STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88809

This is to certify that: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

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 Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
57-106A	WR/DECREED	4/1/1887	0.090 cfs	N/A	N/A	12.0	CASTLE CREEK
57-107A	WR/DECREED	4/1/1887	0.267 cfs	N/A	N/A	33.0	CASTLE CREEK
57-151A	WR/DECREED	4/1/1906	0.080 cfs	N/A	N/A	33.0	CASTLE CREEK
57-160B	WR/DECREED	4/1/1908	0.110 cfs	N/A	N/A	33.0	CASTLE CREEK
57-236	WR/DECREED	5/23/1910	0.940 cfs	N/A	N/A	47.0	CASTLE CREEK
57-237A	WR/DECREED	11/11/1913	0.100 cfs	N/A	N/A	12.0	CASTLE CREEK
57-97A	WR/DECREED	4/1/1885	0.050 cfs	N/A	N/A	12.0	CASTLE CREEK
57-98A	WR/DECREED	4/1/1885	0.200 cfs	N/A	N/A	33.0	CASTLE CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
57-106A	NO	NO	NO	YES	NO	NO
57-107A	NO	NO	NO	YES	NO	NO
57-151A	NO	NO	NO	YES	NO	NO
57-160B	NO	NO	NO	YES	NO	NO
57-236	NO	NO	NO	YES	NO	NO
57-237A	NO	NO	NO	YES	NO	NO
57-97A	NO	NO	NO	YES	NO	NO
57-98A	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

SUPPORT DATA
IN FILE# 57-97A

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
57-106A	57-106A	0.090 cfs	N/A	N/A	12.0	N/A	N/A	N/A	N/A	N/A
57-107A	57-107A	0.267 cfs	N/A	N/A	33.0	N/A	N/A	N/A	N/A	N/A
57-151A	57-151A	0.080 cfs	N/A	N/A	33.0	N/A	N/A	N/A	N/A	N/A
57-160B	57-160B	0.110 cfs	N/A	N/A	33.0	N/A	N/A	N/A	N/A	N/A
57-236	57-236	0.940 cfs	N/A	N/A	47.0	N/A	N/A	N/A	N/A	N/A
57-237A	57-237A	0.100 cfs	N/A	N/A	12.0	N/A	N/A	N/A	N/A	N/A
57-97A	57-97A	0.050 cfs	N/A	N/A	12.0	N/A	N/A	N/A	N/A	N/A
57-98A	57-98A	0.200 cfs	N/A	N/A	33.0	N/A	N/A	N/A	N/A	N/A

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DEPARTMENT OF WATER RESOURCES

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COMBINED TOTALS	**1.830 cfs**	**N/A**	**N/A**	**94.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 31st day of January, 2025.

SCOTT STORMS, Water Resources Supervisor

WATER RIGHT NO. 57-236

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-236 is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 5/23/1910

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.940 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.940 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	13												11.0		4.0	11.0		26.0
04S	01E	24		6.0			15.0												21.0

POU Total Acres: 47.0

CONDITIONS OF APPROVAL

1. Use of water under this right may 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. 57C.

2. 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. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Castle Creek in the T04S, R01E, S24, SWSW.

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 57-236

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

6. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

7. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

8. Stockwater use is for 200 range cattle.

9. The right holder shall accomplish the change authorized by this transfer within one year 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-151A

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-151A is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 4/1/1906

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.080 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24								25.0	8.0								33.0

POU Total Acres: 33.0

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this right may 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. 57C.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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WATER RIGHT NO. 57-151A

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

6. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

7. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

9. Stockwater use is for 200 range cattle.

10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-160B

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-160B is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 4/1/1908

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.110 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24								25.0	8.0								33.0

POU Total Acres: 33.0

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this right may 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. 57C.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

WATER RIGHT NO. 57-160B

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

5. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

6. Rights 57-00098A, 57-00107A and 57-00151A when combined shall not exceed the irrigation of 33 acres.

7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

8. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

9. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

10. Stockwater use is for 200 range cattle.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-98A

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-98A is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 4/1/1885

