

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 37-21
Date Received: 10/25/1988
Receipt No: S003232 50
Received By: S026900

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PICABO LIVESTOCK CO INC Phone: (208)788-3530

PO BOX 748
PICABO ID USA 83348

2. Date of Priority: 09/01/1887

3. Source: LOVING CREEK , SILVER CREEK Trib. to: SILVER CREEK , LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	24	NE SE NW	BLAINE	
01S	20E	30	SW NE NW	BLAINE	
01S	20E	20	SW SW SE	BLAINE	
01S	20E	30	NE NW NW 1	BLAINE	

5. Description of diverting works:

Headgate #11 to Gillihan Ditch, pump in ditch to sprinklers

Headgate #18 to Kilpatrick Ditch, pump in ditch to sprinklers

Headgate #19 to Iden Ditch, pump in ditch to sprinklers

Headgate #17 to Albrethsen Ditch, pump in ditch to sprinklers

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JUL 12 2004

Department of Water Resources
Southern Region

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/15 10/15 5.6

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7. Total Quantity Appropriated is:
5.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	20E	19	NE	NE		IRRIGATION	39.6
			SE	NE		IRRIGATION	39.0
			SW	SW	4	IRRIGATION	37.7
			SE	SW		IRRIGATION	38.7
			NE	SE		IRRIGATION	26.1
			NW	SE		IRRIGATION	32.5
			SW	SE		IRRIGATION	35.3
			SE	SE		IRRIGATION	36.8
					Section Acres	285.7	
01S	20E	20	NW	NW		IRRIGATION	39.9
			SW	NW		IRRIGATION	39.6
			NE	SW		IRRIGATION	30.5
			NW	SW		IRRIGATION	38.2
			SW	SW		IRRIGATION	19.1
			SE	SW		IRRIGATION	19.0
			NE	SE		IRRIGATION	40.2
			NW	SE		IRRIGATION	36.5
			SW	SE		IRRIGATION	10.9
			SE	SE		IRRIGATION	35.6
					Section Acres	309.5	
01S	20E	21	SW	NE		IRRIGATION	40.3
			SE	NE		IRRIGATION	27.5
			NE	SW		IRRIGATION	40.3
			NW	SW		IRRIGATION	40.3
			SW	SW		IRRIGATION	40.4
			SE	SW		IRRIGATION	36.4
			NE	SE		IRRIGATION	40.3
			NW	SE		IRRIGATION	40.3
			SW	SE		IRRIGATION	37.5
			SE	SE		IRRIGATION	28.1
					Section Acres	371.4	
01S	20E	22	SW	NW		IRRIGATION	23.1
			SE	NW		IRRIGATION	19.1
			NE	SW		IRRIGATION	6.8
			NW	SW		IRRIGATION	36.0

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			SW	SW	IRRIGATION	37.4
			SE	SW	IRRIGATION	26.7
					Section Acres	149.1
01S	20E	26	NW	SW	IRRIGATION	14.4
			SW	SW	IRRIGATION	36.4
			SE	SW	IRRIGATION	3.0
					Section Acres	53.8
01S	20E	27	NW	NE	IRRIGATION	20.3
			SW	NE	IRRIGATION	28.9
			NE	NW	IRRIGATION	36.5
			NW	NW	IRRIGATION	18.0
			SW	NW	IRRIGATION	31.8
			SE	NW	IRRIGATION	22.2
			NE	SW	IRRIGATION	14.6
			NW	SW	IRRIGATION	24.5
			SW	SW	IRRIGATION	0.6
			SE	SW	IRRIGATION	12.0
			NE	SE	IRRIGATION	30.5
			NW	SE	IRRIGATION	16.2
			SW	SE	IRRIGATION	32.3
			SE	SE	IRRIGATION	36.0
					Section Acres	324.4
01S	20E	28	NE	NE	IRRIGATION	20.0
			NW	NE	IRRIGATION	24.2
			SW	NE	IRRIGATION	33.7
			SE	NE	IRRIGATION	28.7
			NE	NW	IRRIGATION	17.3
			NW	NW	IRRIGATION	22.5
			SW	NW	IRRIGATION	40.4
			SE	NW	IRRIGATION	37.7
			NE	SW	IRRIGATION	40.4
			NW	SW	IRRIGATION	40.4
			SW	SW	IRRIGATION	31.7
			SE	SW	IRRIGATION	38.0
			NE	SE	IRRIGATION	40.4
			NW	SE	IRRIGATION	40.4
			SW	SE	IRRIGATION	36.3
			SE	SE	IRRIGATION	6.4
					Section Acres	498.5
01S	20E	29	NE	NE	IRRIGATION	28.9
			NW	NE	IRRIGATION	38.4
			SW	NE	IRRIGATION	40.3
			SE	NE	IRRIGATION	40.3
			NE	NW	IRRIGATION	33.5
			NW	NW	IRRIGATION	27.0
			SW	NW	IRRIGATION	33.2
			SE	NW	IRRIGATION	40.3
			NE	SW	IRRIGATION	35.6
			NE	SE	IRRIGATION	40.3

			NW	SE	IRRIGATION	38.6
			SW	SE	IRRIGATION	2.8
			SE	SE	IRRIGATION	28.9
					Section Acres	428.1
01S	20E	30	NE	NE	IRRIGATION	30.1
			NW	NE	IRRIGATION	35.4
			SW	NE	IRRIGATION	40.3
			SE	NE	IRRIGATION	31.1
			NE	NW	IRRIGATION	18.2
			NW	NW	IRRIGATION	2.0
			SE	NW	IRRIGATION	15.3
			NE	SE	IRRIGATION	37.5
			NW	SE	IRRIGATION	40.4
			SW	SE	IRRIGATION	34.7
			SE	SE	IRRIGATION	40.4
					Section Acres	325.4
01S	20E	31	NE	NE	IRRIGATION	40.2
			NW	NE	IRRIGATION	15.4
			SE	NE	IRRIGATION	40.2
					Section Acres	95.8
01S	20E	33	NE	NE	IRRIGATION	4.9
			NW	NE	IRRIGATION	19.0
			NE	NW	IRRIGATION	4.4
					Section Acres	28.3
01S	20E	34	NE	NE	IRRIGATION	40.3
			NW	NE	IRRIGATION	40.3
			NE	NW	IRRIGATION	34.5
			NW	NW	IRRIGATION	0.5
					Section Acres	115.6
01S	20E	35	NW	NW	IRRIGATION	41.0
			SW	NW	IRRIGATION	25.4
					Section Acres	66.4
					Total Acres	3052.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 10,000.4 af. These rights shall not exceed an annual diversion volume of 9984.8 af at the field headgate for irrigation of 2852.8 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

15. Basis of Claim: Decreed

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 X 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 President of _____ of _____ Title

