

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-7346

Priority: April 25, 1994

Maximum Diversion Rate: 0.59 CFS

Maximum Diversion Volume: 104 AF

It is hereby certified that:

KURT W BIRD OR JANET E BIRD
56 LOWER TEXAS CREEK RD LEADORE ID 83464

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 25, 1994, and has submitted Proof of Beneficial Use on September 27, 2013. An examination confirms water is diverted from:

Source : WASTE WATER

Tributary: TEXAS CREEK

Beneficial Use

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

0.59 CFS

Annual Volume

104 AF

Location of Point(s) of Diversion

WASTE WATER SE¼ SE¼, Sec. 15, Twp 15N, Rge 26E, B.M. LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	14							29	0.7									29.7

Total Acres: 29.7

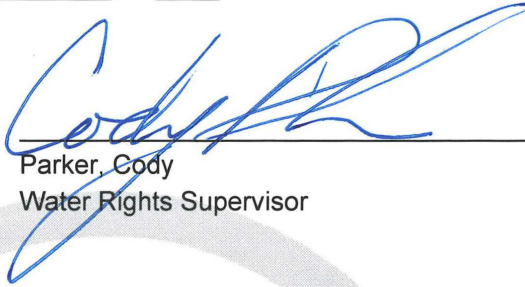
Conditions of Approval

1. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
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. 74W.
3. 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.
4. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
5. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
6. This right does not grant any right-of-way or easement across the land of another.

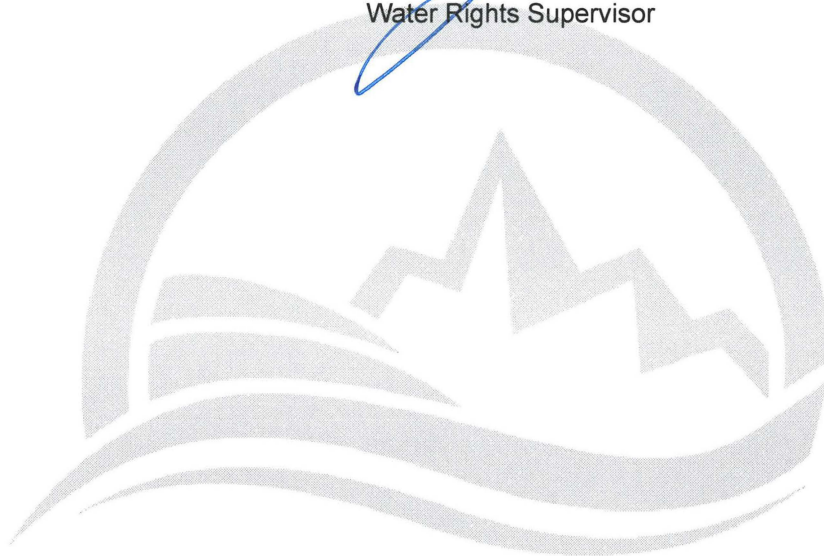
State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-7346

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 19 day of December, 2025.

