	74-0678
74-0664	74-0679
74-0673	

Copies of the claims are available from the Department upon request at a cost of 25¢ per copy.

If this office can be of further assistance please do not hesitate to contact us

Sincerely,

L. GLEN SUTTON
Adjudication Supervisor

LGS/rr

September 9, 1972
Elbert, Colorado

Mr. L. Glen Saxton
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Saxton:

Thank you for your letter of September 6, 1972 in regard to my inquiry concerning use rights and/or claims of Andrews of Andrews Livestock Co.c/ E.J. Andrews on McDovitt Creek trib., to Lemhi River in Lemhi County, Idaho.

Enclosed is my check in the amount of \$2.25 in payment for copies of the form "Notice of claim to a Water Right" filed by Andrews Livestock Co.c/ E.J. Andrews on McDovitt Creek. As per your letter of September 6th, the Claim Identification No.'s are:

74-2336	74-0664	74-0675
74-2337	74-0673	74-0678
74-0533	74-0674	74-0679

I presume that all these "Claims to a Water Right" is for water to be used on lands located in sections 31, 32, 33, 36 Township 19 North, Range 23 East and in Section 6, Township 18 North, Range 24 East. This water to be used in the irrigation of approximately 574.3 acres and to water the livestock thereon. If this is not correct, please, so advise.

In looking at the plat that I obtained from the Bureau of Land Management, I find that they list the deeded land in the name of E.M. Andrews. You list it as E.J. Andrews. Why should there be this discrepency?

I stopped in Dillon, Montana to talk to Mr. Dick Briggs who drilled the well for Mr. Andrews. Mr. Briggs gave me a copy of the well log. At 900 feet he began encountering a porous red lava formation that he thought would produce good water if drilled to the bottom of the strata. This seems to be strictly "Wildcat territory". Does the State of Idaho have any kind of program to assist in the financing of such deep exploratory wells?

It was nice visiting with you while I was in Salmon, Idaho the middle of August. Thank you for your attention to this matter. I will appreciate any suggestions you might have concerning the investigation of these Water rights and the process of securing a Court Decree.

Sincerely yours,

Robert E. Steele

September 13, 1972

Mr. Robert Steele
Route 1, Box 504
Elbert, Colorado 80106

RE: Lemhi River Adjudication, Civil No. 4948

Dear Mr. Steele:

This office is in receipt of your letter dated September 9, 1972 with enclosed check in the amount of \$2.25 for nine (9) copies of "Notice of Claim to Water Right" forms filed by Andrews Livestock Co. c/E.M. Andrews.

The claims were filed for domestic, stockwater and irrigation uses appurtenant to the following lands in the vicinity of McDevitt Creek, Lemhi County, Idaho:

Sec. 6, T18N, R 24EWM
Sec. 32, 33, 36, T19N, R 23EWM
Sec. 31, T19N, R 24EWM

The profile map prepared by this Department of irrigated lands in the Lemhi River Valley shows that approximately 15,000 acres are irrigated on the lands described above. E.M. Andrews.

In my letter of September 6, 1972, the name of E.M. Andrews was incorrect, shown as E.H. Andrews.

This Department has no program to assist in the financing of deep exploratory wells that you mentioned in your letter.

I would like to emphasize that the enclosed nine (9) copies of claims filed by E.M. Andrews are as the name suggests, only claims. These claims as well as the other approximately eighteen hundred (1800) claims of water use in the Lemhi Basin have not yet been recommended to the Seventh District Court in the form of a Proposed Finding of Water Right. After the report is recommended to the court, however, and any protests are settled, the court will enter a decree accordingly.

I hope this letter will answer your questions adequately and if this office can be of further assistance, please contact us.

Sincerely,

L. GLEN SEXTON
Adjudication Supervisor

LGS/rr

Enclosures: Claims & Receipt