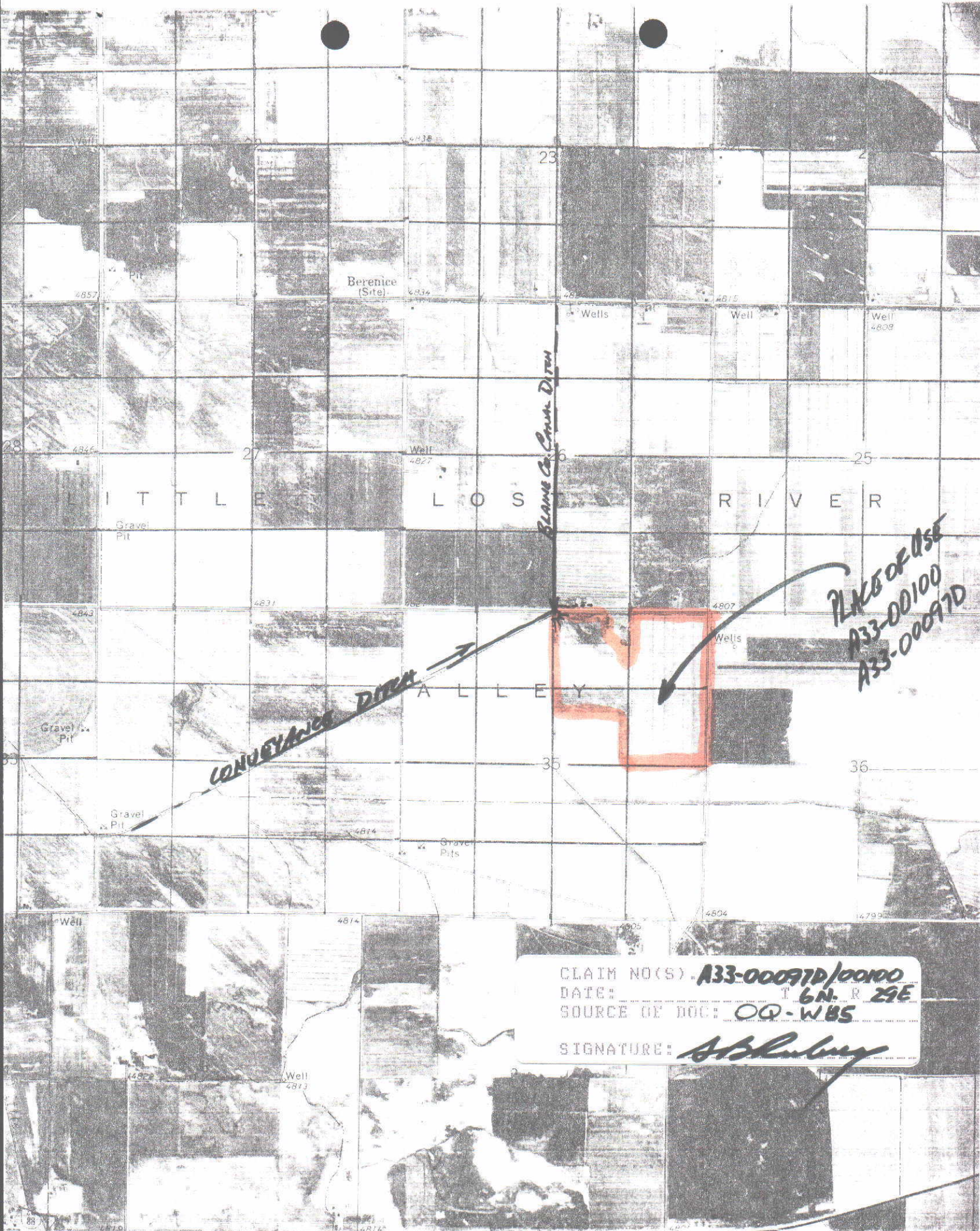




PLANS OF USE
A33-00100
A33-00097D

CLAIM NO(S) **A33-00097D/00100**
DATE: **T 6N. R 29E**
SOURCE OF DOC: **OQ-WBS**
SIGNATURE: **[Signature]**



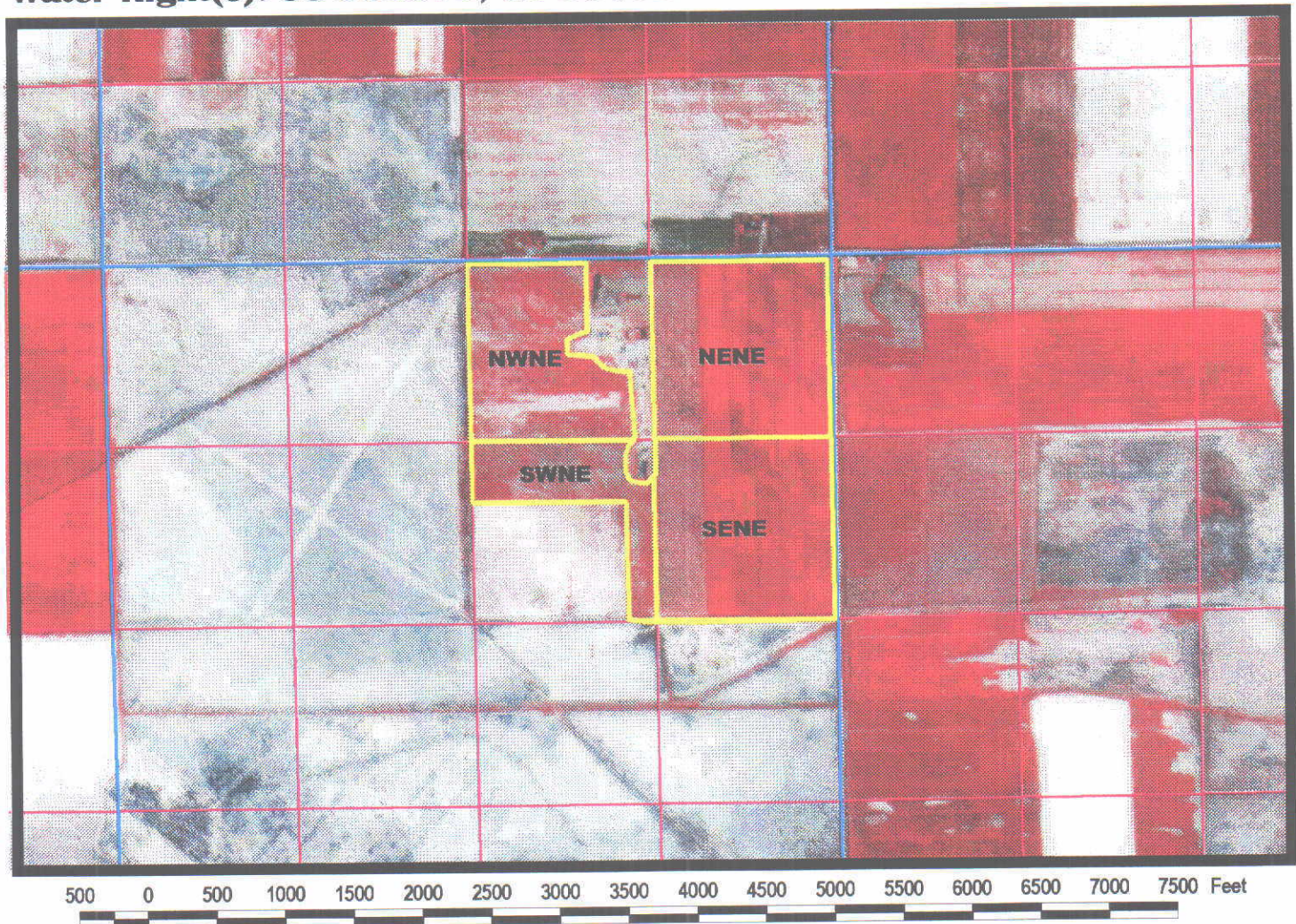
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Woodie Land and Livestock Inc

Water Right(s): 33-00097D, 33-00100



LEGEND



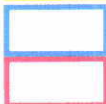
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



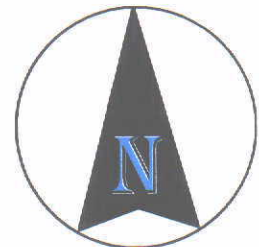
Section Line



Quarter-section line

**Place(s) of Use: T.6N., R.29E.
Sec. 35 (parts of) W2NE, E2NE**

**Point(s) of Diversion: T.10N., R.25E.
Sec. 31 SWNENW - Dry Creek
Rediverted at: Hartman diversion #5
T.6N., R.29E. Sec. 32 SWNWNW
Delivered via Woodie Ditch**



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: April 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

A33-60100

EASTERN REGION

February 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David Andreason, Watermaster
Water District 33
Howe, Idaho 83244

Dry Creek Water Users
Water District 33
Howe, Idaho 83244

Dear Watermaster and Water Users:

Per a telephone request of Mr. Bill Stauffer of Blaine County Canal Company, I'm sending you this letter to clarify the remark regarding delivery of Dry Creek water, which reads:

"THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM THE POINT OF DIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE."

In notices of error and in the petition, many of the Dry Creek water users disagreed with this remark. I apologize that it was not changed, due to my error. Dave Tuthill had intended that I modify the remark to clearly indicate the reductions should be based upon transmission losses. It should have read something like:

"THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY DUE TO LOSS BY EVAPORATION AND SEEPAGE, PURSUANT TO SECTION 42-105, IDAHO CODE."

Now that the recommendations have gone to the court, however, I can't change the wording. Though the current remark is perhaps a little unclear, in my opinion it doesn't really injure the Dry Creek water users. The whole intent of this remark is to allow the watermaster to assess transmission losses to "developed" waters. It appears not only on the Dry Creek rights but also on the Bell Mountain rights and all exchange wells subject to transmission losses. While it is unfortunate that the remark doesn't explicitly state

"transmission losses," it clearly points to section 42-105 of Idaho Code. That section reads:

"The water that a person is entitled to divert... may be turned into the channel of a natural waterway and mingled with its water, and then reclaimed, but in reclaiming the water so mingled, the amount of water to which prior appropriators may be entitled shall not be diminished, and due allowance shall be made for loss by evaporation and seepage. The use of natural waterways... shall be subject to the regulation of the watermaster within an established water district."