Picabo Livestock Co., Inc. that I have signed the foregoing document in the _____ Organization

space below as President of Picabo Livestock Co., Inc. Title Organization

and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

[Signature]
Title and Organization

6-16-04
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day of June 2004

[Signature]
Notary Public

Residing at Twin Falls

My commission Expires 11-18-2004



COPY

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: A37-00021
Date Received: 10/21/1988
Receipt No: 5003232
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PICABO LIVESTOCK CO., INC. 208-788-2516
Address: P. O. BOX 688
PICABO, ID 83348

2. Date of Priority: SEP 01, 1887

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER
LOVING CREEK SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	24	NE	SE	NW		BLAINE

5. Description of diverting works:
#11, 17, 18, & 19 HEADGATES, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.600		
STOCKWATER	03/15	12/01	0.440		

7. Total Quantity Appropriated is:
5.600 C.F.S. (and/or) 2377.00 A.F.A.

8. Total consumptive use is 2377.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/2000 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	19	NE	NE		IRR	39.0

Section Acres 39.0

A37-00021

Page 1

Date: 10/21/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 39.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
MANY DECREED RIGHTS, GROUNDWATER

14. Remarks:
LAND IS CLAIMED AS IRRIGATED PER SEC. 42-1416 IDAHO CODE. SEE
CLAIM A37-00376 FOR FULL LIST OF P/D'S & P/U.

15. Basis of Claim: DECREED
Case Number:
Court : FOURTH
Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, 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 X 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 President of Picabo Shovelers Co, that I have signed the foregoing document in the space below as President of _____ and that the statements contained in the foregoing document are true and correct.

J. H. Purdy
Signature of Authorized Agent

President
Title and Organization

10-25-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of Oct. 19 88

Ken Doherty
Notary Public

Seal

Residing at Kinsey, ID
My Commission Expires 6/30/89

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 NOV 4 PM 2 49

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

In Re SRBA

Case No. 39576

) Subcase No: 37-21 37-22, 37-186,
) 37-187, 37-189, 37-213, 37-215D, 37-333,
) 37-351A, 37-352A, 37-377, 37-378,
) 37-695, 37-942, 37-2405, 37-11892,
) 37-11898, 37-11900, 37-11903, 37-20609

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 AMENDED TRANSFER

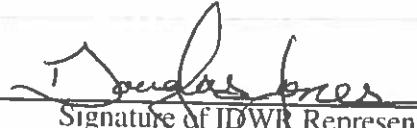
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒	Combined Limit Conditions (Quantity)	☐	Split of Water Right
☐	Point of Diversion	☐	Place of Use
☐	Period of Use	☐	Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 10/23/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-4, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

Picabo Livestock Co Inc
PO Box 748
Picabo ID 83348

Gary Slette
Robertson & Slette PLLC
PO Box 1906
Twin Falls ID 83301-1906

Craig Hobdey
Hobdey & Hobdey
PO Box 176
Gooding ID 83330



Signature of person or attorney mailing the form

10/14/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21

NAME AND ADDRESS: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

SOURCE: LOVING CREEK
SILVER CREEK

TRIBUTARY: SILVER CREEK
TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 5.600 CFS

Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field-headgate points of diversion of ~~9505.2~~ 17,096.6 af. These rights shall not exceed an annual diversion volume of ~~9489.6~~ 17,081 af at the field-headgate points of diversion for irrigation purposes, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field-headgate points of diversion of ~~9489.6~~ 17,081 af for irrigation purposes.

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION:

T01S R19E S24 NESENW Within BLAINE County
T01S R20E S20 SWSWE Within BLAINE County
T01S R20E S30 SWNENW Within BLAINE County
T01S R20E S30 NENWNW Lot 1 Within BLAINE County

PURPOSE AND PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PLACE OF USE:	IRRIGATION	04/15 10/31	5.600 CFS
	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S19 NENE 40.00	T01S R20E S19 SENE	39.00
	T01S R20E S19 Lot 4 SWSW 38.00	T01S R20E S19 SESW	39.00
	T01S R20E S19 NESE 26.00	T01S R20E S19 NWSE	32.00
	T01S R20E S19 SWSE 35.00	T01S R20E S19 SESE	37.00
	T01S R20E S20 NWNW 40.00	T01S R20E S20 SWNW	40.00
	T01S R20E S20 NESW 30.00	T01S R20E S20 NWSW	38.00
	T01S R20E S20 SWSW 19.00	T01S R20E S20 SESW	19.00
	T01S R20E S20 NESE 40.00	T01S R20E S20 NWSE	36.00
	T01S R20E S20 SWSE 11.00	T01S R20E S20 SESE	36.00
	T01S R20E S21 SWNE 40.00	T01S R20E S21 SENE	27.00
	T01S R20E S21 NESW 40.00	T01S R20E S21 NWSW	40.00
	T01S R20E S21 SWSW 40.00	T01S R20E S21 SESW	36.00
	T01S R20E S21 NESE 40.00	T01S R20E S21 NWSE	40.00
	T01S R20E S21 SWSE 37.00	T01S R20E S21 SESE	28.00
	T01S R20E S22 SWNW 23.00	T01S R20E S22 SENW	19.00
	T01S R20E S22 NESW 6.80	T01S R20E S22 NWSW	36.00

T01S R20E S22	SWSW	37.00	T01S R20E S22	SESW	27.00
T01S R20E S26	NWSW	14.00	T01S R20E S26	SWSW	36.00
T01S R20E S26	SESW	3.00	T01S R20E S27	NWNE	20.00
T01S R20E S27	SWNE	29.00	T01S R20E S27	NENW	36.00
T01S R20E S27	NWNW	18.00	T01S R20E S27	SWNW	32.00
T01S R20E S27	SESW	22.00	T01S R20E S27	NESW	15.00
T01S R20E S27	NWSW	24.00	T01S R20E S27	SWSW	0.60
T01S R20E S27	SESW	12.00	T01S R20E S27	NESE	30.00
T01S R20E S27	NWSE	16.00	T01S R20E S27	SWSE	32.00
T01S R20E S27	SESE	36.00	T01S R20E S28	NENE	20.00
T01S R20E S28	NWNE	24.00	T01S R20E S28	SWNE	34.00
T01S R20E S28	SENE	29.00	T01S R20E S28	NENW	17.00
T01S R20E S28	NWNW	22.00	T01S R20E S28	SWNW	40.00
T01S R20E S28	SESW	38.00	T01S R20E S28	NESW	40.00
T01S R20E S28	NWSW	40.00	T01S R20E S28	SWSW	32.00
T01S R20E S28	SESW	38.00	T01S R20E S28	NESE	40.00
T01S R20E S28	NWSE	40.00	T01S R20E S28	SWSE	36.00
T01S R20E S28	SESE	6.40	T01S R20E S29	NENE	29.00
T01S R20E S29	NWNE	38.00	T01S R20E S29	SWNE	40.00
T01S R20E S29	SENE	40.00	T01S R20E S29	NENW	33.00
T01S R20E S29	NWNW	27.00	T01S R20E S29	SWNW	33.00
T01S R20E S29	SESW	40.00	T01S R20E S29	NESW	36.00
T01S R20E S29	NESE	40.00	T01S R20E S29	NWSE	39.00
T01S R20E S29	SWSE	2.80	T01S R20E S29	SESE	29.00
T01S R20E S30	NENE	30.00	T01S R20E S30	NWNE	35.00
T01S R20E S30	SWNE	40.00	T01S R20E S30	SENE	31.00
T01S R20E S30	NENW	18.00	T01S R20E S30 Lot 1	NWNW	2.00
T01S R20E S30	SESW	15.00	T01S R20E S30	NESE	37.00
T01S R20E S30	NWSE	40.00	T01S R20E S30	SWSE	35.00
T01S R20E S30	SESE	40.00	T01S R20E S31	NENE	40.00
T01S R20E S31	NWNE	15.00	T01S R20E S31	SENE	40.00
T01S R20E S33	NENE	4.90	T01S R20E S33	NWNE	19.00
T01S R20E S33	NENW	4.40	T01S R20E S34	NENE	40.00
T01S R20E S34	NWNE	40.00	T01S R20E S34	NENW	34.00
T01S R20E S34	NWNW	0.50	T01S R20E S35	NWNW	41.00
T01S R20E S35	SWNW	25.00			