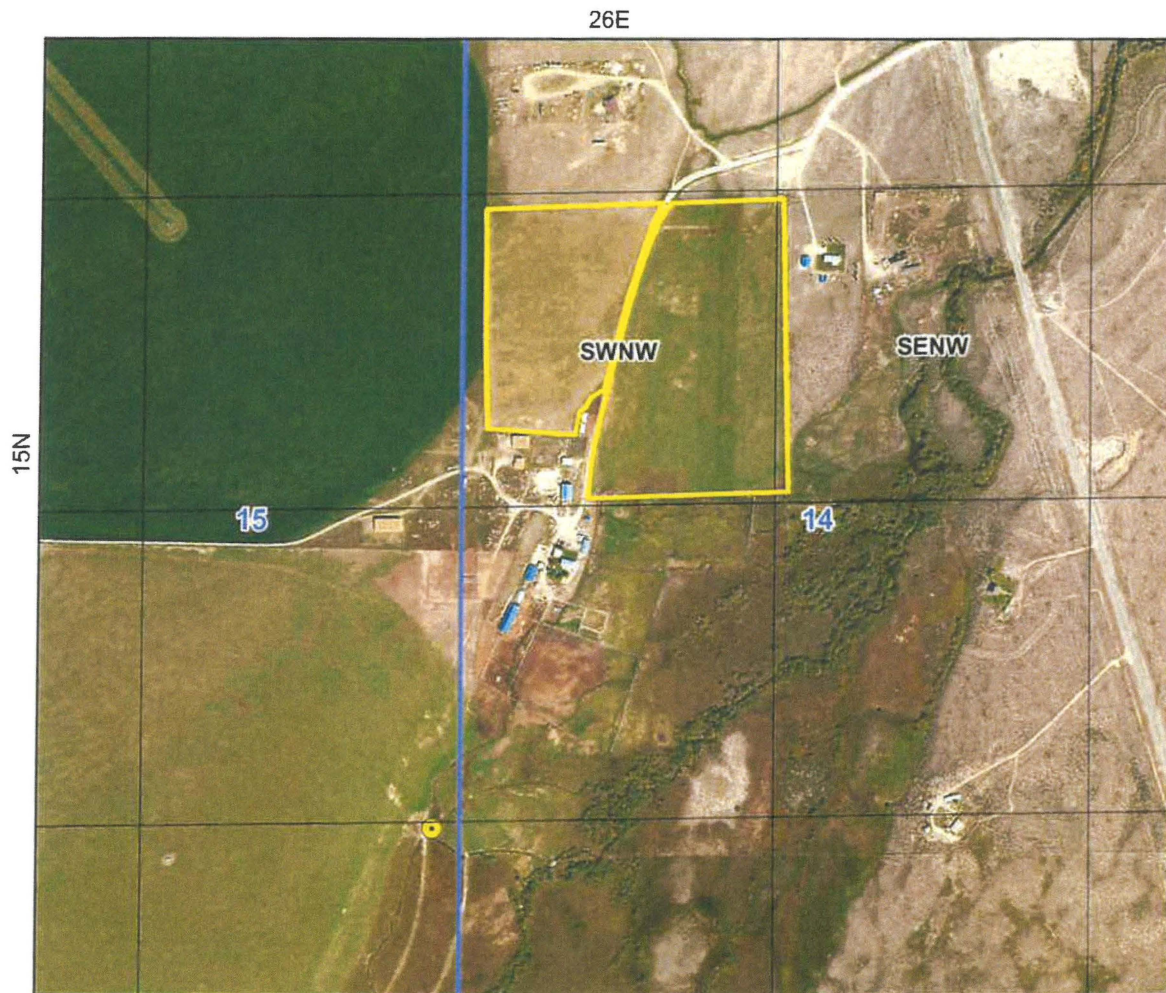


Parker, Cody
Water Rights Supervisor



State of Idaho
Department of Water Resources
Attachment to Water Right
74-7346

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 500 1,000 2,000 Feet

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion
-  State Outline



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 74-7346

RECEIVED

AUG 19 2024

DEPARTMENT OF
WATER RESOURCES

Priority: April 25, 1994

Maximum Diversion Rate: 0.59 CFS

Maximum Diversion Volume: 104.0 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 74-7346

KURT W BIRD 56 LOWER TEXAS CREEK RD LEADORE ID 83464 OR

JANET E BIRD 56 LOWER TEXAS CREEK RD LEADORE ID 83464

requests the permit be changed as follows:

Source : WASTE WATER

Tributary: TEXAS CREEK

Beneficial Use

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

0.59 CFS

Annual Volume

104.0 AF

Location of Point(s) of Diversion

WASTE WATER SE¼ SE¼, Sec. 15, Twp 15N, Rge 26E, B.M. LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	14							29.0	0.7									29.7

Total Acres: 29.7

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 13th day of August, 2024.


(Signature)

RECEIVED

AUG 21 2024

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 74-7346

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by KM # C118767 Date 8-19-24

ACTION OF THE DEPARTMENT OF WATER RESOURCES

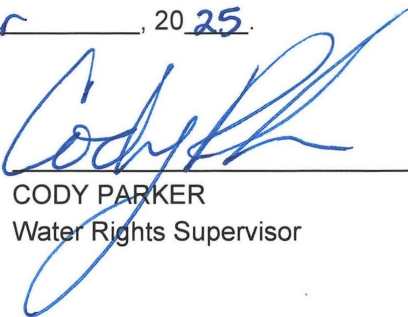
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 74-7346 with the following:

Conditions of Approval

1. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
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. 74W.
3. 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.
4. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
5. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
6. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 19 day of December, 2025.



CODY PARKER
Water Rights Supervisor



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

December 22, 2025

KURT W BIRD
JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

RE: License No. 74-7346

ISSUANCE OF LICENSE

Dear Water Right Holders:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed, please contact me at 208-605-4629.

Sincerely,

Susan E Hobson

Susy Hobson
for

Parker, Cody
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I served a true and correct copy of Water Right License No. 74-7346 by U.S. Mail, postage prepaid, to the following:

JANET E BIRD (Current Owner)
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

KURT W BIRD (Current Owner)
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

WATER DISTRICT #74W
KERRY W PURCELL (Watermaster)
1775 LEE CREEK RD
LEADORE ID 83464-5047



Susy Hobson
Technical Records Specialist 1

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.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 24, 2024

KURT W BIRD OR JANET E BIRD
56 LOWER TEXAS CREEK RD
LEADORE ID 83464

RE: Water Right Permit No. 74-7346

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☐ Point(s) of Diversion

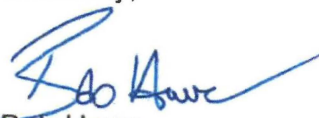
☒ Place(s) of Use

☐ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of \$100.00 within fourteen (14) days.

If you have any questions, please call me at (208)287-4847.

Sincerely,


Bob Howe
Water Resource Agent

Enclosure(s): Application for Amendment



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 1, 2024

KURT & JANET BIRD
56 LOWER TEXAS CREEK RD
LEADORE, ID 83464

RE: Scheduling Field Exam for Water Right Permit No. 74-7346

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **on the week of June 10 to June 14, 2024**. An examination is needed to verify the water use in order to issue a water right license.

The above-referenced permit authorizes **0.80 CFS** from **Wastewater** for **Irrigation** use. **If you have developed a beneficial use and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued and the permit should be relinquished. If that use was developed, but have ceased using the water and you currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but you no longer own the place of use property identified in the permit, please submit the enclosed Ownership Change form with the applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 287-4847 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

Enclosures: Relinquishment of Permit form
Change of Ownership form
Water Permit Proof Report and Map