Please review this carefully. If you still believe this remark injures you, you may file an objection with the court. Filing the objection will give you the opportunity to present your concerns with the judge, and the judge may direct IDWR to change the remark accordingly.

Typically the judge will ask IDWR's input, and I think the department's response would be agreeable to changing the wording. The department would still want some type of remark, to preserve historical practice and the intent of the 1966 agreement between Dry Creek users and users of the Little Lost River.

Please call me at 525-7161 or 663-4853 if you have questions or concerns about this issue.

Sincerely,

Bryce A. Contor

Mailing list for Dry Creek Remark Letter:

David Andreason, Watermaster
Water District 33
Howe, Idaho 83244

Bill Stauffer, Chairman
Blaine County Canal Company
Howe, Idaho 83244

Pancheri, Inc.
c/o Jerry Pancheri
HC 65 Box 2104
Howe, Idaho 83244

Keith Waymire
PO Box 47
Howe, Idaho 83244

Daryl Andreason
Brenda Andreason
PO Box 22
Howe, Idaho 83244

James Andreason
Elizabeth Andreason
PO Box 3
Howe, Idaho 83244

Woodie Land and Livestock
HC 65 Box 1019
Howe, Idaho 83244

Mays Land and Livestock
PO Box 1
Howe, Idaho 83244

A33-00100

WOODIE LAND & LIVESTOCK

HC 65 BOX 1018

HOWE ID 83244

R

SEE TRANS 3997 (00097) memo 1

See T843 & 443



A3300100

☒ HOW MUCH TRANSMISSION LOSS IS ASSESSED? NOT CONCERN OF RIGHT-ONLY DELIVERY

☒ DEX CL. WATER DELIVERED AHEAD OF LLR HERE? *Yes/Tim-Louis Memo*

☒ DEFINING: 1) POINT OF DIVERSION

2) POINT OF INJECTION

3) POINT OF RE-DIVERSION

☐ BCC SHARES - HOW MANY?

☐ INDIG. OF SWSWSE?

SOURCE?

November 23, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-00100

WOODIE LAND & LIVESTOCK INC
HC 65 BOX 1018
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

SOURCE

2. Describe the changes you wish to make in the proposed recommendation:

should BE CHANGE TO DEVELOPE WATER

3. Give a brief explanation as to why you disagree with these portions:

*IN 1920 BECAUSE WATER DID NOT REACH RIVER
A DAM WAS CONSTRUCTED, AND A RED WOOD PIPE-
LINE WAS BUILT AT GREAT EXPENSE. LATER THE
DAM FAILED, THE PIPE THEN WENT TO PIECES WITH
NO WATER IN IT (CONTINUED ON LAST PAGE)*

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: *12/8/99* SIGNATURE: *George Woodie*

Please print your name:

GEORGE WOODIE

*Major issue- Probably a Court Decision & Hearing
will RESOLVE issue.*

¹⁰⁰
33-000375- CONTINUED

RIGHT NO. 33-00100 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

A COST OF \$169,000. THE DITCH UPKEEP WAS
ALSO A GREAT EXPENSE. A HYDRO CO THEN
CAME IN AND BUILT A PIPELINE (COST OF PIPELINE
UNKNOWN TO ME) THIS WATER WOULD NEVER
REACH THE RIVER IF NOT FOR THESE MANMADE
STRUCTURES, SO THEREFORE IT SHOULD BE
DESIGNATED AS DEVELOPE WATER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 12

TRANSFER OF WATER RIGHT

TRANSFER NO. 4077
WATER RIGHT NO(S). 33-00097D/33-00100 Department of Water Resources
Eastern District Office

This is to certify that: WOODIE LAND & LIVESTOCK INC
HC 65 BOX 1018
HOWE ID 83244

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>
Right No. 33-00097D : IRRIGATION Priority: 04/15/1891	04/15 to 10/15	1.20 CFS	427.0 AF

Right No. 33-00100 : IRRIGATION Priority: 04/15/1891	04/15 to 10/15	0.80 CFS	292.0 AF
--	----------------	----------	----------

SOURCE

DRY CREEK

TRIBUTARY OF

LITTLE LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 32, Township 06N, Range 29E
BUTTE 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>
06N	29E	35	NENE 38	NWNE 29	SWNE 16	
			SENE 39			122

Total number of acres irrigated: 122

CONDITIONS/REMARKS:

Right Nos. 33-00097D and 33-00100 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4077.

Dated this 3rd day of November, 1993.

J. Glen Saxton
Chief, Water Alloc. Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of November, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

George Woodie
Woodie Land Livestock
HC 65 Box 1018
Howe, ID 83244

Jeff C Fereday
Givens Pursley Huntley
PO Box 2720
Boise, ID 83701

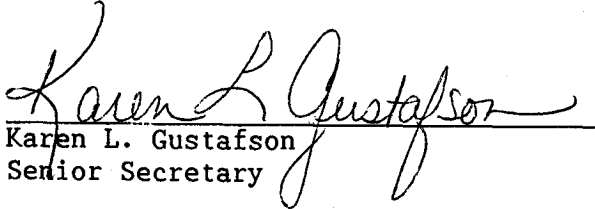
Randall C Budge
Racine Olson Nye et al
PO Box 1391
Pocatello, ID 83204-1391

Mays Land & Livestock

Robert R Mays

Howe, ID 83244

HC 65 Box 2105
Howe, ID 83244


Karen L. Gustafson
Senior Secretary

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Woodie Land & Livestock, Inc. Phone 767-3461
Post Office address HC 65 Box 1018 Howe, Idaho 83244

A. PURPOSE OF TRANSFER

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 Jim Anderson sold this water to the applicant for use on other property which is 26 miles (more) down stream on the Little Lost River

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--------------------|----------------------|-----------------------|-------------------|-----------------------------|
| <u>A 33-00100</u> | <u>15 April 1891</u> | <u>0.80 cfs</u> | <u>Irrigation</u> | <u>4-01</u> to <u>11-01</u> |
| <u>A 33-00097B</u> | <u>15 April 1891</u> | <u>1.20 cfs</u> | <u>Irrigation</u> | <u>4-01</u> to <u>11-01</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 2.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Dry Creek tributary to Little Lost River
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible] $0.0164/\mu$

Total acres 122

PART 1**6. General Information:**

- a. Description of diversion system Dry creek water will flow into Little Lost River then diverted approx 26 miles downstream into an existing ditch to my place of use.
- 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.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

This new place of use has been irrigated with Blaine Co. Canal share water.

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 _____.

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. A33-00100 Decreed to Emily Basinger (James O. Anderson)
in case of Robert C. Mayes, Et. Al. vs. Blaine County Investment Co.
dated 3-4-1927 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A33-00100 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 Dry Creek tributary to Little Lost River

4. Date or priority 15 April 1891

5. Water is used for the following purpose:

amount 0.80 for Irrigation purposes from 04-01 to 11-01
(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 0.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	16	9N	27E	Butte	

8. 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	
9N	27E	21		40	36											36	5		117

Total acres 117

9. Describe any other water rights used for the same purpose as described above A33-07055 (Groundwater)

transfers 843, 943

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

NO

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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. A33-000973 Decreed to O.P. Williams (James O. Anderson)
in case of Robert C. Mayes, Et Al vs. Blaine County Investment Co.
dated 3-4-1927 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A33-000973 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 Dry Creek tributary to Little Lost River

4. Date or priority 15 April 1891

5. Water is used for the following purpose:

amount 3.20 for Irrigation purposes from 04-01 to 11-01
(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 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
		NE	SW	12	10N	26E	Butte
		NE	SW	20	10N	27E	Butte

33-7014 3.73 cfs / 300 ac GW.

33-7056 1.46 cfs / 16 ac GW.

8. 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	
10N	26E	13													40			40	80
		24	13																13
10N	27E	18											40	22					62
		19					39	40	33					28					140
		20									10			37					47

Total acres 342

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

A33-00095B / 00096B / 00001B

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

NO 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 1.20 for Irrigation purposes from 04-01 to 11-01
 (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
		NE	SW	12	26E	10N	Butte	
		NE	SW	20	27E	10N	Butte	

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	
10N	26E	13													40			40	80
		24	13																13
10N	27E	18											13.25	22					35.25

Total acres 128.25

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

1. amount 2.0 for Irrigation purposes from 04-01 to 11-01
 (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
		NE	SW	12	26E	10N	Butte	
		NE	SW	20	27E	10N	Butte	