3037.4 ACRES TOTAL

Right Nos. 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are limited to the irrigation of a combined total of 2711.3 acres in a single irrigation season.

This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

November 4, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

RE: SRBA Claim(s) 37-21, 37-22, 37-186, 37-187, 37-189,
37-213, 37-215D, 37-333, 37-351A,
37-352A, 37-377, 37-378, 37-695,
37-942, 37-2405, 37-11892, 37-11898,
37-11900, 37-11903, 37-20609, 37-2627A,
37-11911, 37-11914

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Gary Slette, Robertson & Slette PLLC
Craig Hobdey, Hobdey & Hobdey

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PETITION TO)
CORRECT WATER RIGHT TRANSFER)
NOS. 5044, 5045, 5046, 69624 AND 69626 IN)
THE NAME OF PICABO LIVESTOCK CO.)

**PRELIMINARY ORDER
CORRECTING TRANSFER
APPROVALS**

This matter having come before the Department of Water Resources (Department or IDWR) as a result of the filing of a petition to correct clerical error on transfers, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

Transfer 5044

1. On February 28, 1997, the Department received application for Transfer 5044 in the name of Picabo Livestock Co. A correction to the application was received by the Department on March 14, 1997. The purpose of the application was to add point(s) of diversion and change the place of use for irrigation of 340 acres authorized under ground water Licenses 37-2617 and 37-2620 to a location within a 2711.3 acre permissible place of use (PPU).
2. Application for Transfer 5044 was approved on March 20, 1998 and issued as a preliminary order of the Department pursuant to Section 67-5245, *Idaho Code*. The transfer approval authorized a diversion rate of 6.18 cfs for irrigation of 340 acres within a 2711.3 acre PPU. The transfer approval included a condition of approval identified as condition no. 5 for each license as follows:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer 5045

3. On February 28, 1997, the Department received application for Transfer 5045 in the name of Picabo Livestock Co. A correction to the application was received by the Department on March 14, 1997. The purpose of the application was to change the point of diversion and place of use for 62.7 acres of ground water License 36-2627 and to add point(s) of diversion and change the place of use for the remaining 2496.3 acres under the license to a location within the same PPU authorized under Transfer 5044.
4. Application for Transfer 5045 was approved on March 20, 1998 and issued as a preliminary order of the Department pursuant to Section 67-5245, *Idaho Code*. The Department designated the

PRELIMINARY ORDER CORRECTING TRANSFER APPROVALS, Page 1

SUPPORT DATA

IN FILE # 37-21

SCANNED

AUG 18 2009

portion of License 37-2627 associated with the 62.7 acres as License 37-2627B and the remaining portion as License 37-2627A. The transfer approval authorized a diversion rate of 10.65 cfs for irrigation of 2496.3 acres within a 2711.3 acre PPU for License 37-2627A. The transfer approval included a condition of approval identified as condition no. 5 for each licensed part as follows:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer 5046

5. On February 28, 1997, the Department received application for Transfer 5046 in the name of Picabo Livestock Co. A correction to the application was received by the Department on March 14, 1997. The purpose of the application was to add point(s) of diversion and change the place of use for irrigation under numerous surface water rights to a location within the same PPU authorized under Transfers 5044 and 5045. The surface water rights included in the application were Decrees 37-21, 37-22, 37-186 A & B, 37-187, 37-188, 37-189, 37-213 A & B, 37-214, 37-215 E & F, 37-216, 37-217, 37-218, 37-219, 37-333, 37-351A, 37-352A, 37-376 B, D & E, 37-377, 37-378, 37-379, 37-380, 37-381, 37-428, 37-694 A & B, 37-695 and 37-942 and License 37-2405.

6. Application for Transfer 5046 was approved on March 20, 1998 and issued as a preliminary order of the Department pursuant to Section 67-5245, *Idaho Code*. The transfer approval authorized a diversion rate of 72.78 cfs for irrigation of 2711.3 acres. The transfer approval included conditions of approval identified as condition nos. 2, 8 and 9 respectively for each water right as follows:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Transfer 5046 shall not exceed 72.78 cfs, nor a total combined annual volume of 9505.2 af.

Rights 37-00021, 37-00022, 37-00186 A & B, 37-00187, 37-00188, 37-00189, 37-00213 A & B, 37-00214, 37-00215 E & F, 37-00216, 37-00217, 37-00218, 37-00219, 37-00333, 37-00351A, 37-00352A, 37-00376 B, D & E, 37-00377, 37-00378, 37-00379, 37-00380, 37-00381, 37-00428, 37-00694 A & B, 37-00695, 37-00942 and 37-02405 when combined shall not exceed an annual diversion volume of 9489.6 af at the field headgate for the irrigation of 2711.3 acres, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

7. On April 6, 1998, the applicant's representative contacted the Department about an inconsistency between the diversion rate authorized by the transfer and the condition limiting the diversion rate and volume per acre (condition no. 2). The Department elected to remove the condition by amending the transfer approval.

8. Application for Transfer 5046 was amended on April 22, 1998 and issued as a preliminary order of the Department pursuant to Section 67-5245, *Idaho Code*. The transfer approval included conditions of approval identified as condition nos. 7 and 8 respectively for each water right as follows:

The total instantaneous diversion of water from all points of diversion under Transfer 5046 shall not exceed 72.78 cfs nor a total combined annual volume of 9505.2 af.

