



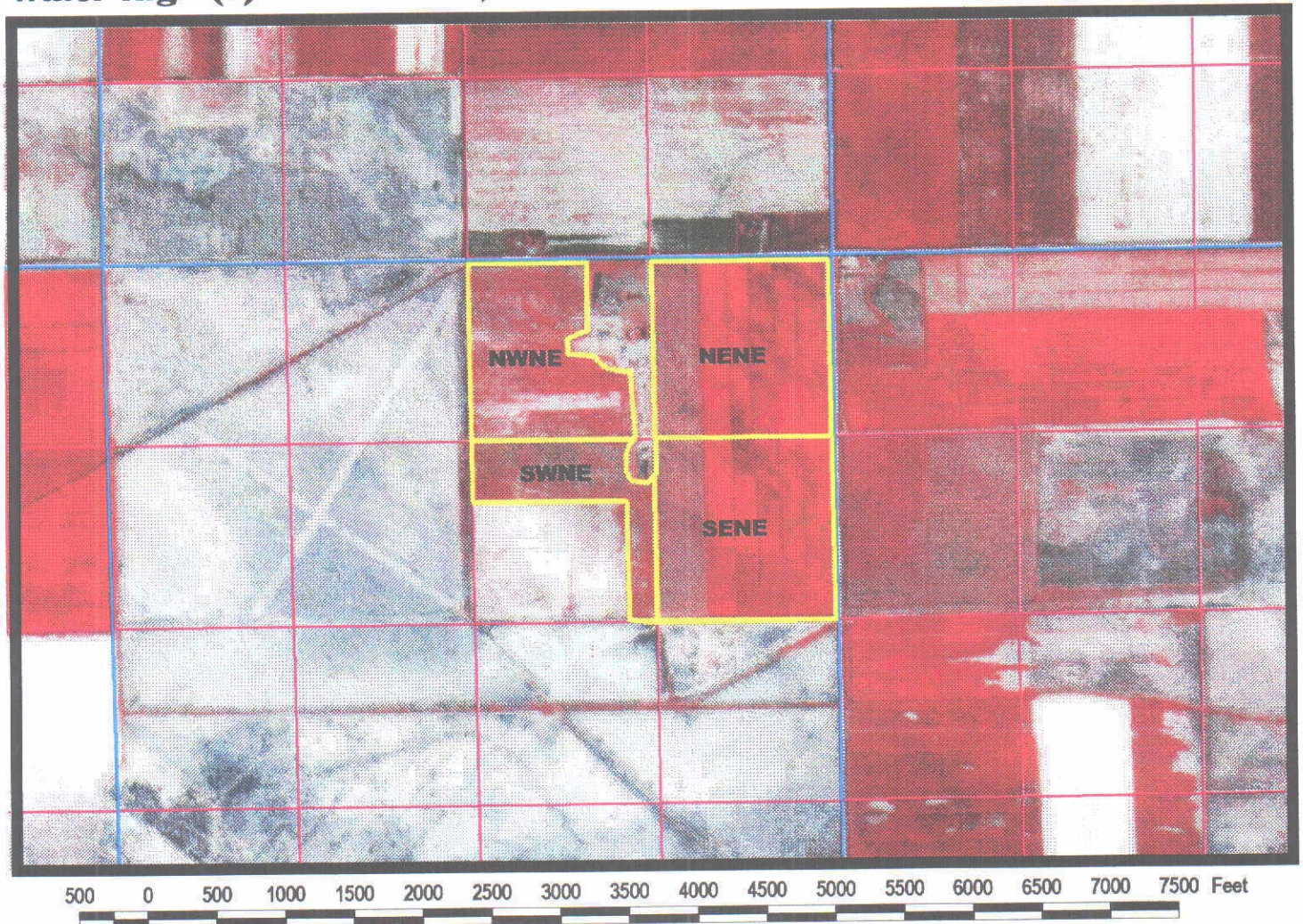
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Woodie Land and Livestock Inc

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



LEGEND



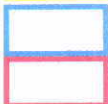
Point of Diversion- GW



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

A33-00097 D

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

A33-00097D
WOODIE LAND & LIVESTOCK INC
HC 65 BOX 1018
HOWE ID 83244



A33000097D

✓ Review T. 899/1571/4077 - DO THEY APPLY TO THIS RECENT HISTORY?