3. Lands irrigated or place of use:

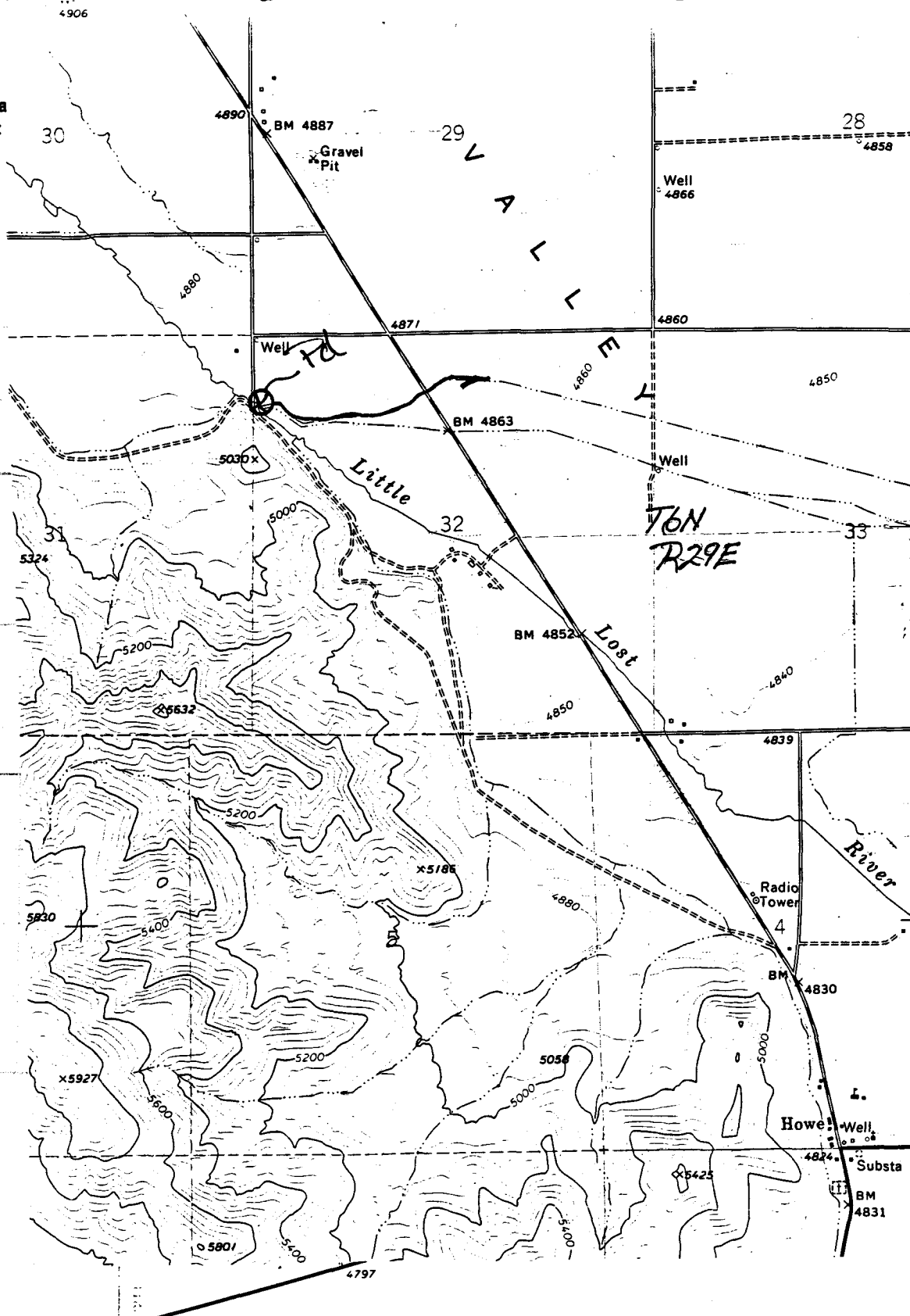
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	27E	18																	26.75
		19					39	40	33					28					140.00
		20									10			37					47.00

Total acres 213.75

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

A. Draw a
in part

lights described



DRAWN
130.0

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

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ 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.

President Patricia E. Woodie
 Title (Signature of Applicant)

Subscribed and sworn to before me this 23 day of February, 19 93.

Jacqueline A. Gage
 (Notary Public)

My commission expires 4.6.99

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KCS Fee \$50.00 E018294Received by AB Date 2-24-1993Published in Arco Advertiser Copies of protest forwarded by _____Pub. dates 3-18-93 to 3-25-93 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Don St Carter S.K. Shelley

November 3, 1993

Attached is a copy of the Final Order issued in connection with the application for transfer no. 4077 of Water Right Nos. A33-00097B and A33-00100 in the name of Woodie Land & Livestock Inc

Copies forwarded to

IDWR - Northern Region - Bob Haynes

IDWR - Southern Region - Loren Holmes

IDWR - Eastern Region - Ron Carlson

IDWR - Western Region - Dave Tuthill

Legal Division - Phil Rassier

Adjudication Bureau - Dave Shaw

DBS

Information Officer - Dick Larsen

Water Allocation Bureau - Glen Saxton

Karen Gustafson

Tim Luke

Pam Skaggs

Erv Ballou

George Austiguy

Darla Block

Brenda Chapman

Cindy Zimmerman

Carolyn Andregg

Jim Johnson

Donna Corless



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1993

Re: In the matter of application for transfer no. 4077 of Water Right Nos. A33-00097B and A33-00100 in the name of Woodie Land and Livestock, Inc

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance 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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. 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(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4077 OF WATER)
RIGHT NOS. A33-00097B AND)
A33-00100 IN THE NAME OF WOODIE)
LAND & LIVESTOCK, INC.)
_____)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference in the matter, the parties having agreed to allow the Director to issue a recommended order based on information presented at the conference, and the Director having issued a recommended order in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. Water right no. 33-00097 was decreed in a case of Blaine County Investment Co. v. Robert G. Mays et. al. on March 4, 1927 and provided for the diversion of 6.4 cubic feet per second (cfs) of water from Dry Creek to be diverted from Dry Creek dam. The priority of the right is April 15, 1891.

- i) Transfer No. 899 approved by the department on October 15, 1957 changed water right no. 33-00097 to be as follows:

Source: Dry Creek

Amount to be changed: all, i.e. 6.4 cfs.

Point of diversion: NE1/4NW1/4 Section 12, T10N,
R26E,BM.

Place of use: S1/2SW1/4 Section 18, NW1/4 Section 19,
E1/2SE1/4 Section 29, NE1/4NE1/4 Section
32, NW1/4NW1/4, S1/2NW1/4, E1/2SW1/4
Section 33, T10N, R27E,BM.

- ii) Transfer No. 1571 approved by the department on December 9, 1968, further changed the right as follows:

Source: Dry Creek

Amount to be changed: part, i.e. 3.2 cfs.

Point of diversion: No change, i.e. NE1/4NW1/4 Section
12, T10N, R26E,BM.

Place of use: Changed from the S1/2SW1/4 Section 18 and
NW1/4 Section 19 to the E1/2 SE1/4 Section 13,
NE1/4NE1/4 Section 24, T10N, R26E,BM.,
NW1/4NW1/4, S1/2NW1/4 Section 19, T10N,

R27E, BM.

Comment: This part of the original right is identified as 33-00097B.

- iii) Adjudication claim no. A33-00097B claims the right as follows:

Source: Dry Creek

Amount: 3.2 cfs

Point of diversion: NE1/4SW1/4 Section 12, T10N, R26E, BM.
and NE1/4SW1/4 Section 20, T10N, R27E, BM.

Place of use: E1/2SE1/4 Section 13, NE1/4NE1/4 Section 24, T10N, R26E, BM.; SW1/4SW1/4, SE1/4SW1/4 Section 18, NE1/4NW1/4, NW1/4NW1/4, SW1/4NW1/4, SE1/4NW1/4 Section 19, NE1/4SW1/4, SE1/4SW1/4, Section 20, T10N, R27E, BM. (342 acres)

2. Water right no. 33-00100 was also decreed in the case of Blaine County Investment Co. v. Robert G. Mays et al. and provided for the diversion of 0.80 cfs of water from Dry Creek to be diverted at the Dry Creek dam. The place of use is E1/2NE1/4, NW1/4NE1/4 Section 19, SW1/4NW1/4 Section 20, T10N, R27E, BM. The priority of use is April 15, 1891.

- i) Transfer No. 843 approved by the department on March 1, 1955, changed water right no. 33-00100 as follows:

Source: Dry Creek

Point of diversion: NW1/4NE1/4 Section 19, T10N, R27E, BM.

Place of use: NW1/4NE1/4, S1/2NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2SE1/4, Section 29, T10N, R27E, BM.

- ii) Transfer No. 943 approved by the department on June 27, 1960, further changed the right as follows:

Source: Dry Creek

Point of diversion: SE1/4NE1/4 Section 16, T9N, R27E, BM.

Place of use: NE1/4NW1/4, W1/2NE1/4, NW1/4SE1/4, Section 21, T9N, R27E, BM.

- iii) Adjudication claim no. A33-00100 claims the right as follows:

Source: Dry Creek

Point of diversion: SE1/4NE1/4 Section 16, T9N, R27E, BM.

Place of use: NW1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4, SW1/4SE1/4, Section 21, T9N, R27E, BM.

3. In 1992, James Andreason sold to Woodie Land & Livestock Company (applicant) all his interest in water right no. A33-00100 and about 37.7% of water right no. A33-00097B. Andreason has used the rights together with ground water for the irrigation of his

land. For several years, however, Andreason has been converting his irrigation system to use only ground water.

4. On January 24, 1993, the applicant submitted application for transfer no. 4077 (application) to the department to change the point of diversion and place of use of water rights A33-00097B and A33-00100 which were acquired from James Andreason. The application proposes to change the point of diversion and place of use to a location approximately 26 miles downstream from the last authorized place of use and to divert the water from the Little Lost River. Use of the water would be on land which is irrigated with other water rights.

5. On March 18 and 25, 1993, the department published notice of the application for transfer in the Arco Advertiser. The application was subsequently protested by Mays Land & Livestock, Inc. and by Robert R. Mays.

6. On June 15, 1993, the department conducted a conference in the matter in Arco, Idaho. George Woodie was present and represented the applicant. Protestant Mays Land & Livestock, Inc. was represented by Michael C. Creamer and protestant Robert Mays was represented by Randall C. Budge. At the conference, the parties agreed to allow the department to issue a recommended order based on information presented at the conference and on information in the department's files and records provided the department consider the following:

- a) Potential channel losses.
- b) Changes in return flows which could impact other users.
- c) Potential expansion in use.
- d) Forfeiture or partial forfeiture of the rights.

7. The watermaster of Water District 33, has not treated Dry Creek as a tributary to the Little Lost River for the purpose of water distribution. This practice has been followed since Dry Creek rarely reached the Little Lost River until the Dry Creek flume was constructed in 1967 and the Dry Creek hydro project was later constructed. The watermaster has since delivered Dry Creek water as "developed water" ahead of all Little Lost River rights and has charged losses for delivery of the rights. This loss of up to 40% was determined at an annual water district meeting held in 1966 and was to be used and has been used until actual conveyance losses could be more accurately determined.