Rights 37-00021, 37-00022, 37-00186 A & B, 37-00187, 37-00188, 37-00189, 37-00213 A & B, 37-00214, 37-00215 E & F, 37-00216, 37-00217, 37-00218, 37-00219, 37-00333, 37-00351A, 37-00352A, 37-00376 B, D & E, 37-00377, 37-00378, 37-00379, 37-00380, 37-00381, 37-00428, 37-00694 A & B, 37-00695, 37-00942 and 37-2405 when combined shall not exceed an annual diversion volume of 9489.6 af at the field headgate for the irrigation of 2711.3 acres, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

9. The annual diversion volume at the field headgate of 9489.6 af over 2711.3 acres is 3.5 afa per acre. The diversion rate of 72.78 cfs over 2711.3 acres is approximately 0.027 cfs per acre.
10. The Department did not amend Transfers 5044 and 5045 to remove the condition limiting all the rights when used in combination for the PPU authorized under the transfers to 0.02 cfs per acre and 3.5 afa per acre.

Subsequent Transfers

11. On December 22, 2000, the Department received application for Transfers 69624 and 69626 in the name of Picabo Livestock Co. Inc. The purpose of the transfers was to update and increase the PPU for the rights associated with Transfers 5044, 5045 and 5046. The applications were approved by the Department on May 7, 2004 as preliminary orders of the Department pursuant to Section 67-5245, *Idaho Code*. The transfer approval for Transfer 69624 included rights 37-2627A, 37-11911 (combination of 37-2617 and 37-2620) and 37-11914 (enlargement of right 37-11911 pursuant to Section 42-1426, *Idaho code*). The transfer approval for Transfer 69626 included rights 37-21, 37-22, 37-186 (combination of 37-186 A & B), 37-187, 37-189, 37-213 (combination of 37-213 A & B and 37-216), 37-215D (combination of 37-215 E & F), 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892 (combination of 37-214, 37-217, and 37-694 A & B), 37-11898 (combination of 37-218 and 37-428), 37-11900 (combination of 37-379, 37-380 and 37-381), 37-11903 (combination of 37-188 and 37-219), 37-20609 (combination of 37-376 B, D & E). The transfer approvals included conditions limiting the rights involved in the transfers to irrigation of 2711.3 acres within a 3037.4 acre PPU.
12. The transfer approval for Transfer 69624 included a condition of approval identified as condition no. 4 for right 37-2627A, as condition no. 6 for right 37-11911, and as condition no. 7 for right 37-11914 as follows:

The total instantaneous diversion of water from all points of diversion for all ground water rights identified under this transfer No. 69624 and the surface water rights identified under transfer 69626 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.

13. The transfer approval for Transfer 69626 included two conditions of approval for each right as follows:

Rights 37-00021, 37-00022, 37-00186, 37-00187, 37-00189, 37-00213, 37-00215D, 37-00333, 37-00351A, 37-00352A, 37-00377, 37-00378, 37-00695, 37-00942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903 and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.

Petition to Correct Clerical Error on Transfers

14. On July 20, 2009, the Department received a Petition to Correct Clerical Error on Transfers (petition) from Gary D. Slette, attorney, on behalf of Picabo Livestock Co (petitioner). The petition seeks to correct Transfers 5044, 5045, 5046, 69624 and 69626 to remove or modify certain conditions limiting the rights in the PPU to 0.02 cfs and 3.5 afa per acre when used in combination.
15. Use of water for irrigation using historic irrigation practices at diversion rates greater than 0.02 cfs per acre typically requires an annual volume of water higher than the Department's standards for the area of 3.5 afa per acre at the field headgate. Additional water may be necessary for conveyance losses from the point(s) of diversion to the field headgates.
16. The petition referenced an analysis of diversion records from Water District 37 that was previously submitted to the Department. The analysis, received by the Department on June 11, 2009 supports a maximum historic diversion volume for all the rights in the PPU of 6.3 afa per acre measured at the authorized points of diversion for the rights involved in transfers 5044, 5045, 5046, 69624 and 69626.

CONCLUSIONS OF LAW

1. The transfers approvals should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, *Idaho Code*.

2. The Department erred by leaving in place certain combined rate and volume limits of 0.02 cfs per acre and 3.5 afa per acre for the rights when used in combination for the PPU associated with Transfers 5044, 5045 and 5046. In addition, the Department erred by carrying the same 3.5 afa per acre volume limits from transfers 5044, 5045 and 5046 forward to Transfers 69624 and 69626.
3. For Transfers 69624 and 69626, it is appropriate to limit the volume for all rights combined to the maximum historic use to ensure enlargement of the rights will not occur as a result of the increase in the PPU for the rights as authorized under the transfers.
4. The Department should delete the 0.02 cfs and 3.5 afa per acre limits for the rights when used in combination for the PPU associated with Transfers 5044, 5045 and 5046. The Department should change the transfer approvals for Transfers 69624 and 69626 to correct the conditions limiting the rights when used in combination in the PPU from 3.5 afa per acre to 6.3 afa per acre.

ORDER

IT IS HEREBY ORDERED that the transfer approvals issued on March 20, 1998 for Transfer 5044 and 5045 and the amended transfer approval issued April 22, 1998 for Transfer 5046 are **CORRECTED** as follows:

Transfer 5044

Condition no. 5 is removed.

Transfer 5045

Condition no. 5 is removed.

Transfer 5046

Condition nos. 7 and 8 are modified respectively as follows:

The total instantaneous diversion of water from all points of diversion under Transfer 5046 shall not exceed 72.78 cfs.

Rights 37-00021, 37-00022, 37-00186 A & B, 37-00187, 37-00188, 37-00189, 37-00213 A & B, 37-00214, 37-00215 E & F, 37-00216, 37-00217, 37-00218, 37-00219, 37-00333, 37-00351A, 37-00352A, 37-00376 B, D & E, 37-00377, 37-00378, 37-00379, 37-00380, 37-00381, 37-00428, 37-00694 A & B, 37-00695, 37-00942 and 37-2405 when combined shall not exceed the irrigation of 2,711.3 acres, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

IT IS FURTHER ORDERED that the transfer approval issued on May 7, 2004 for Transfer 69624 is **CORRECTED** as follows:

Condition no. 4 for right 37-2627A, condition no. 6 for right 37-11911 and condition no. 7 for right 37-11914 are modified as follows:

The total instantaneous diversion of water from all points of diversion for all ground water rights identified under this transfer No. 69624 and the surface water rights identified under transfer 69626 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,081 af for irrigation of 2,711.3 acres in any one season.

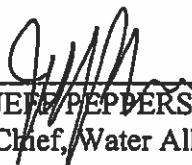
IT IS FURTHER ORDERED that the transfer approval issued on May 7, 2004 for Transfer 69626 is **CORRECTED** as follows:

Condition nos. 2 and 3 for rights 37-21, 37-22, 37-187, 37-189, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942 and 37-2405 and condition nos. 3 and 4 for rights 37-186, 37-213, 37-215D, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are modified respectively as follows:

Rights 37-00021, 37-00022, 37-00186, 37-00187, 37-00189, 37-00213, 37-00215D, 37-00333, 37-00351A, 37-00352A, 37-00377, 37-00378, 37-00695, 37-00942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903 and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,096.6 af. These rights shall not exceed an annual diversion volume of 17,081 af at the points of diversion for irrigation of 2,711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,081 af for irrigation of 2,711.3 acres in any one season.