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.200 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24								25.0	8.0								33.0

POU Total Acres: 33.0

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

2. Use of water under this right may 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. 57C.

3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

4. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

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WATER RIGHT NO. 57-98A

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

7. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

8. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

9. Stockwater use is for 200 range cattle.

10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-107A

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-107A is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 4/1/1887

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.260 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.267 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24								25.0	8.0								33.0

POU Total Acres: 33.0

CONDITIONS OF APPROVAL

1. Use of water under this right may 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. 57C.

2. 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

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WATER RIGHT NO. 57-107A

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

5. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

6. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

7. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

8. The right holder shall accomplish the change authorized by this transfer within one year 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-237A

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-237A is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 11/11/1913

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.100 cfs
				0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24											12.0						12.0

POU Total Acres: 12.0

CONDITIONS OF APPROVAL

1. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

3. Use of water under this right may 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. 57C.

4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

Transfer No. 88809

WATER RIGHT NO. 57-237A

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than originating approval/SRBA partial decree 11/25/1997.

7. Rights 57-00097A, 57-00106A and 02-07274B when combined shall not exceed a total diversion rate of 0.24 cfs, and the irrigation of 14 acres.

8. The right holder shall accomplish the change authorized by this transfer within one year 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.

WATER RIGHT NO. 57-97A

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-97A is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 4/1/1885

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.050 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24											12.0						12.0

POU Total Acres: 12.0

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

2. Use of water under this right may 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. 57C.

3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

4. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

Transfer No. 88809

WATER RIGHT NO. 57-97A

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

6. Rights 57-00106A, 57-00237A and 02-07274B when combined shall not exceed the irrigation of 14 acres.

7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

8. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

9. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

10. Stockwater use is for 200 range cattle.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-106A

As Modified by Transfer No. 88809

In accordance with the approval of Transfer No. 88809, Water Right No. 57-106A is now described as follows:

Right Holder: BIRDS & BBS LLC
2621 E STARCREST DR
BOISE, ID 83712-8418

Priority Date: 4/1/1887

Source: CASTLE CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/15	0.090 cfs
STOCKWATER	4/01	to	10/15	0.050 cfs
				0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSE	Sec 13 Twp 04S Rge 01E	OWYHEE County
CASTLE CREEK	SWSW	Sec 24 Twp 04S Rge 01E	OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	24											12.0						12.0

POU Total Acres: 12.0

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

2. Use of water under this right may 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. 57C.

3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

WATER RIGHT NO. 57-106A

As Modified by Transfer No. 88809

CONDITIONS OF APPROVAL

4. THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED.

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

6. Rights 57-00097A, 57-00237A and 02-07274B when combined shall not exceed irrigation of 14 acres.

7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2002.

8. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

9. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

10. Stockwater use is for 200 range cattle.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

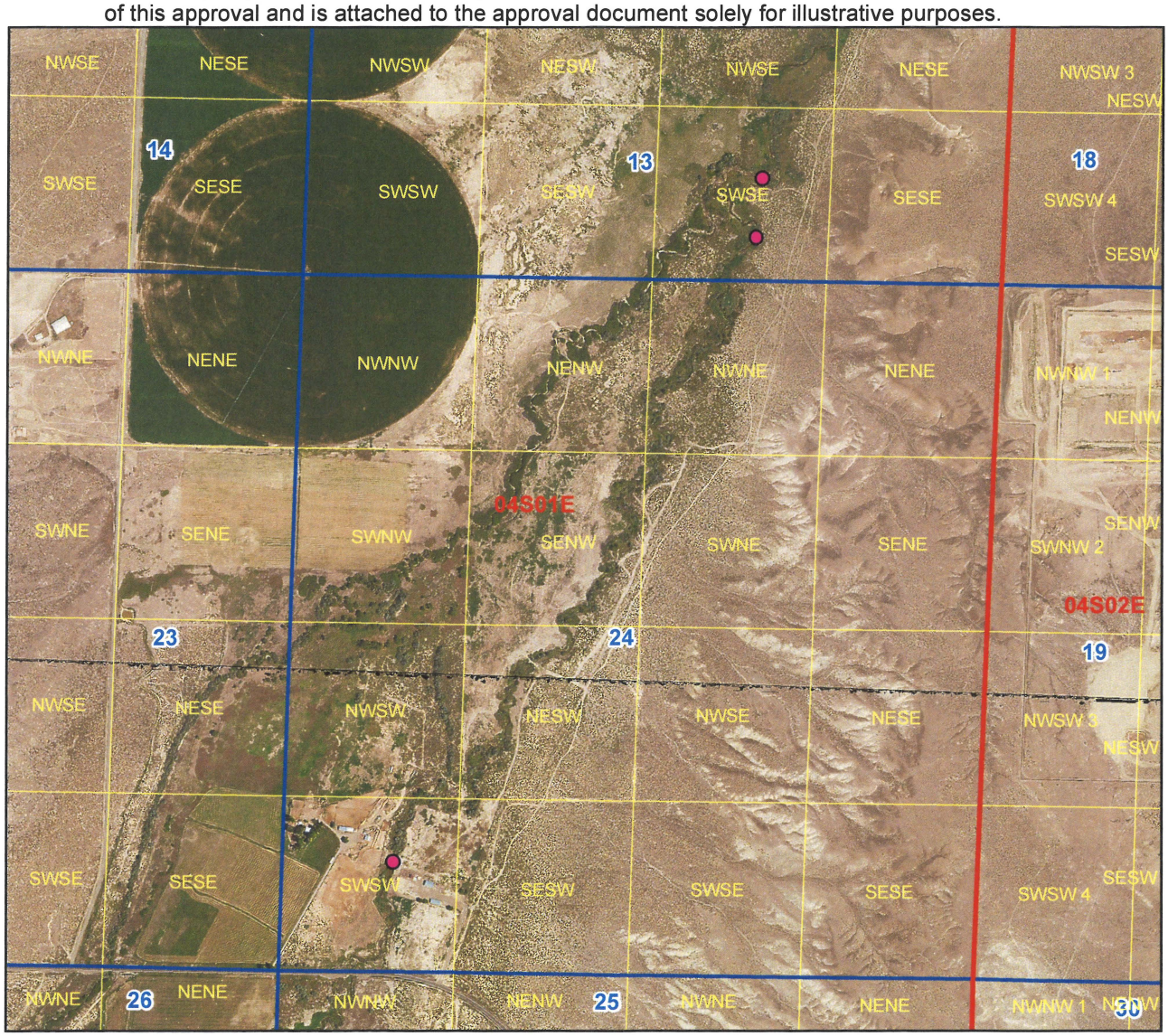
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No.88809

Water Rights: 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A

This map depicts the IRRIGATION point of diversion for these water righst at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

- POD
- Township/Range
- Sections
- QQ

0 0.15 0.3 0.6 Miles

N

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Mathew Weaver

January 31, 2025

BIRDS & BBS LLC
2621 E STARCREST DR
BOISE ID 83712-8418

RE: Transfer No: 88809
Water Right No(s).: 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Western Region Office at (208) 334-2190.

Sincerely,

Marina Bozdog

Marina Bozdog
Technical Records Specialist I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2025, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88809
Water Right No(s).: 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A

BIRDS & BBS LLC (Current Owner)
2621 E STARCREST DR
BOISE ID 83712-8418

HATTIE ZOBOTT (Representative)
2471 S TITANIUM PL
MERIDIAN ID 83642-6703

Marina Bozdog

Marina Bozdog
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO:	Transfer No. 88809
FROM:	Marcelina Williams
DATE:	January 30, 2025
RE:	Evaluation of Application

The purpose of this transfer is to add two new points of diversion (POD) to water rights 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A. The PODs are proposed to be better located for accessibility to the property and fall on lower reaches of Castle Creek than the original POD.