8. Some reaches of the little Lost River lose water while other reaches gain water.

9. In 1992, the applicant submitted an application for transfer (no. 3997) which was ultimately withdrawn from further consideration before the department.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4077 of water rights 33-00097B and 33-00100 is **APPROVED** subject to the following conditions:

1. Use of water under this approval is subject to the control of the watermaster of Water District No. 33, Little Lost River and tributaries.

2. The right holder shall install and maintain measuring devices of a type approved by the department as a part of the diversion works or shall otherwise provide for the measurement of water diverted as approved by the department.

3. The right holder is required to maintain and use the shares owned in the Blaine County canal to the extent the shares are available for use. This transfer approval is null and void if the right holder sells or removes the shares in the Blaine County canal which are appurtenant to the place of use authorized by this transfer.

4. The watermaster is authorized to assess a delivery loss to the rights approved in this transfer and to deliver the rights less the assessed loss to the new point of diversion. The department and the watermaster shall determine the loss to be assessed based on actual measurements. Until such loss has been determined, the watermaster is authorized to assess losses consistent with past practice.

5. The rate of diversion under rights changed by this transfer when combined with all other rights for the irrigation of the same land shall not exceed 0.02 cfs per acre nor more than 4.0 afa per acre.

6. This approval does not grant a right-of-way or easement for the use of diversion works and/or conveyance works owned by persons other than the right holder.

7. Approval of this transfer does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

8. The change authorized by this transfer shall be accomplished within one (1) 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 this approval.

Signed this 3rd day of NOVEMBER, 1993.


R. KEITH HIGGINSON, Director

10. The department's investigation of the use of water by Andreason as a part of the Snake River Basin Adjudication shows that Andreason has used the water rights proposed in the transfer for irrigation purposes.

11. The new place of use proposed in the transfer is irrigated by the applicant with twenty-five (25) shares of Blaine County Canal Company water which represents seventy-five (75) acre feet of water.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The transfer will not injure other water rights if appropriate conveyance losses are assessed to the rights proposed in the application.

3. The proposed transfers change the place of use of supplemental water rights to be used as supplemental water rights on different land. Approval of the application will not result in an enlargement in use if the approval is appropriately conditioned.

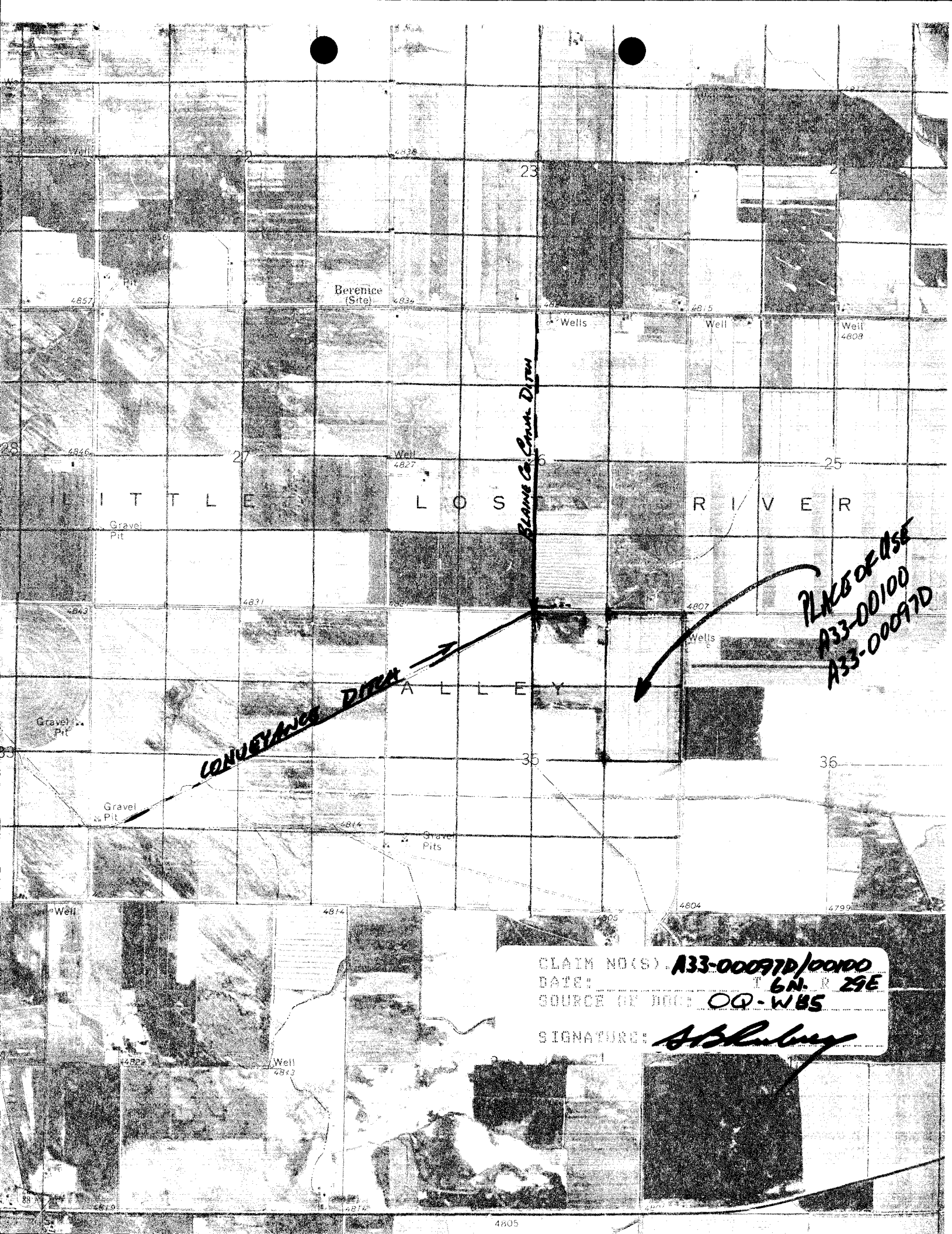
4. Investigation by the department of water use in the drainage in connection with the Snake River Basin Adjudication shows that the water rights sought for transfer have not been forfeited through non-use.

5. Specific information relative to return flows of water from the use of the water rights is not available to review and consider in this matter. If a change was involved, it has already occurred, since the conversion to the use of ground water by Andreason was completed over a period of time and is complete.

6. The change is not against the local public interest since a number of changes similar to the one proposed have occurred in the Little Lost River basin in the past without the filing of an application for transfer as required by statute.

7. The change is consistent with conservation of water resources in the state of Idaho.

8. The department should approve the transfer with certain conditions and limitations.



Beremice (Site)

Wells

Well

Well 4808

Well 4827

Gravel Pit

Wells

Gravel Pit

Gravel Pit

Gravel Pits

CLAIM NO(S) **A33-00097D/0000**
DATE: **T 6N. R 29E**
SOURCE OF DOC: **OQ-WBS**
SIGNATURE: *[Signature]*

Page _____ of _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO 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 1.20 for Irrigation purposes from 04-01 to 11-01
 (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
		NE	SW	12	26E	DN	Butte	
		NE	SW	20	27E	DN	Butte	

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	
DN	26E	13													40			40	80
		24	13																13
DN	27E	18									3.25	22							35.25

Total acres 128.25

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

1. amount 2.0 for Irrigation purposes from 04-01 to 11-01
 (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
		NE	SW	12	26E	DN	Butte	
		NE	SW	20	27E	DN	Butte	

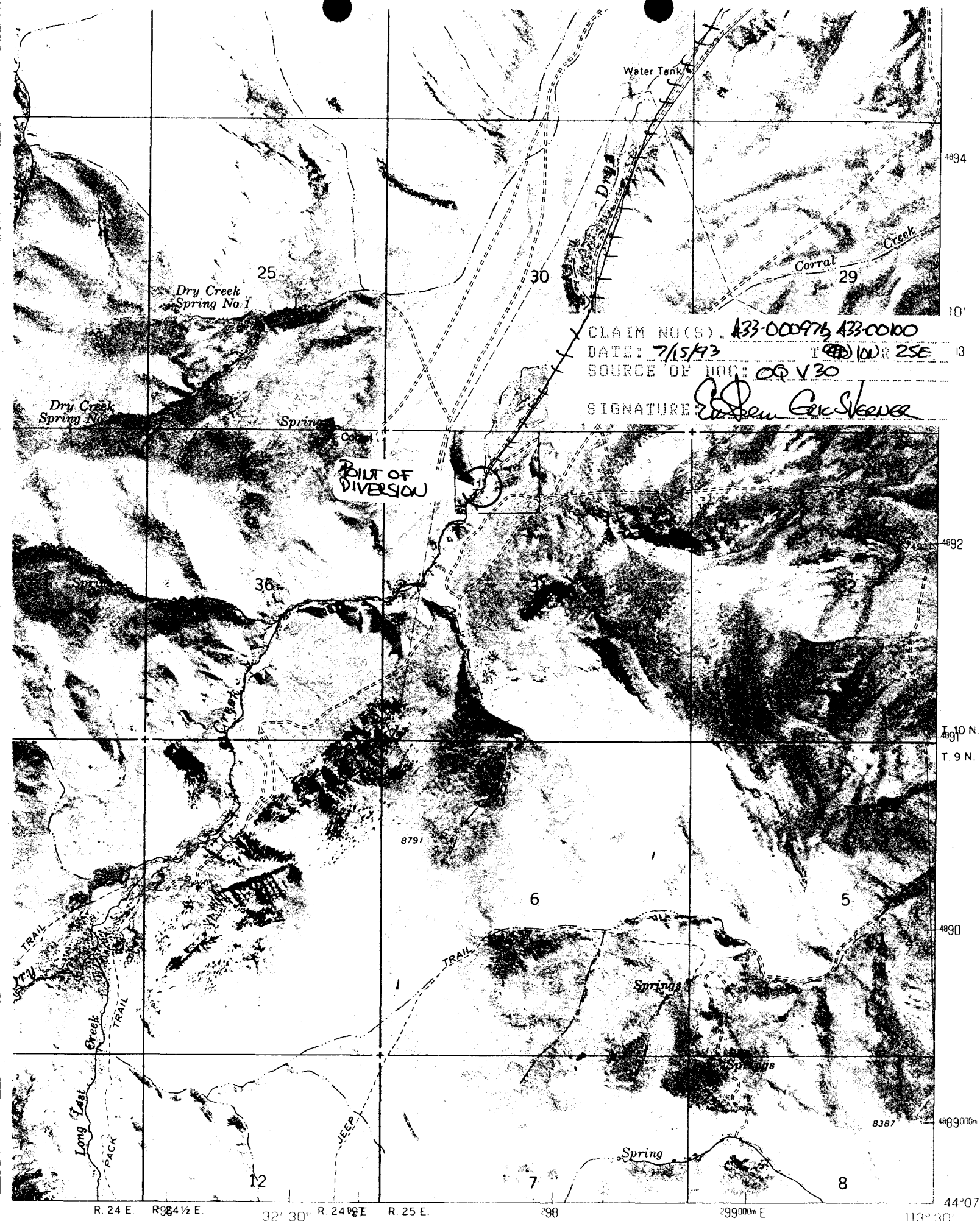
3. Lands irrigated or place of use:

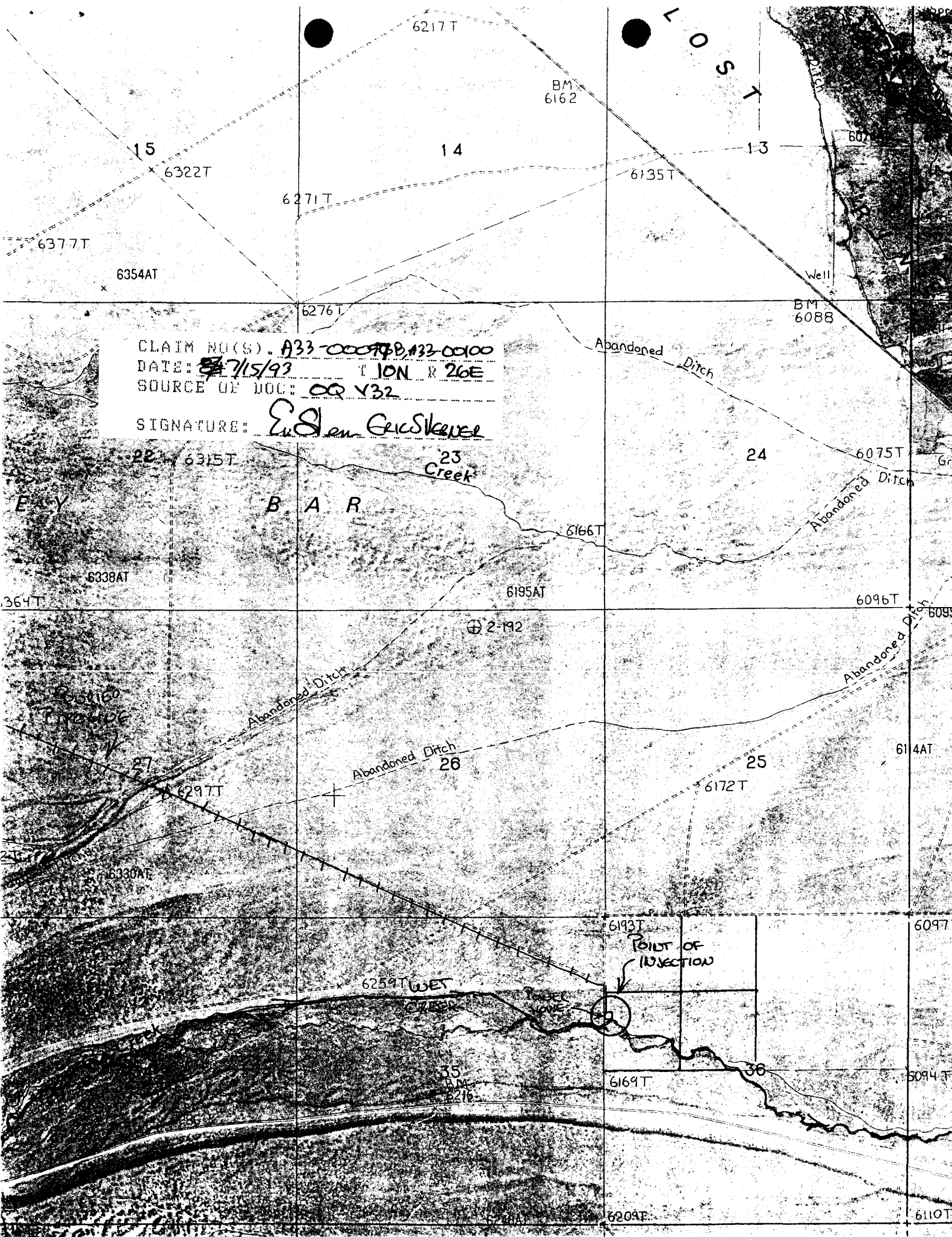
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
DN	27E	18									26.75								26.75
		19					39	40	33				28						140.00
		20								10			37						47.00

Total acres 213.75

Part Moved
 00097D
 To Sec 35
 T.6N., R.29E.

00097C





CLAIM NO(S) A33-000788, A33-00100
DATE: 7/15/93 TION R 26E
SOURCE OF DOC: CC V32
SIGNATURE: E. Glen Eric Skene

A hand-drawn map of a 4x4 grid. The grid is divided into 16 squares. The top two rows contain several squares with a circle containing a cross and a square below it. The bottom two rows contain squares with a triangle. A horizontal ditch runs across the middle of the grid. A vertical ditch runs down the center. A diagonal ditch runs from the top left to the center. A gravel pit is located in the bottom left corner. The word 'DRY' is written in several squares. The word 'Flood' is written in several squares. The word 'HEADSOX POOL' is written near the top center. The word 'HS' is written near the top right. The word 'DITCH' is written with arrows pointing to the ditches. A cloud-like shape contains the text 'NO BEE NEST IN NW 1/4'.

DRY	DRY	Flood	Flood
DRY	DRY	Flood	Flood
DRY	DRY	DRY	DRY
DRY	DRY	DRY	DRY

BLaine County Canal Service Mapping Proj.

T. 6N R. 29E SEC. 35

DATE 6/23/94 AGENT ABK

OO MAP REF. W-85

NAPP REF. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 813.

33-00079
33-00100
THIS IS TO CERTIFY THAT Donald Frederick Waymire and Margaret Waymire of Howe, Idaho, are the owners of and using certain water rights including .30 cubic foot per second from Little Lost River with priority of April 15, 1891 and .80 cubic foot per second from Dry Creek with priority of April 15, 1891, said waters being decreed to Emily Bassinger by Judge Ralph W. Adams of the District Court of the 6th Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff,

vs.

ROBERT G. MAYS, et al.,

Defendants.

said decree bearing date of March 4, 1927, and being appurtenant to the following described lands, to-wit:

E $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20
Township 10 North, Range 27 East B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Decrees beginning at Page 86.

That said Donald Frederick Waymire and Margaret Waymire have become the owners of said water rights through purchase.

And that now, upon the application of Donald Frederick Waymire and Margaret Waymire of Howe, Idaho, for the transfer of .30 cubic foot per second of the water of Little Lost River and .80 cubic foot per second of the water of Dry Creek made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of said waters upon the above described lands is hereby abandoned and the land to which these water rights shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29
Township 10 North, Range 27 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts, to-wit:

- 99 .30 cubic foot per second of the waters of Little Lost River with priority of April 15, 1891.
- 100 .80 cubic foot per second of the waters of Dry Creek with priority of April 15, 1891.

MICROFILMED

That the water rights hereby transferred have heretofore been conducted to the first above described lands through private ditch with point of diversion in the NW 1/4 NE 1/4 Section 19, Township 10 North, Range 27 East, B.M.

That the water rights hereby transferred will be hereafter conducted to the last above described land through the same private ditch with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of March, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

(SEAL)

33-00100 WAS later sold to
James A. ORRISON - who sold
this right, in toto, to Woods
Land and Livestock. See TX 4077.
CIRCA 1994.

MICROFILMED

Name of Applicant DONALD F. WAYMIRE

Pt. of
Diversion

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Township 9 No., Range 27 E.B.M., Butte County, Idaho.

SEC. 17

SEC. 20

SEC.

Irrigation ditch
(already constructed)

SEC. 38

SEC. 27

SEC.

SEC.

SEC.

SEC.



Present place
of use.



Proposed place
of use.
Desert Entry # 6553
(approx 80 acres already
under cultivation)

A33-00100

QUALITY REVIEW CHECKLIST FOR REPORT READY FOR BA CLAIMS

	N/A	YES	NO	*
1. Does the name and address meet the USPS and our data entry standards?		X		
2. Does the CVR contain information as to how the priority date was determined?		X		
If the claim is based on beneficial use, is there an analysis of the evidence of priority submitted?		X		
Is the stage code correct?		X		
Did the reviewer initial the recommendation of the priority date ?		X		
3. Does the CVR contain information as to how the point of diversion was determined?		X		
Did the reviewer initial the recommendation of the point of diversion and the source and tributary ?		X		
Does the CVR contain a description of the system that includes information as to how the source and/or tributary were determined?		X		
4. Does the CVR contain information as to how the place of use and number of acres (for irrigation rights) were determined?		X		
Did the reviewer initial the recommendation of the place of use ?		X		
5. Does the CVR contain information as to how the nature of use and the season of use were determined?		X		
Does the CVR contain information as to how the diversion rate was determined?		X		
Does the CVR contain information as to how the diversion volume was determined?		X		
Does the CVR contain information as to how the consumptive use volume was determined?		X		
Did the reviewer initial the recommendation of the nature of use , the season of use , the rate of diversion , the diversion volume and the consumptive use volume ?			X	
6. If the claim is based on a right recorded with IDWR, was the total diversion rate claimed?		X		
If the total diversion rate was not claimed, is a review sheet attached?		X		
7. If the claim is based on a right that has conditions/remarks , have these conditions/remarks been considered in the recommendation?				
Are all appropriate conditions/remarks included in the recommendation?				
8. If remarks are included, are the remarks consistent with the " standard remarks " described in Adjudication Memo 32?				
9. If this claim is not being recommended, is the status code correct?				
10. Did the reviewer sign the CVR ?				
11. Has the " quicklook " page been completed?				
12. If additional documents were used in the investigation of this right, are copies of those documents included in the file, or is there a reference to the identity and location of the documents?				
13. Does the file contain a copy of the recommended right ?				