Dated this 12th day of August, 2009.



JEFF PEPPERSACK
Chief, Water Allocation Bureau

10/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21

NAME AND ADDRESS: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

SOURCE: LOVING CREEK
SILVER CREEK

TRIBUTARY: SILVER CREEK
TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 5.600 CFS

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION:

T01S R19E S24 NESENW Within BLAINE County
T01S R20E S20 SWSWSE Within BLAINE County
T01S R20E S30 SWNENW Within BLAINE County
T01S R20E S30 NENWNW Lot 1 Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	5.600 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R20E S19	NENE	40.00	T01S R20E S19	SENE	39.00
T01S R20E S19 Lot 4 SWSW		38.00	T01S R20E S19	SESW	39.00
T01S R20E S19	NESE	26.00	T01S R20E S19	NWSE	32.00
T01S R20E S19	SWSE	35.00	T01S R20E S19	SESE	37.00
T01S R20E S20	NWNW	40.00	T01S R20E S20	SWNW	40.00
T01S R20E S20	NESW	30.00	T01S R20E S20	NWSW	38.00
T01S R20E S20	SWSW	19.00	T01S R20E S20	SESW	19.00
T01S R20E S20	NESE	40.00	T01S R20E S20	NWSE	36.00
T01S R20E S20	SWSE	11.00	T01S R20E S20	SESE	36.00
T01S R20E S21	SWNE	40.00	T01S R20E S21	SENE	27.00
T01S R20E S21	NESW	40.00	T01S R20E S21	NWSW	40.00
T01S R20E S21	SWSW	40.00	T01S R20E S21	SESW	36.00
T01S R20E S21	NESE	40.00	T01S R20E S21	NWSE	40.00

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3.51F
39489.6
(1 1/2 in)

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T01S R20E S21	SWNE	40.00	T01S R20E S21	SENE	27.00
T01S R20E S21	NESW	40.00	T01S R20E S21	NWSW	40.00
T01S R20E S21	SWSW	40.00	T01S R20E S21	SESW	36.00
T01S R20E S21	NESE	40.00	T01S R20E S21	NWSE	40.00
T01S R20E S21	SWSE	37.00	T01S R20E S21	SESE	28.00
T01S R20E S22	SWNW	23.00	T01S R20E S22	SENW	19.00
T01S R20E S22	NESW	6.80	T01S R20E S22	NWSW	36.00
T01S R20E S22	SWSW	37.00	T01S R20E S22	SESW	27.00
T01S R20E S26	NWSW	14.00	T01S R20E S26	SWSW	36.00
T01S R20E S26	SESW	3.00	T01S R20E S27	NWNE	20.00
T01S R20E S27	SWNE	29.00	T01S R20E S27	NENW	36.00
T01S R20E S27	NWNW	18.00	T01S R20E S27	SWNW	32.00
T01S R20E S27	SENW	22.00	T01S R20E S27	NESW	15.00
T01S R20E S27	NWSW	24.00	T01S R20E S27	SWSW	0.60
T01S R20E S27	SESW	12.00	T01S R20E S27	NESE	30.00
T01S R20E S27	NWSE	16.00	T01S R20E S27	SWSE	32.00
T01S R20E S27	SESE	36.00	T01S R20E S28	NENE	20.00
T01S R20E S28	NWNE	24.00	T01S R20E S28	SWNE	34.00
T01S R20E S28	SENE	29.00	T01S R20E S28	NENW	17.00
T01S R20E S28	NWNW	22.00	T01S R20E S28	SWNW	40.00
T01S R20E S28	SENW	38.00	T01S R20E S28	NESW	40.00
T01S R20E S28	NWSW	40.00	T01S R20E S28	SWSW	32.00
T01S R20E S28	SESW	38.00	T01S R20E S28	NESE	40.00
T01S R20E S28	NWSE	40.00	T01S R20E S28	SWSE	36.00
T01S R20E S28	SESE	6.40	T01S R20E S29	NENE	29.00
T01S R20E S29	NWNE	38.00	T01S R20E S29	SWNE	40.00
T01S R20E S29	SENE	40.00	T01S R20E S29	NENW	33.00
T01S R20E S29	NWNW	27.00	T01S R20E S29	SWNW	33.00
T01S R20E S29	SENW	40.00	T01S R20E S29	NESW	36.00
T01S R20E S29	NESE	40.00	T01S R20E S29	NWSE	39.00
T01S R20E S29	SWSE	2.80	T01S R20E S29	SESE	29.00
T01S R20E S30	NENE	30.00	T01S R20E S30	NWNE	35.00
T01S R20E S30	SWNE	40.00	T01S R20E S30	SENE	31.00
T01S R20E S30	NENW	18.00	T01S R20E S30 Lot 1	NWNW	2.00
T01S R20E S30	SENW	15.00	T01S R20E S30	NESE	37.00
T01S R20E S30	NWSE	40.00	T01S R20E S30	SWSE	35.00
T01S R20E S30	SESE	40.00	T01S R20E S31	NENE	40.00
T01S R20E S31	NWNE	15.00	T01S R20E S31	SENE	40.00
T01S R20E S33	NENE	4.90	T01S R20E S33	NWNE	19.00
T01S R20E S33	NENW	4.40	T01S R20E S34	NENE	40.00
T01S R20E S34	NWNE	40.00	T01S R20E S34	NENW	34.00
T01S R20E S34	NWNW	0.50	T01S R20E S35	NWNW	41.00
T01S R20E S35	SWNW	25.00			

3037.4 ACRES TOTAL

10/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

Right Nos. 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are limited to the irrigation of a combined total of 2711.3 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Idaho Department of Water Resources