Re: Diversion Acc.

SOS Trans. 3997 (00097 memo)

SOS 4077 P. 7. $\Rightarrow$ 40% loss under Dist meeting 1966.

W P.O.H.

WHAT'S REST OF SWINE INDG. BY $\neq$ IT'S USE?

☐ Re: Q's FROM 00100.

☐ AMEND FOR PERIOD OF USE (AS DETERM)

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: 33-00097D

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 - Dry Creek should not be delivered
as tributary to Little Lost River.*

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

*Should BE CHANGED TO DEVELOPE
WATER*

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

*IN 1920 BECAUSE THE WATER WAS NOT GETTING
TO THE CREEK, A DAM WAS BUILT AND A REDWOOD
PIPE LINE INSTALLED AT GREAT EXPENSE. LATER
THE DAM FAILED - A CEMENT DITCH WAS BUILT AT A
(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 - Refer to court
See 100 NOR*

33-00097D 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

12:51:45
00/03/94
1
CLAIM NUMBER: 400-000079

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

LAST: WILLIAMS
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000
OWNER CODE: D

FIRST: O P
STATE: ID ZIP: 0

LAST: WOODIE LAND & LIVESTOCK INC
ADDRESS: HC 65 BOX 1018
CITY: MOHE
PHONE NUMBER: 208-767-3461

FIRST:
STATE: ID ZIP: 83244

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER

DATE
Y

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-SELLER 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 IN HIS 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 SPLIT DE 40000079 BASED ON TRANSFER
4077 APPROVED NOVEMBER 1993. SPLIT
RECEIPT 0011667.
END DE 40000079

overnumbered
7.4077

cc
for

4

CONTACT PERSON: _____ PHONE NUMBER: (____) _____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) _____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / NOTES: _____

Place of Use and Coverage Ditch marked Queens BCC machine Proj. Rubeney & Kora 20 June 94.

A. AI CLAIM: A A33-000970 PRIORITY DATE: 04-15-1891 STAGE: D
B. WR RECORD: A 33-000970 PRIORITY DATE: 04-15-1891 STAGE: D
C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N

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

NOTES: *PD. CLAIMED MATTERS DESCRIBED DATE*

RECOMMENDED PRIORITY DATE: *AS CLAIMED*
04-15-1891

REVIEWED BY *ABP* DATE *9/9/94*

By NATURE OF SOURCES vs PLACE OF USE, POINT OF DIVERSION, POINT OF
BUDGETION AND POINT OF RE-DIVERSION NEED TO BE DEFINED, SEE NEXT SLIDE

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. 29E. 32E.

10N 25E 31
10N 26E 36
6N 29E 32
9N 27E 4

SW NE SW NW SW SW
SW NE SW NW SW SW

1/4

1/4

Div. Flag County

D Custom
I Butte
R Butte
I Butte

DIVERSION NAME

Diversion to Dry Creek
Refraction - to Wet Cr.
Re-Diversion from LLR
Wet Cr. to LLR

notes only

SOURCE: DRY CREEK

TOTAL LITTLE LOST RIVER

REVIEWED BY:

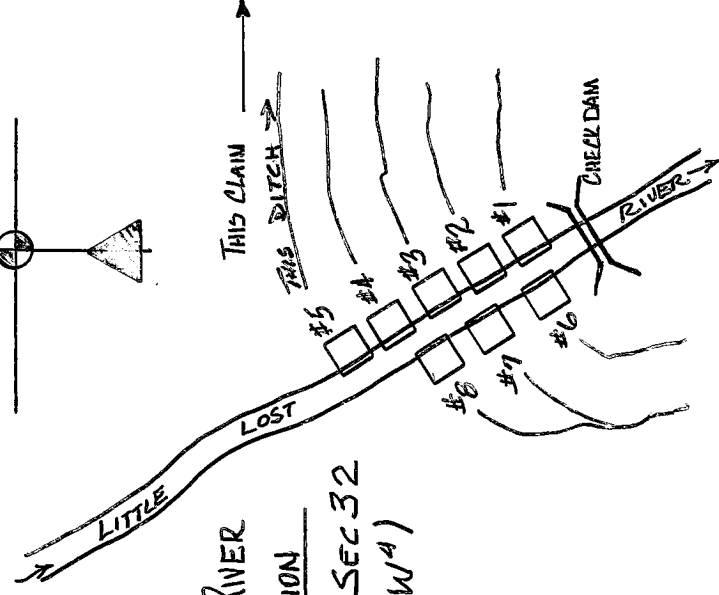
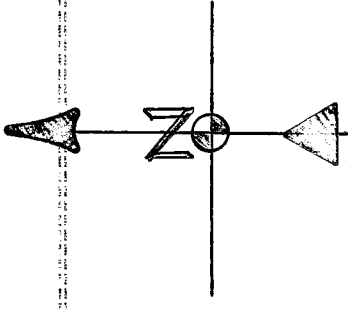
REVIEWED DATE:

1 Aug 94

F01: Hartman Diversion, Woods* Lands & Livestock Ditch.

F05: A33-00000.

G02: Raj. wet cr., Raj. LLR, Redw LLR



LITTLE LOST RIVER
HARTMAN DIVERSION
T. 6N., R. 29E. SEC 32
(NW 4 NW 4)

- #1 PANCHERI (HARTMAN)
- #2 SERMON
- #3 PANCHERI (HARTMAN) INCL. BELL MIN. HYDRO
- #4 TISHAM FARMS
- #5 WOODIE LAND & LUSTE.
- #6 PANCHERI (HARTMAN)
- #7 MAYS LAND & LUSTE SW.
- #8 MAYS LAND & LUSTE E.

NO SCALE

A33-00097A
A33-00097D
A33-00097E
A33-00097A

62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72

[illegible]

Ascs shows 28.7

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDCAT DATA	FIELD EXAML	RECDMM- ACRES
06N	29E	35	SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-000729 / 73.0	-	-	-	-
			NW	NE	NE	MOODIE LAND & LIVESTOCK	933-10024 /	-	-	-	-
			NW	NE	NE	LE VAN, MAY WOODIE	-	33-02095 / 40.0	-	-	-
06N	29E	35	SW	NE	NE	MOODIE LAND & LIVESTOCK INC	A33-000970 / 73.0	33-00068 /	33.0	-	16.4
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00068 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00003 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00003 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00004 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00005 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00014 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00015 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00016 / 40.0	-	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00077 / 40.0	33-00075 /	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00077 / 40.0	33-00077 /	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00098 / 40.0	33-00098 /	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-00100 / 40.0	33-00100 /	-	-	-
			SW	NE	NE	BLAINE COUNTY CANAL CO.	A33-000729 / 40.0	-	-	-	-
			SW	NE	NE	LE VAN, MAY WOODIE	-	33-02095 / 40.0	-	-	-
06N	29E	35	SE	NE	NE	MOODIE LAND & LIVESTOCK INC	A33-000970 / 73.0	33-00068 /	33.0	-	39.0
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00068 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00003 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00003 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00004 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00005 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00014 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00015 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00016 / 40.0	-	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00077 / 40.0	33-00075 /	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00077 / 40.0	33-00077 /	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00098 / 40.0	33-00098 /	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-00100 / 40.0	33-00100 /	-	-	-
			SE	NE	NE	BLAINE COUNTY CANAL CO.	A33-000729 / 40.0	-	-	-	-
			SE	NE	NE	LE VAN, MAY WOODIE	-	33-02095 / 40.0	-	-	-
TOTAL ACRES							132.00	132.00	132.00	122.0	

SEE ASCS MAP IN A 33-00100 FILE

ASCS Shows 16.4

PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A23-000970

ARE IRRIGATED AREAS FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

FIELD EXAMINER

FOU COUNTY: BUTTE

DATABASE

DUE TO FOU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

NOTES:

FIELD EXAMINED DURING MAPPING OF BLAINE COUNTY CANAL SYSTEM: WEEK OF 20 JUNE 1994

RECOMMENDATIONS:

TOTAL ACRES:

122.46 AS CLAIMED

REVIEWED BY:

ABR

DATE:

8 Sept 94

AS DERIVED
04/01 11/01

NO
585 7891
1511
407
Converted to 60s

A. AJ CLAIMED USES:

PURPOSES
A33-00097D IRRIGATION

MONTH/DAY
FROM 04-15 TO 10-15

DIVERSION QUANTITY
1.200 CES

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.200 CES

B. WE RECORDED USES:

PURPOSES
33-00097D IRRIGATION

MONTH/DAY
FROM 04-15 TO 10-15

DIVERSION QUANTITY
1.200 CES

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.200 CES

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
N
N
N

FIELD EXAMINER
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WE STANDARDS OR OTHER?