* See attachment for additional information or explanation.

Quality control review by _____ date _____ Data entry changes by _____ date _____

12:56:57
04/05/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A22-00100

LAST: ANDREASON
ADDRESS: PO BOX 3
CITY: HOME
PHONE NUMBER: 208-767-3395
OWNER CODE: 0

FIRST: JAMES O.
STATE: ID ZIP: 83244

LAST: ANDREASON
ADDRESS: PO BOX 3
CITY: HOME
PHONE NUMBER: 208-767-3395
OWNER CODE: 0

FIRST: ELIZABETH
STATE: ID ZIP: 83244

LAST: WOODIE LAND & LIVESTOCK INC
ADDRESS: RC 65 BOX 1018
CITY: HOME
PHONE NUMBER: 208-767-3461
OWNER CODE: C

FIRST:
STATE: ID ZIP: 83244

FIELD EXAM REQUIRED?

DATABASE Y
FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

THE RIGHT HOLDER IS REQUIRED TO MAINTAIN AND USE THE SHARES OWNED IN THE BLAINE COUNTY CANAL TO THE EXTENT THE SHARES ARE AVAILABLE FOR USE. TRANSFER #4077 IS NULL AND VOID IF THE RIGHT HOLDER SELLS ~~ANY~~ MOVES THE SHARES IN THE BLAINE COUNTY CANAL WHICH ARE APPURTENANT TO THE PLACE OF USE AUTHORIZED BY THE TRANSFER.

THE WATERMASTER IS AUTHORIZED TO ACCESS A DELIVERY LOSS TO THIS RIGHT AND TO DELIVER THIS RIGHT LESS THE ASSESSED LOSS TO THE POINT OF DIVERSION. THE DEPARTMENT AND THE WATERMASTER SHALL DETERMINE THE LOSS TO BE ASSESSED BASED ON ACTUAL MEASUREMENTS. UNTIL SUCH LOSS HAS BEEN DETERMINED, THE WATERMASTER IS AUTHORIZED TO ACCESS LOSSES CONSISTENT WITH PAST PRACTICE.

THIS NOTICE RESULTED FROM TRANSFER #4077, APPROVED NOVEMBER 1993.
EMC 25 FEB 94

Comments

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTION TO PROPERTY / NOTES: _____

PLACES OF USE AND DELIVERY SYSTEM WERE MAPPED BY RUSSELL & KORN, BCC MAPPING PROJ. 20 JUNE 94.

A. AJ CLAIM: # A23-00100 PRIORITY DATE: 04-15-1891 STAGE: D
B. WR RECORD: # 33-00100 PRIORITY DATE: 04-15-1891 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

FIELD EXAMINER
DATABASE
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()

NOTES: *Priority claimed matches DATED DATA (SECTION XXX 19.16 B2B vs Envy's)*

RECOMMENDED PRIORITY DATE: *As claimed*
04-15-1891

REVIEWED BY *AP R* DATE *1 Aug 94*

22

22

22

22

22

10-5-55

NOTES:

P.O.D. MATCHES TRANS. NO. 4077; SOURCE AS DRY CREEK
By names of sources vs. PLACE OF USE; POINT OF DIVERSION, POINT OF INTERSECTION
AND POINT OF RE-DIVERSION USED TO BE DETERMINED. FOR REMARK #4 OF FORM ABOVE

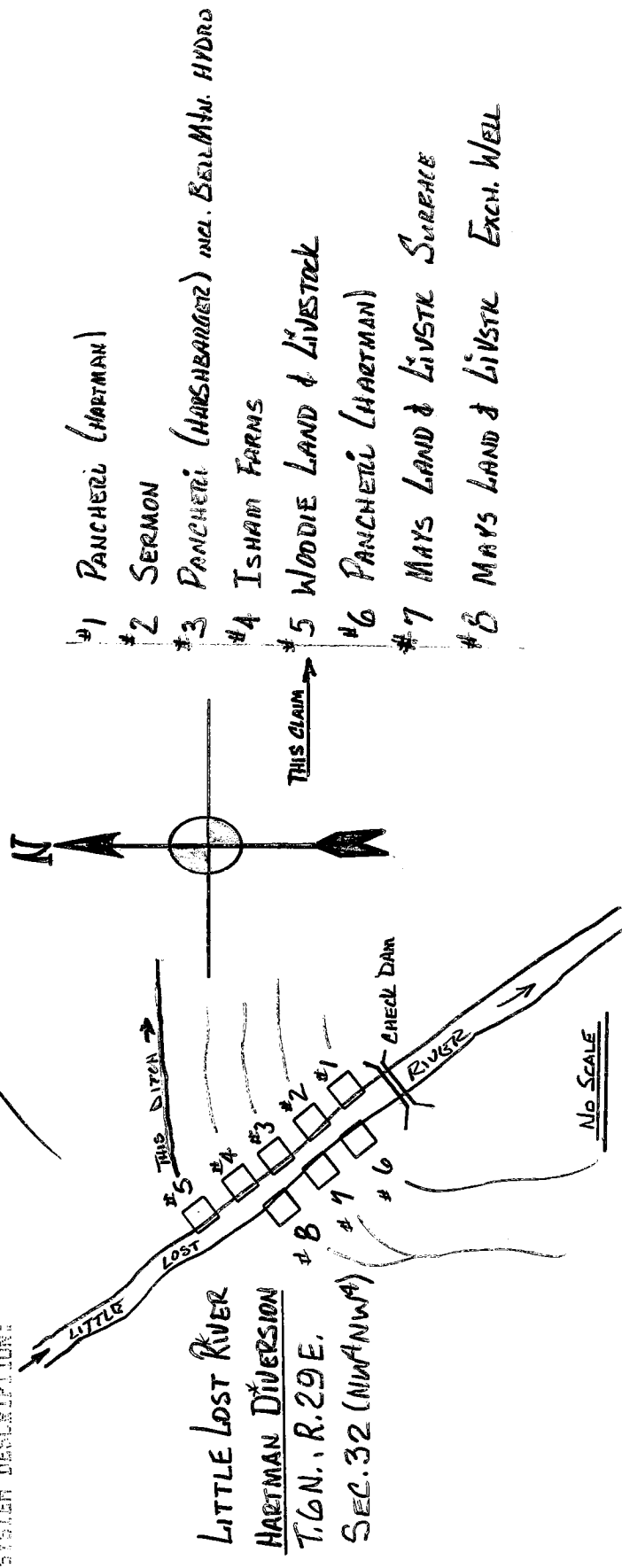
RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:				LOT	Div. Flag	COUNTY	DIVERSION NAME
TWP.	RGE.	SEC.	1/4				
6N	29E	32	SW	NW	R	Butte	Hartman Diversion #5
10N	26E	36	NN	NN	I	Butte	Intersection to West CK
10N	25E	31	SW	NE	(D)	Custer	Diversion at Dry CK
9N	27E	4	SW	SW	I	Butte	West CK to L.R.

SOURCE: DRY CREEK

TRIG: LITTLE LOST RIVER

REVIEWED BY: *[Signature]* DATE: 1 Aug 94

SYSTEM DESCRIPTION:



A. ROOT WATER RIGHT NUMBERS: A33-00100
R33-00100

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AI #/ACRES	MR \$/ACRES	LANDSAT DATA	FIELD EXAM.	ENCOMH. ACRES
06N	29E	35	NE	NE	NE	WOODIE LAND & LIVESTOCK INC	A33-00100 /39.0	33-00100 /39.0	40.0		38.0
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00068 /38.0	33-00068 /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00002 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00003 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00004 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00005 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00014 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00015 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00016 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00075 /38.0	33-00075 /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00077 /38.0	33-00077 /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00090 /38.0	33-00090 /			
			NE	NE	NE	WOODIE LAND & LIVESTOCK INC	A33-000970 /38.0	33-000970 /38.0			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-10084 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-10086 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-000698 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-000718 /38.0	- /			
			NE	NE	NE	BLAINE COUNTY CANAL CO.	A33-000728 /38.0	- /			
			NE	NE	NE	LE VAN, MAY WOODIE	33-03095 /40.0	- /40.0			
06N	29E	35	NW	NW	NE	WOODIE LAND & LIVESTOCK INC	A33-00100 /39.0	33-00100 /39.0	40.0		28.7
			NW	NW	NE	WOODIE LAND & LIVESTOCK	A33-10024 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00068 /39.0	33-00068 /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00002 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00003 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00004 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00005 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00014 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00015 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00016 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00075 /39.0	33-00075 /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00077 /39.0	33-00077 /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-00090 /39.0	33-00090 /			
			NW	NW	NE	WOODIE LAND & LIVESTOCK INC	A33-000970 /39.0	33-000970 /29.0			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-10084 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-10086 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-000698 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-000718 /39.0	- /			
			NW	NW	NE	BLAINE COUNTY CANAL CO.	A33-000728 /39.0	- /			
			NW	NW	NE	WOODIE LAND & LIVESTOCK	33-03095 /40.0	- /40.0			

ASCS Shows 28.7

2 Ac. - Co. Rds

[illegible]

ARE INDICATED ABOVE, Y:) NO(X)

[illegible]

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PRESUMPTION FLAG:

NOTES:

FIELD EXAMINED DURING MARINA OF STANIS COUNTY CANAL SYSTEM; WORK OF 20 JUNE 94.