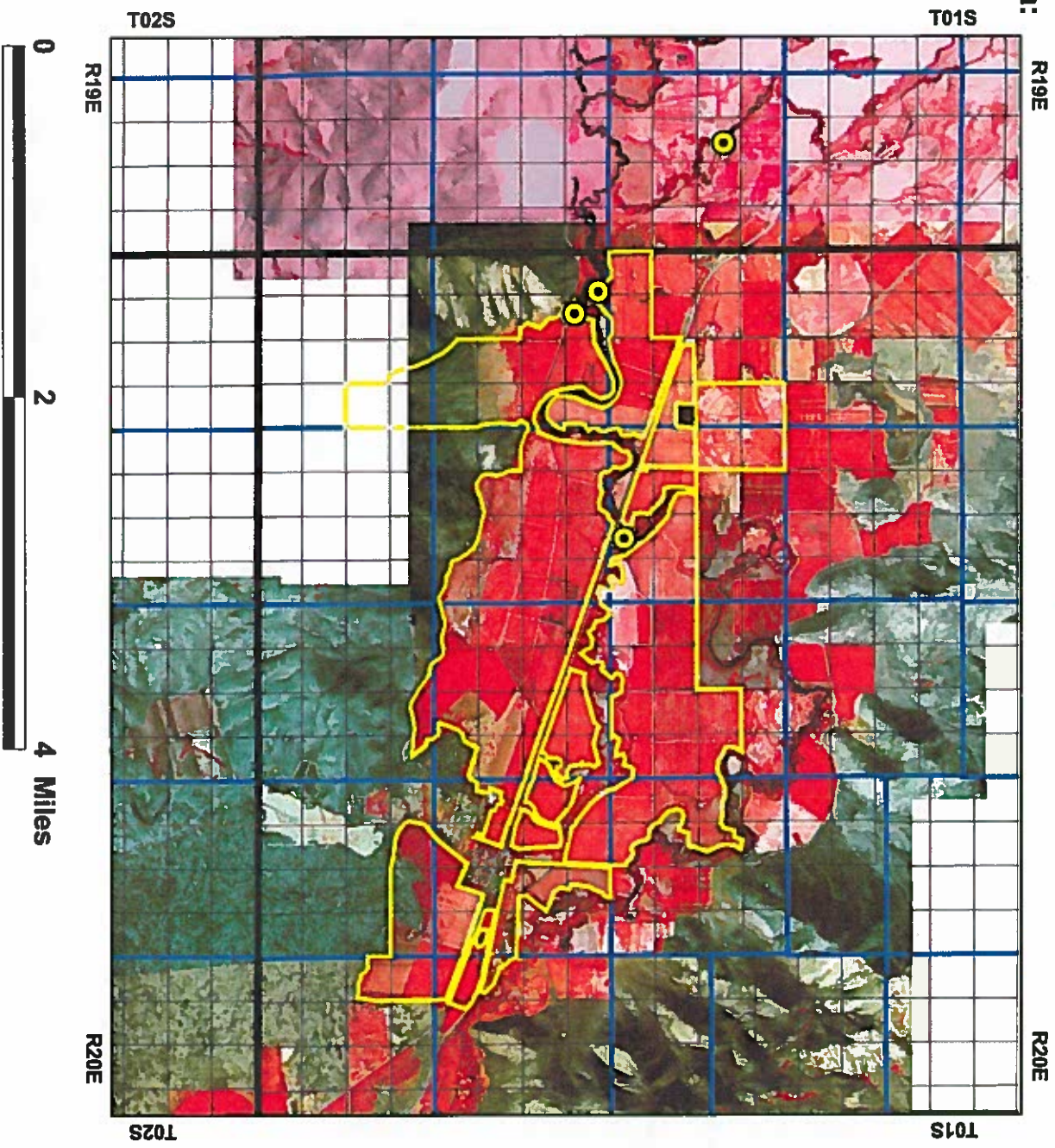
SRBA Recommendation:
37-21
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Wednesday, October 11, 2006
1987/88 Aerial Photography

Idaho Department of Water Resources



SRBA Recommendation:

37-21

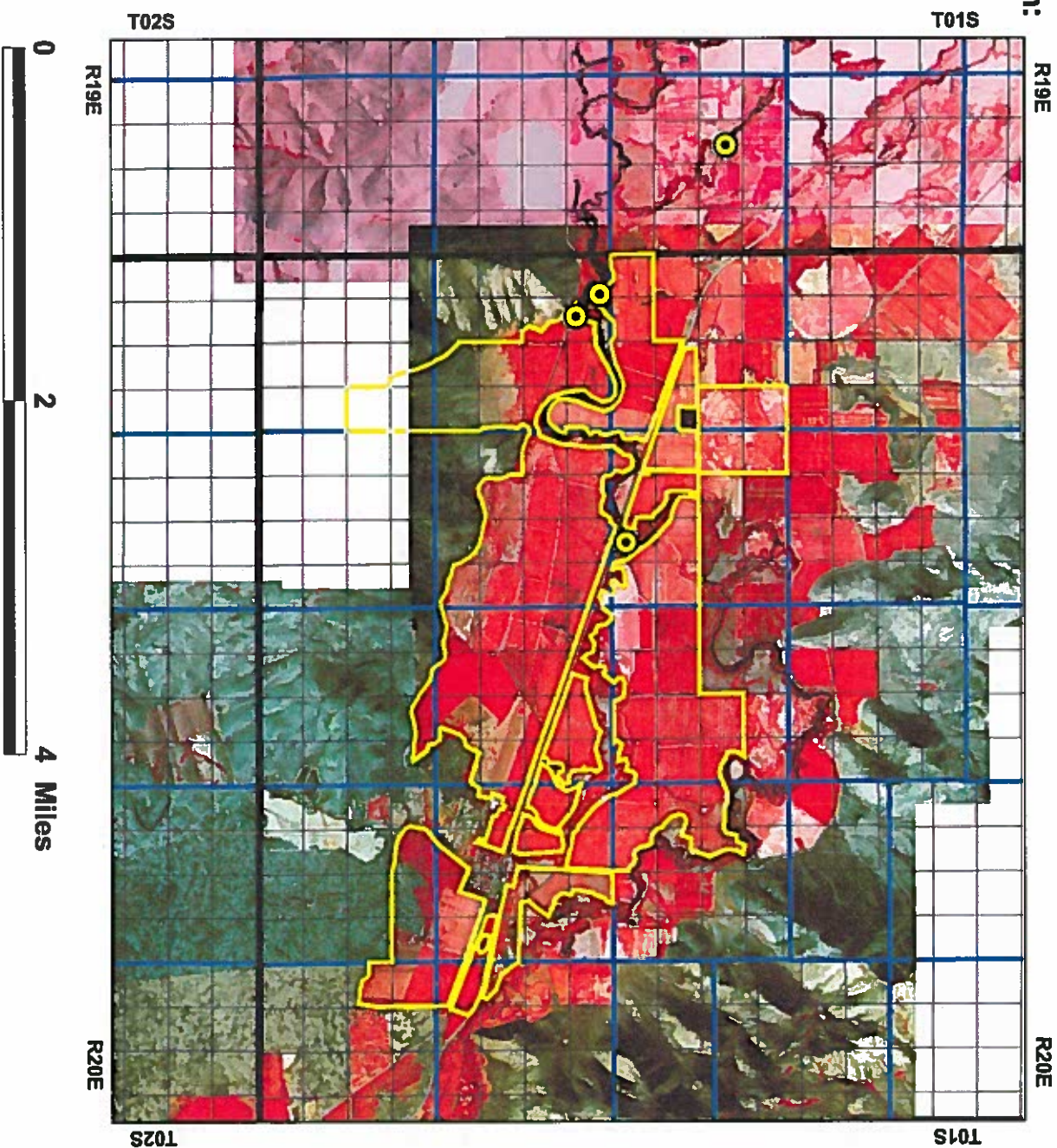
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Wednesday, October 11, 2006
1987/88 Aerial Photography

Memo to Picabo Livestock Co. Files

February 10, 2005

Claims : 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-2627A, 37-11892, 37-11898, 37-11900, 37-11903, 37-11911, 37-11914, 37-20609

Transfers 69626 (surface water rights) and 69634 (groundwater rights) were approved May 7, 2004. Adjudication claims were updated and recommendations created that reflected the approved transfers. On June 25, 2004, we received amendments that redistributed and added acres to all the claims involved in the transfers except 37-2627A. We data entered the amendments into the claims, but not the recommendations. *The recommendations still reflect the approved transfers.*

Transfer 69626 is 55 pages long and can be found in file 37-21.