☒ YES ☐ NO

☒ YES ☐ NO

Explain in notes, below.

NOTES:

RECOMMEND PERIOD OF USE AS DERIVED APRIL TO NOVEMBER 01
DERIVED PERIOD OF USE IS "IN ONE TIME BETWEEN APRIL 1ST AND NOVEMBER 1ST" (pg. 21 XLV)

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

AI TOTAL CLAIMED DIVERSION RATE:
UR ROOT RIGHT TOTAL DIVERSION RATE:

1.200 CES
1.200 CES

MATCHES T. 4097

AAA IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. AAA
AA If an amount smaller than the original diversion rate is AA
AA claimed and an exam is NOT required, explain in notes. AA

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
N

B. FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 00-00100, BLAINE COUNTY CANAL COMPANY

LIST ALL RIGHTS WITH A SAME FCU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-00097D	DRY CREEK	WUDDIE LAND & LUTHERSON INC	1.200	0.009		
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.	12.000	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	1.66
A33-00015	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.			2000.00	0.35
A33-00016	SUNNIT CREEK	BLAINE COUNTY CANAL CO.			1000.00	0.16
A33-00068	TRAIL CREEK	BLAINE COUNTY CANAL CO.				
A33-00069	SUMMERHOUSE CREEK	BLAINE COUNTY CANAL CO.	4.200			
A33-00070	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	3.200			
A33-00071	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	3.200			
A33-00072	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	0.800			
A33-00073	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	3.420			
A33-00077	LITTLE LOST RIVER	BLAINE COUNTY CANAL CO.	1.430			
A33-00078	SANMILL CREEK	BLAINE COUNTY CANAL CO.	5.150			
A33-00093	DRY CREEK	BLAINE COUNTY CANAL CO.	0.800	0.006		
A33-00100	DRY CREEK	WUDDIE LAND & LUTHERSON INC				

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. VOL.	DIV. VOLUME
A00-10024	SAWMILL CREEK	BLAINE COUNTY CANAL CO.	5.300		
A00-10086	SAWMILL CREEK	BLAINE COUNTY CANAL CO.	72.700	0.011	

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	DATE	VOLUME
A00-10024	DOMESTIC	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	0.00 CFS
A00-10024	STOCKWATER	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	0.00 CFS
A00-10024	DOMESTIC	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	0.00 CFS
A00-10024	STOCKWATER	WOODIE LAND & LIVESTOCK	FROM 01-01	TO 12-31	0.00 CFS

1. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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

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 305.25 AE/A

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()

1b. CALCULATIONS

00097D - 0.80 cfs
00100 - 1.20 cfs
2.00 cfs 7.4077
2.44 CAFE.

BCC-118

WE REPORT CONDITIONS: WATERMASTER:

- B00-33 ← - 704
 AJ ← - 711
 1 B00-500
 704
 709
 A04 ← - 707
 A06 ← - 708

Use of water under this water right will be regulated by the Watermaster of State Water District No. 33. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 1.0 cfs per acre for the lands above.
 Approval of this transfer in no way grants any right of-use or easement for use of a delivery system owned by person(s) other than the right owner.
 Approval of this transfer does not preclude the opportunity for various of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
 Failure to comply with the conditions of this transfer is cause for the District 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 transfers the shares in the Blaine County canal which are appurtenant to the place of use authorized by this transfer.
 The watermaster is authorized to assess a delivery loan to the right holder in this transfer and to deduct 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 best practice.
 Right No. 23-00100 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4077.

NOTES: (Include limitations on CONSUMPTIVE USE for contained 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. *Excl.*

SEE FINAL ORDER, DATED 3rd Nov 1993,
 PG 3 FINDINGS OF FACT, EXERT
 ATTACHED BELOW. TRANSFER No. 4077.