RECOMMENDATIONS:

TOTAL ACRES: 123.46

REVIEWED BY: *AB Kury*

DATE: 8 Sept. 94

A. AI CLAIMED USES:

A33-00100 PURPOSES IRRIGATION

MONTHLY YEAR
FROM 04-01 TO 11-01
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.000 CFS
.800 CFS

Converted loss

B. WR RECORDED USES:

33-00100 PURPOSES IRRIGATION

MONTHLY YEAR
FROM 04-15 TO 10-15
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.000 CFS
.800 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE FIELD EXAMINER
N N Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N()
Y(✓) N()

Explain in notes, below.

NOTES:

*Recommended Period of Use as Described April to November 1st.
Described Period of Use is "11 AM TIME BETWEEN APRIL 1st AND NOVEMBER 1st" (Pg. 21 XIV)*

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(✓) N()

A3 TOTAL CLAIMED DIVERSION RATE: 0.800 CFS

OR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

AAA IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. AAA

AA If amount smaller than the original diversion rate is AA

XX claimed and an exam is NOT required, explain in notes. XX

MATCHES 7.4077

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

FIELD
DATABASE EXAMINER

2. FLOW MEASUREMENT

MEASUREMENT METHOD SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 33-00097D, BLAINE COUNTY CANAL SHARES

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-00100	DRY CREEK	WODDIE LAND & LIVESTOCK INC	0.800	0.006		
A33-00002	DRY CREEK	BLAINE COUNTY CANAL CO.	5.500			
A33-00003	DRY CREEK	BLAINE COUNTY CANAL CO.	61.000	0.010		
A33-00004	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	13.000	0.002		
A33-00005	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	145.000	0.025		
A33-00014	DRY CREEK	BLAINE COUNTY CANAL CO.			9426.00	1.65
A33-00015	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.			2000.00	0.35
A33-00016	TRAIL CREEK	BLAINE COUNTY CANAL CO.			1000.00	0.16
	SUMMERHOUSE CREEK					
A33-00060	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	4.200			
A33-00069B	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	3.200			
A33-00071B	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	3.200			
A33-00072B	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	0.800			
A33-00075	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	0.430			
A33-00077	SANMILL CREEK	BLAINE COUNTY CANAL CO.	1.430			
A33-00097D	DRY CREEK	WODDIE LAND & LIVESTOCK INC	1.200	0.009		
A33-00098	DRY CREEK	BLAINE COUNTY CANAL CO.	5.150			

CLAIM NO.	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-10084	SANMILL CREEK	BLAINE COUNTY CANAL CO.	5.300			
A33-10086	SANMILL CREEK	BLAINE COUNTY CANAL CO.	73.700	0.011		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	DATE	VOLUME
A33-10024	DOMESTIC	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	.040 CFS
A33-10024	STOCKWATER	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	.070 CFS
R33-10024	DOMESTIC	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	.040 CFS
R33-10024	STOCKWATER	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	.090 CFS

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 122.1 x 0.02 CFS/ACRE = 2.44 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

132/13.0 = 0.0169 ~~0.016~~

AAA IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(☒)

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = AE/A

ACRES 122.1 x CONSUMPTIVE VOL. AE/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 305.15 AE/A

1b. CALCULATIONS

000970 - 0.80 cfs
00100 - 1.20 cfs
2.00 cfs T. 4077
2.44 CAFE.

5.65 Remaind/Cond. R-31

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AE/A

ACRES 122.1 x DIVERSION VOL. AE/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME 427.35 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N(☒)

cond.
1318
BCC -

NR RECORD CONDITIONS/REMARKS:

- ~~NR1~~ - Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
- ~~NR1~~ - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- ~~NR1~~ - 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.
- ~~NR1~~ - 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.
- ~~NR1~~ - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- ~~NR1~~ - 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.

The right holder shall install and maintain measuring devices of a type approved by the department as a part of the diversion works or shall otherwise provide for the measurement of water diverted as approved by the department.

The right holder is required to maintain and use the shares owned in the Blaine County canal to the extent the shares are available for use. This transfer approval is null and void if the right holder sells or removes the shares in the Blaine County canal which are appurtenant to the place of use authorized by this transfer.

The water master is authorized to assess a delivery loss to the rights approved in this transfer and to deliver the rights less the assessed loss to the new point of diversion. The department and the watermaster shall determine the loss to be assessed based on actual measurements. Until such loss has been determined, the watermaster is authorized to assess losses consistent with the past practice.

Right No. 33-00100 subject to the conditions of the Final Order in the matter of Application for transfer No. 4077.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

⇒ SEE FINAL ORDER, DATED 3RD NOV. 1993,
PP 7. 993 FINDINGS OF FACT, EXERT ATTACHED
BELOW, TRANSFER NO. 4077.

7. The watermaster of Water District 33, has not treated Dry Creek as a tributary to the Little Lost River for the purpose of water distribution. This practice has been followed since Dry Creek rarely reached the Little Lost River until the Dry Creek flume was constructed in 1967 and the Dry Creek hydro project was later constructed. The watermaster has since delivered Dry Creek water as "developed water" ahead of all Little Lost River rights and has charged losses for delivery of the rights. This loss of up to 40% was determined at an annual water district meeting held in 1966 and was to be used and has been used until actual conveyance losses could be more accurately determined. EXERT FROM T. 4077

So BE IT!

RECOMMENDATIONS:									
REC. PURPOSES	REC. PERIOD FROM	REC. DIV RATE CES	REC. DIV VOL. AE/A	REC. CONC. USE					
IRRIGATION	04-01	0.800	0.800	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL FOR THIS RIGHT									
REVIEWED BY:	DATE:								

Remarks: ~~DP2:~~ — of s ... conveyance loss .
F05: 33-00097D
F01 Woods Ditch

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
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NEEDS
REVIEW
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B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00100

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "X" CLAIM NUM.	"Y" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	AG3-00100	0.800	W33-00100	0.800	33-00100	0.800
TOTAL CFS		0.800		0.800		0.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

NOTES:

NO SPLIT OF THIS CLAIM. RIGHT CLAIMED IN FULL, AS DIVERSED.

AUTHENTICATION:

SIGNATURE: *AS Remy*

DATE: 9 Sept. 94

NAME OF FIELD EXAMINER: *Amos B. Ruppberg*

TITLE: Sr. Asst

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 16
QUICKLOOK INFORMATION

12:56:57
04/06/94

16
CLAIM NUMBER: A13-00100

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED EXAMINER WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N	6			
POINT OF DIV	Y			Y	2,5,3			
SOURCE				N	5,3			
PLACE OF USE	Y			Y	2,5			
DIV. ADJOURT CEG/VOLUME								
CONSUMPTION USE								
PURPOSES								
PERIOD OF USE	Y			N	2,5,6			
BASIS OF CLAIM				N	6			
REMARKS	Y			N	6			

VERIFIED BY CODES

TOPO MAP/ORTHO-PHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Bar Codes

Comments/Remarks
A04 B09 G02
A06 E09 F01
E18 D02 F05

800-234-2222
TOLL FREE
LATE

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOODIE LAND & LIVESTOCK INC MC 65 BOX 1018 HOME ID 83244 (208) 767-3461	04/15/1991	IRRIGATION	04-01 11-01	0.00 CFS	
				TOTAL DIVERSION: 0.00 CFS		
Water Source: DEY CREEK		Tributary to: LITTLE LOST RIVER		Stage: MEASUREMENT		
Point(s) of Diversion: TOWN 239E S32		NUNN		BUTTE County		
Place of use Legal Description for: IRRIGATION						
T	R	S	NE	SENE	SENE	SUM
				Lt Ac	Lt Ac	
06N	29E	35		39		
				16		
				29		
				38		
				TOTAL ACRES 122.0		
				122.0		

ELTING : 44103 703

Other Rights: 33-00970, BLAINE COUNTY CAVAL SHARES

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THE RIGHT HOLDER IS REQUIRED TO MAINTAIN AND USE THE SHARES OWNED IN THE BLAINE COUNTY CANAL TO THE EXTENT THE SHARES ARE AVAILABLE FOR USE. TRANSFER# 4077 IS NULL AND VOID IF THE RIGHT HOLDER CANNOT REMOVE THE SHARES IN THE BLAINE COUNTY CANAL WHICH ARE APPROPRIATE TO THE PLACE OF USE AUTHORIZED BY THE TRANSFER.

THE WATERMASTER IS AUTHORIZED TO ADDRESS A DELIVERY LOSS TO THE RIGHT AND TO DELIVER THE LOSSES TO THE APPLICANT'S LOSS TO THE POINT OF LOSS TO BEEN DETERMINED. THE WATERMASTER IS AUTHORIZED TO ADDRESS SUCH LOSSES TO THE APPLICANT'S LOSS TO THE POINT OF LOSS TO BEEN DETERMINED. THE WATERMASTER IS AUTHORIZED TO ADDRESS SUCH LOSSES TO THE APPLICANT'S LOSS TO THE POINT OF LOSS TO BEEN DETERMINED.