Summary of Information Submitted

Authority to File:
IDWR records show the applicant BIRDS and BBS LLC as the current owner of water rights 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A. The county assessors have BIRDS and BBS LLC as the owners of the parcel associated with water rights the above listed water rights. The application was signed by Bruce A. Kniefel, who is one of the registered agents to BIRDS and BBS LLC according to Idaho Secretary State Office.

Water Right Validity:
Water rights 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A are decreed rights from the SRBA. Upon review of the rights, using arial imagery available to the department the validity of the above rights needed verification. A request for defense to forfeiture was requested on March 30, 2024. The applicant submitted evidence of using water rights 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A on May 29, 2024. Water rights are presumed to be valid.

Injury to Other Water Rights:
Transfer 88809 proposes no changes in nature of use or quantity diverted at the new point of point of diversion. No injury is anticipated.

Enlargement of Use:
The rights under this transfer are attached to the availability of water at the original POD in Castel Creek. This is further described in a condition that states "THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED." This condition helps ensure the proposed changes will not result in an increase in the diversion rate, or acres irrigated. Enlargement does not appear to be an issue.

Local Public Interest:
This transfer is not anticipated to cause potential water quality issues, impact current land use requirements on non-private land or impact fish/wildlife resources. Furthermore, no protests were received when application was put into public advertising. For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:
The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

The Birds and BBs LLC has requested to add two new PODs on Castle Creek to 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-236, 57-237A which are irrigation and stock water rights.

Discussion

Water master comments were received in response to a comment letter the department sent on June 28, 2024. The water master expressed concern regarding water supply and the new diversions being significantly downstream from the current POD. Water rights 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, and 57-237A have a condition that states "ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S. 26, T. 4S, R. 1E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND IN THE DITCH AT THE PRESENT POINT OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINT OF DIVERSION IF THERE IS NOT WATER THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00097A, 57-00098A, 57-00106A, 57-00107A, 57-00129, 57-00137, 57-00153, 57-00160B, 57-00236 & 57-00237A.". Upon approval this condition will be updated to state "THE RIGHT HOLDER IS ENTITLED TO DIVERT AT THE PRESENT POINTS OF DIVERSION, ONE IN THE SWSW, S24, T04S, R01E, AND TWO IN THE SWSE, S13, T04S, R01E ONLY THE AMOUNT OF WATER AT THE OLD POINT OF DIVERSION LOCATED IN THE SESW, S26, T04S, R01E, LESS A 20 PERCENT LOSS. MEASURING DEVICES SHALL BE MAINTAINED IN CASTLE CREEK AT THE OLD POINT OF DIVERSION AND AT THE PRESENT POINTS OF DIVERSION. WATER WILL NOT BE IMPOUNDED AT THE PRESENT POINTS OF DIVERSION IF THERE IS NOT WATER TO WHICH THE RIGHT HOLDER IS ENTITLED." This condition helps address the issues of water sufficiency within Castle Creek and allows the water master to administer water in accordance with Idaho statue.

If approved, the following changes should also be made to the conditions of water right no(s) 57-97A, 57-98A, 57-106A, 57-107A, 57-151A, 57-160B, 57-237A; Add standard transfer conditions T07 and T08. Update all C18 conditions to T19. R65 will be added. C03 will be removed. Combined limit conditions that were labeled as X49, N08 and written in were updated to X35 on water right no(s) 57-237A, 57-160B, 57-106A and 57-97A. All season of use conditions were updated to X61 on water right no(s) 57-97A, 57-98A, 57-106A, 57-107A, 57-160B, and 57-236.Water district conditions 01R,R02, and R05 were add to water right no(s) 57-97A, 57-151A, 57-106A, 57-237A, 57-106B, and 57-98A. Water district conditions R43 and R05 were added to water right no(s) 57-107A and 57-236.Condition X49 will be added to water right 57-151A. Condition X02 was added to all water rights in this transfer other than water right no(s) 57-237A and 57-107A. Additionally, all rights in this transfer had X61 wording updated to include the accurate decree date.