EXCERPT FROM: TX 4077
 FINAL ORDER, PG. 3 #7

RECOMMENDATIONS:

REC.
PURPOSESREC. PERIOD
FROM TOREC. DIV
RATE CTOREC. DIV
VOL. AREAREC. CONC.
USE

IRRIGATION

04-15 10-15

DATABASE EXAMINER
1.300

DATABASE EXAMINER

DATABASE EXAMINER
0.0

TOTAL FOR THIS RIGHT

1.300

0.0

REVIEWED BY:

DATE:

F05:3300100

 D. S. Conway

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMED
()
()
()
()
()
()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00097

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A22-00097A	3.200	B03-00097A	3.200	00-00097A	3.200
-	A22-00097B	1.200	R33-00097D	1.200	00-00097B	1.200
-	A22-00097C	3.000	R33-00097C	2.00	00-00097C	3.000
-	A22-00097D	3.200	B03-00097A	3.200	00-00097D	3.200
TOTAL CTS		6.4		6.4		6.4

DIVERSION RATE REVIEW

DO THE SUM OFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT DIV RATE? (Y/N)

NOTES:

00097A @ 3.2 cfs 00097A @ 3.2 cfs (00097 DELETED AS 320* HOURS (6.4 cfs))
00097B @ 3.2 cfs SPLITS → 00097C @ 3.0 cfs JAMES A.
00097D @ 1.2 cfs 00097D @ 1.2 cfs G.W. WOODIE
33-00097 TOTAL 6.4 cfs RIGHT IS CLAIMED IN FULL.

AUTHENTICATION:

SIGNATURE: JB Rubery

NAME OF FIELD EXAMINER: Audrey B. Ruggs

DATE: 9 SEPT 1994

TITLE: SR AGENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:51:45
09/02/94

PAGE: 16
QUICKLOOK INFORMATION

CLAIM NUMBER: 433-00097D

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHEN/DATE	FIELD EXAM BY WHEN/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVISION WHEN/DATE	COMPLETED DATA ENTRY WHEN/DATE	VERIFIED DATE WHEN/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AGENCY								
CFS/VOLUME								
CONSUMPTION USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHOPHO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
MAPS 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.

STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
ADMINISTRATION CLAIM VERIFICATION REPORT

12:31:46
08/03/94
18

CLAIM NUMBER: A33-000079

PAGE: 18
PROFILE REPORT CONTINUED

Remarks: 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 SPLIT OF A33000079 DATED ON TRANSFER
#4077 APPROVED NOVEMBER 1993. BILLING FEE IS RECORDED ON
RECEIPT #011667.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: 03 Field Inspection Flag:
Presumption Flag:



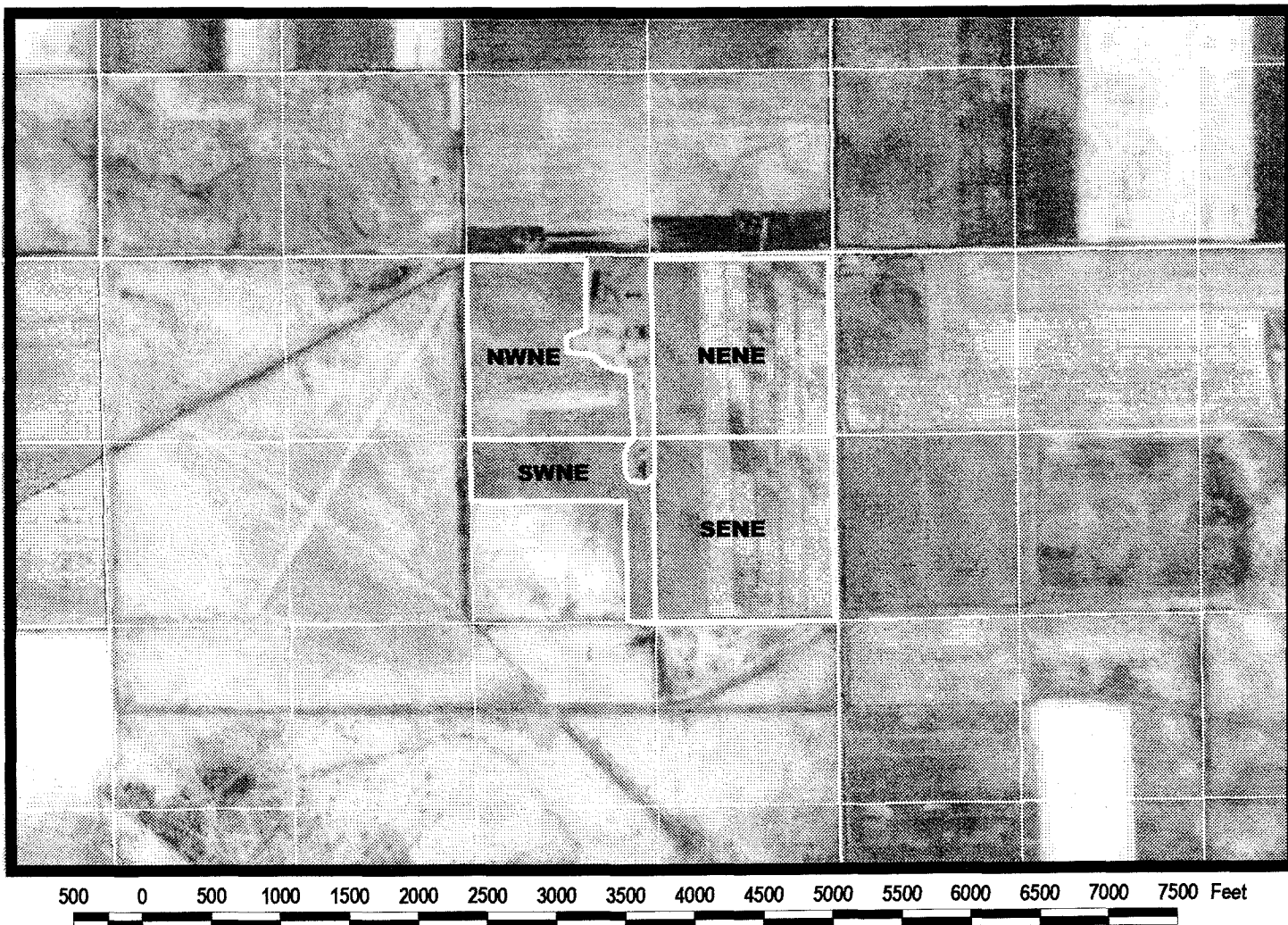
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Woodie Land and Livestock Inc

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

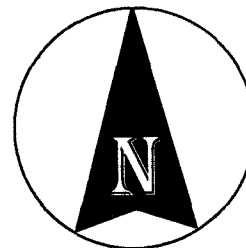


LEGEND

-  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. R33-000970

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
HOWE ID 83244
(208) 767-3461

PRIORITY DATE WATER USE
04/15/1891 IRRIGATION

USE PERIOD FROM TO
04-01 11-01

DIVERSION RATE
1.20 CFS

DIVERSION VOLUME
1.20 CFS

TOTAL DIVERSION:
1.20 CFS

Water Source: DRY CREEK

Tributary to: LITTLE LOST RIVER

Stage: DECREEED

Point(s) of Diversion: T10N R25E S31 SWNW
Point(s) of Injection: T09N R27E S04 SWSNE
Point(s) of Re-diversion: T10N R26E S36 NWSNW
T06N R29E S32 SWNW

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE									
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	29E	35	38	29	16	39	:	:	:	:	:	:	:	:	122.0
TOTAL ACRES															122.0

POU County: BUTTE

Other Rights: 33-00100, 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. 33-00100 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 427 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 33-00100 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH HARTMAN DIVERSION #5, WOODIE DITCH. RIGHT NO. 33-00100 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Pou Pst 148
Pou Pst 93

AJ0749NP
No. R33-00097D

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

DATE: 04/16/99
PAGE: 2

Objection Filed Date:

Verified Date:

Dates: Exam Made Date:

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

Comments: 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 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 SPLIT OF A3300097B BASED ON TRANSFER
#4077, APPROVED NOVEMBER 1993. FILING FEE IS RECORDED ON
RECEIPT E011667. EMC 25 FEB 93

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: A33-00097D

Date Received: 2/25/1994

Receipt No: X777777

Received By: EMC.

PREPARED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		

7. Total Quantity Appropriated is:
1.200 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

A3300097D

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:
33-00100, BLAINE COUNTY CANAL COMPANY

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 SPLIT OF A3300097B BASED ON TRANSFER #4077, APPROVED NOVEMBER 1993. FILING FEE IS RECORDED ON RECEIPT E011667. 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

MICROFILMED

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): _____ Date: _____

_____ 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 _____

MICROFILMED