40% (w)

***** THIS NOTICE RESULTED FROM TRANSFER 4-1077. APPROVED NOVEMBER 1993. EMC 35 PHE 8

[illegible]

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Сортировка/Варианты	ВФ9	БФ9	ДФ2	ГФ2	РФ1	РФ5
АФ4						
АФ6						



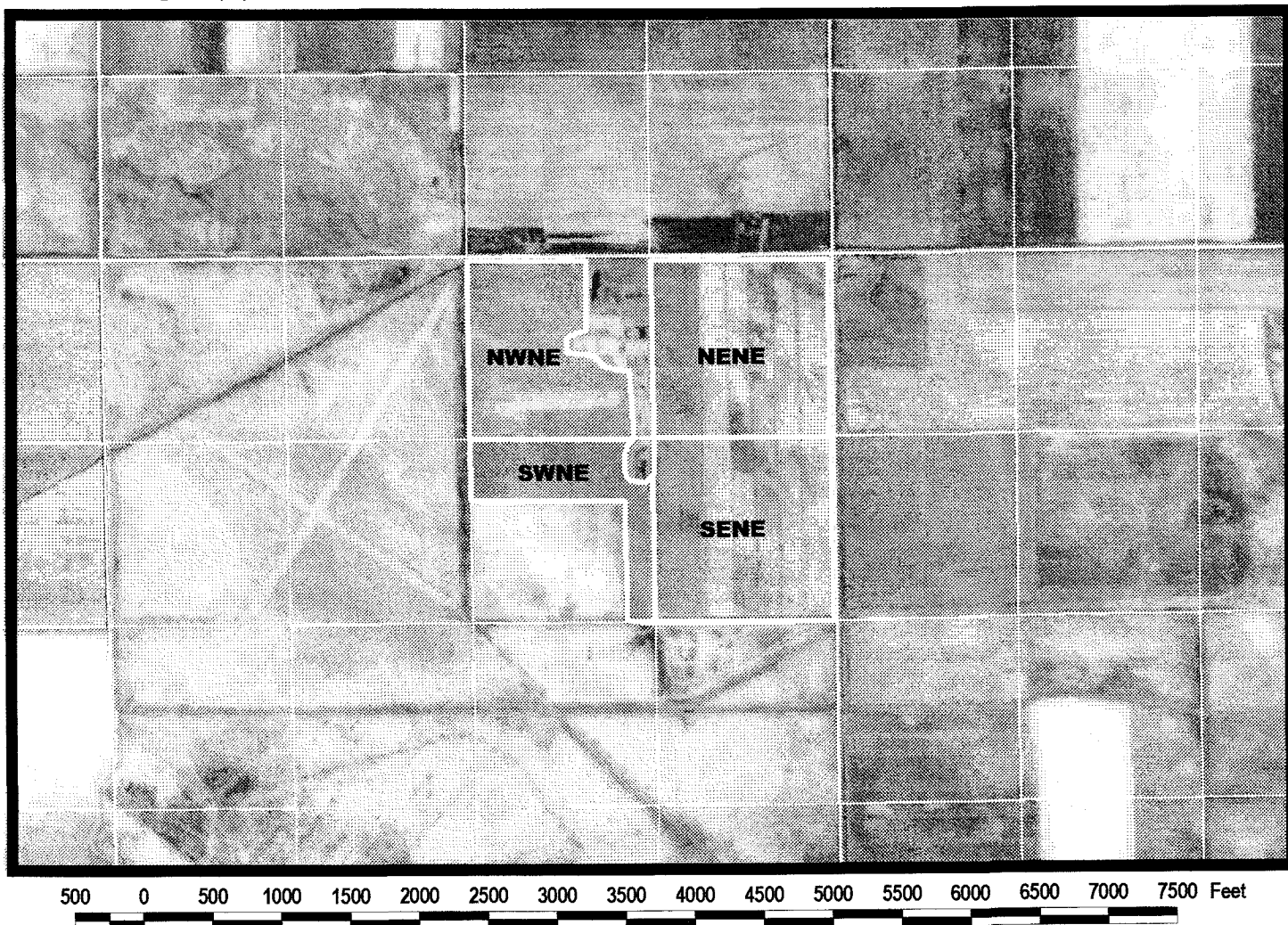
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Woodie Land and Livestock Inc

Water Right(s): 33-00097D, 33-00100

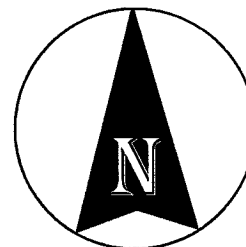


LEGEND

-  Point of Diversion- GW
-  Point of Diversion- SW
- SESE** Place of Use
- Section Line
- Quarter-section line

**Place(s) of Use: T.6N., R.29E.
Sec. 35 (parts of) W2NE, E2NE**

**Point(s) of Diversion: T.10N., R.25E.
Sec. 31 SWNENW - Dry Creek
Rediverted at: Hartman diversion #5
T.6N., R.29E. Sec. 32 SWNWNW
Delivered via Woodie Ditch**



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: April 1999

AJ0749NP
No. R33-00100

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/16/99
PAGE: 1

OWNER CODE NAME & ADDRESS
C WOODIE LAND & LIVESTOCK INC
HC 65 BOX 1018
HOME ID 83244
(208) 767-3461

PRIORITY DATE WATER USE
04/15/1891 IRRIGATION

USE PERIOD FROM TO
04-01 11-01

DIVERSION RATE
0.80 CFS

DIVERSION VOLUME
0.80 CFS

TOTAL DIVERSION:

Water Source: DRY CREEK Tributary to: LITTLE LOST RIVER Stage: DECREEED

Point(s) of Diversion: T10N R25E S31 SWNW CUSTER County
Point(s) of Injection: T09N R27E S04 SHSWNE BUTTE County
Point(s) of Re-diversion: T10N R26E S36 NWSWNW BUTTE County
T06N R29E S32 SWWNW BUTTE County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N	29E	35	38	28	16	39	:	:	:	:	:	:
TOTAL ACRES												122.1
TOTAL ACRES												122.1

POU County: BUTTE

Other Rights: 33-00097D, 25 SHARES BLAINE COUNTY CANAL.

Conditions of Approval:

- E18 - USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.
- A06 - FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

Remarks: SRC POINT OF INJECTION INTO WET CREEK. POINT OF INJECTION INTO THE LITTLE LOST RIVER. POINT OF REDIVERSION FROM LITTLE LOST RIVER.

QNT USE OF THIS RIGHT WITH RIGHT NO. 33-00097D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 22 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 427 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 33-00097D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 33-00097D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. WATER IS DELIVERED THROUGH WOODIE DITCH.

Plan # 148
Prod # 93

AJ0749NP
No. R33-00100

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/16/99
PAGE: 2

Objection Filed Date:

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 33 Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/18/1993 User-ID: VERNER Subject: COPIED FROM REMARKS
TRANSFER 843, 943. PRIOR TO SALE OF RIGHTS TO WOODIE L&L. SEE
TRANS. 4077.

Date: 02/16/1995 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
THE RIGHT HOLDER IS REQUIRED TO MAINTAIN AND USE THE SHARES
OWNED IN THE BLAINE COUNTY CANAL TO THE EXTENT THE SHARES ARE
AVAILABLE FOR USE. TRANSFER 4077 IS NULL AND VOID IF THE RIGHT
HOLDER SELLS OR REMOVES THE SHARES IN THE BLAINE COUNTY CANAL
WHICH ARE APPURTENANT TO THE PLACE OF USE AUTHORIZED BY THE
TRANSFER.

THE WATERMASTER IS AUTHORIZED TO ASSESS A DELIVERY LOSS TO
THIS RIGHT AND TO DELIVER THIS RIGHT LESS THE ASSESSED LOSS TO
THE POINT OF DIVERSION. THE DEPARTMENT AND THE WATERMASTER SHALL
DETERMINE THE LOSS TO BE ASSESSED BASED ON ACTUAL MEASUREMENTS.
UNTIL SUCH LOSS HAS BEEN DETERMINED, THE WATERMASTER IS
AUTHORIZED TO ASSESS LOSSES CONSISTENT WITH PAST PRACTICE.

THIS NOTICE RESULTED FROM TRANSFER #4077, APPROVED NOVEMBER 3,
1993.

Audit: 04/16/99 ARUBERRY

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 THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A33-00100
Date Received: 1/12/1990
Receipt No: E011667
~~Received By:~~ EMC
PREPARED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WOODIE LAND & LIVESTOCK INC 208-767-3461
Address: HC 65 BOX 1018
HOWE ID 83244

2. Date of Priority: APR 15, 1891

3. Source: DRY CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	29E	32		NW	NW		BUTTE

5. Description of diverting works:
BLAINE COUNTY CANAL TO PRIVATE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 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
06N	29E	35	NE	NE		IRR	38.0
			NW	NE		IRR	29.0
			SW	NE		IRR	16.0
			SE	NE		IRR	39.0

A3300100



MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	122.0
					Total Acres	122.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

33-00097D, BLAINE COUNTY CANAL SHARES

14. Remarks:

THE RIGHT HOLDER IS REQUIRED TO MAINTAIN AND USE THE SHARES OWNED IN THE BLAINE COUNTY CANAL TO THE EXTENT THE SHARES ARE AVAILABLE FOR USE. TRANSFER 4077 IS NULL AND VOID IF THE RIGHT HOLDER SELLS ARE REMOVES THE SHARES IN THE BLAINE COUNTY CANAL WHICH ARE APPURTENANT TO THE PLACE OF USE AUTHORIZED BY THE TRANSFER.

THE WATERMASTER IS AUTHORIZED TO ASSESS A DELIVERY LOSS TO THIS RIGHT AND TO DELIVER THIS RIGHT LESS THE ASSESSED LOSS TO THE POINT OF DIVERSION. THE DEPARTMENT AND THE WATERMASTER SHALL DETERMINE THE LOSS TO BE ASSESSED BASED ON ACTUAL MEASUREMENTS. UNTIL SUCH LOSS HAS BEEN DETERMINED, THE WATERMASTER IS AUTHORIZED TO ASSESS LOSSES CONSISTENT WITH PAST PRACTICE.

THIS NOTICE RESULTED FROM TRANSFER #4077, APPROVED NOVEMBER 1993. EMC 25 FEB 93

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

ROBERT G. MAYES, ET. AL.

vs Decree Defendant

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: _____

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 _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A33-00100
Date Received: 1/12/1990
Receipt No: E011667
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES O. ANDREASON 208-767-3395
Address: PO BOX 3
HOWE, ID 83244

OR
Name: ELIZABETH ANDREASON 208-767-3395
Address: PO BOX 3
HOWE, ID 83244

2. Date of Priority: APR 15, 1891

3. Source: DRY CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	27E	16	SE	NE			BUTTE

5. Description of diverting works:
PRIVATE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 CATTLE/300 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	21	NW	NE		IRR	40.0
			SW	NE		IRR	36.0
			NW	SE		IRR	36.0
			SW	SE		IRR	5.0
						Section Acres	117.0
						Total Acres	117.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
TRANSFER 843, 943.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

vs

ROBERT G. MAYES, ET. AL.
Decree Defendant

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: _____

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): James O. Anderson Date: 1-12-90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of January 19 90

Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

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James Anderson

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