Jush

June 2, 2004

Picabo Livestock Transfer / Adjudication – Acreage Calculation
Brockway Engineering, PLLC

Transfer applications 5044, 5045, and 5046 were approved in 1997.

For the 1997 transfers, irrigated area calculations were made using prints of FSA photos and manually making calculations in each 40-acre tract. The total irrigated area calculated manually was 2774 acres.

As part of the 1997 transfers, 62.7 acres were moved to Golden Eagle, leaving 2711.3 acres irrigated – this is the acreage that presently is listed as the maximum combined acreage limit.

May 2004 ArcView GIS calculation of irrigated acreage (excluding the acres previously moved to Golden Eagle) was 2852.8 acres, or 141.5 acres more than the 2711.3 acres based on the 1997 manual calculation.

Presumably, the GIS-calculated acres are more accurate.

What are the options for ensuring that the acreage accurately reflects historical irrigation?

37-21, Ex al - T# 69626

69626
69626

Picabo Livestock Acreage Reconciliation - 2004

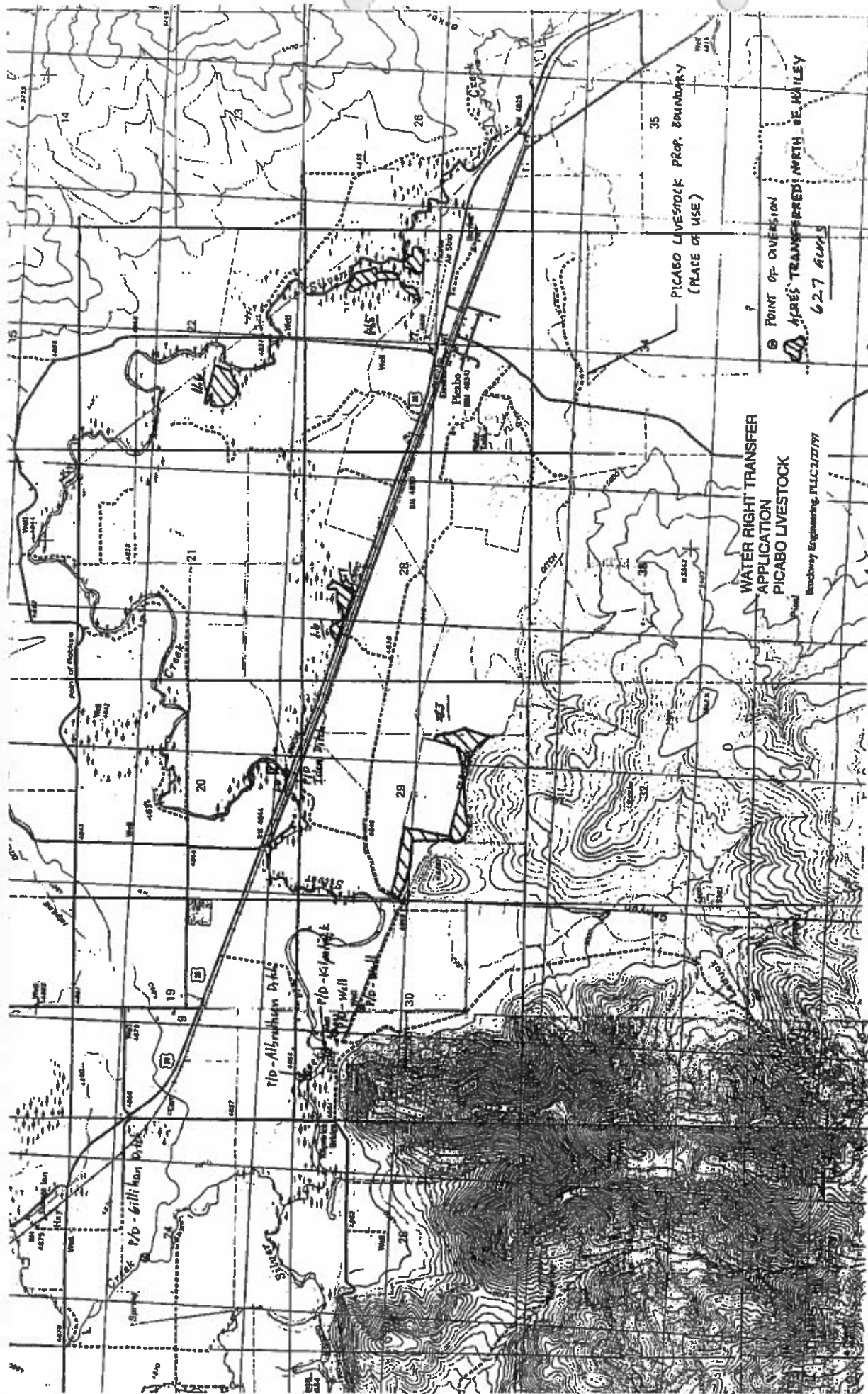
Irrigated acreage calculation was made by hand for 1997 Transfer Nos. 5044, 5045, and 5046

ArcView GIS used to make irrigated acreage calculation for 2004 transfer

5/24/2004

Sec	QQ	Q		1997 acreage calculation	2004 GIS calculation	Difference	
19	NE	NE	19NENE	39	39.6	0.6	
19	SE	NE	19SENE	40	39.0	-1.0	
19	SW	SW	19SWSW	36	37.7	1.7	
19	SE	SW	19SESW	35	38.7	3.7	
19	NE	SE	19NESE	29	26.1	-2.9	
19	NW	SE	19NWSE	32	32.5	0.5	
19	SW	SE	19SWSE	31	35.3	4.3	
19	SE	SE	19SESE	35	36.8	1.8	
20	NW	NW	20NWNW	38	39.9	1.9	
20	SW	NW	20SWNW	39	39.6	0.6	
20	NE	SW	20NESW	29	30.5	1.5	
20	NW	SW	20NWSW	37	38.2	1.2	
20	SW	SW	20SWSW	15	19.1	4.1	
20	SE	SW	20SESW	24	19.0	-5.0	
20	NE	SE	20NESE	39	40.2	1.2	
20	NW	SE	20NWSE	36	36.5	0.5	
20	SW	SE	20SWSE	12	10.9	-1.1	To GE
20	SE	SE	20SESE	32	35.6	3.6	
21	SW	NE	21SWNE	40	40.3	0.3	
21	SE	NE	21SENE	27	27.5	0.5	
21	NE	SW	21NESW	40	40.3	0.3	
21	NW	SW	21NWSW	40	40.3	0.3	
21	SW	SW	21SWSW	40	40.4	0.4	
21	SE	SW	21SESW	23	36.4	13.4	
21	NE	SE	21NESE	39	40.3	1.3	
21	NW	SE	21NWSE	40	40.3	0.3	
21	SW	SE	21SWSE	33	37.5	4.5	
21	SE	SE	21SESE	24	28.1	4.1	
22	SW	NW	22SWNW	18	23.1	5.1	
22	SE	NW	22SENW	19	19.1	0.1	
22	NE	SW	22NESW	17	6.8	-10.2	To GE
22	NW	SW	22NWSW	28	36.0	8.0	
22	SW	SW	22SWSW	36	37.4	1.4	
22	SE	SW	22SESW	32	26.7	-5.3	
22	NW	SE	22NWSE	0	0.0	0.0	
22	SW	SE	22SWSE	0	0.0	0.0	
22	SE	SE	22SESE	0	0.0	0.0	
26	SW	NW	26SWNW	0	0.0	0.0	
26	NE	SW	26NESW	1	0.0	-1.0	
26	NW	SW	26NWSW	11	14.4	3.4	
26	SW	SW	26SWSW	35	36.4	1.4	
26	SE	SW	26SESW	10	3.0	-7.0	
27	NE	NE	27NENE	1	0.0	-1.0	To GE

27	NW	NE	27NWNE	22	20.3	-1.7	To GE
27	SW	NE	27SWNE	28	28.9	0.9	
27	SE	NE	27SENE	8	0.0	-8.0	To GE
27	NE	NW	27NENW	38	36.5	-1.5	
27	NW	NW	27NWNW	24	18.0	-6.0	
27	SW	NW	27SWNW	32	31.8	-0.2	
27	SE	NW	27SENW	26	22.2	-3.8	
27	NE	SW	27NESW	14	14.6	0.6	
27	NW	SW	27NWSW	21	24.5	3.5	
27	SW	SW	27SWSW	1	0.6	-0.4	
27	SE	SW	27SESW	11	12.0	1.0	
27	NE	SE	27NESE	25	30.5	5.5	
27	NW	SE	27NWSE	15	16.2	1.2	
27	SW	SE	27SWSE	32	32.3	0.3	
27	SE	SE	27SESE	32	36.0	4.0	
28	NE	NE	28NENE	27	20.0	-7.0	
28	NW	NE	28NWNE	23	24.2	1.2	
28	SW	NE	28SWNE	31	33.7	2.7	
28	SE	NE	28SENE	26	28.7	2.7	
28	NE	NW	28NENW	14	17.3	3.3	To GE
28	NW	NW	28NWNW	21	22.5	1.5	To GE
28	SW	NW	28SWNW	40	40.4	0.4	
28	SE	NW	28SENW	35	37.7	2.7	
28	NE	SW	28NESW	38	40.4	2.4	
28	NW	SW	28NWSW	40	40.4	0.4	
28	SW	SW	28SWSW	29	31.7	2.7	
28	SE	SW	28SESW	39	38.0	-1.0	
28	NE	SE	28NESE	40	40.4	0.4	
28	NW	SE	28NWSE	39	40.4	1.4	
28	SW	SE	28SWSE	32	36.3	4.3	
28	SE	SE	28SESE	12	6.4	-5.6	
29	NE	NE	29NENE	24	28.9	4.9	
29	NW	NE	29NWNE	38	38.4	0.4	
29	SW	NE	29SWNE	40	40.3	0.3	
29	SE	NE	29SENE	40	40.3	0.3	
29	NE	NW	29NENW	33	33.5	0.5	
29	NW	NW	29NWNW	25	27.0	2.0	
29	SW	NW	29SWNW	31	33.2	2.2	To GE
29	SE	NW	29SENW	40	40.3	0.3	To GE
29	NE	SW	29NESW	37	35.6	-1.4	To GE
29	NW	SW	29NWSW	3	0.0	-3.0	
29	SE	SW	29SESW	0	0.0	0.0	
29	NE	SE	29NESE	40	40.3	0.3	To GE
29	NW	SE	29NWSE	38	38.6	0.6	To GE
29	SW	SE	29SWSE	3	2.8	-0.2	To GE
29	SE	SE	29SESE	31	28.9	-2.1	To GE
30	NE	NE	30NENE	29	30.1	1.1	
30	NW	NE	30NWNE	34	35.4	1.4	
30	SW	NE	30SWNE	36	40.3	4.3	
30	SE	NE	30SENE	17	31.1	14.1	



WATER RIGHT TRANSFER
APPLICATION
PICAGO LIVESTOCK

Rockway Engineering, PLLC 1/27/97

PICAGO LIVESTOCK PROP. BOUNDARY
(PLACE OF USE)

POINT OF DIVERSION

ACRES TRANSFERRED WITH SE. HILLY

6.27 acres

30	NE	NW	30NENW	12	18.2	6.2
30	NW	NW	30NWNW	2	2.0	0.0
30	SE	NW	30SENW	20	15.3	-4.7
30	NE	SE	30NESE	22	37.5	15.5
30	NW	SE	30NWSE	34	40.4	6.4
30	SW	SE	30SWSE	0	34.7	34.7
30	SE	SE	30SESE	0	40.4	40.4
31	NE	NE	31NENE	0	40.2	40.2
31	NW	NE	31NWNW	0	15.4	15.4
31	SE	NE	31SENE	0	40.2	40.2
33	NE	NE	33NENE	4	4.9	0.9
33	NW	NE	33NWNW	21	19.0	-2.0
33	NE	NW	33NENW	5	4.4	-0.6
33	SE	NW	33SENW	0	0.0	0.0
34	NE	NE	34NENE	40	40.3	0.3
34	NW	NE	34NWNW	40	40.3	0.3
34	NE	NW	34NENW	27	34.5	7.5
34	NW	NW	34NWNW	1	0.5	-0.5
35	NW	NW	35NWNW	40	41.0	1.0
35	SW	NW	35SWNW	20	25.4	5.4

Red = Leduc new area

Total acreage:	2774	3052	
		2881.1	w/o Leduc
Irrigated area calculation after moving acres to Golden Eagle:	2711.3	2852.8	

Note:

$2774 - 62.7 = 2711.3$

$2881.1 - 28.3 = 2852.8$ (only 28.3 acres of the 62.7 transferred are in the 2881.1 number)

Difference in irrigated acreage, accounting for move to Golden Eagle: **141.5 acres**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69626**

This is to certify that: PICABO LIVESTOCK CO INC

PO BOX 748

PICABO ID 83348

(208)788-3530

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-21	AJC/Decreed	09/01/1887	5.60 cfs	N/A	280.0	2,711.3	LOVING CREEK, SILVER CREEK
37-22	AJC/Decreed	06/17/1899	1.00 cfs	N/A	50.0	2,711.3	LOVING CREEK, SILVER CREEK
37-186	AJC/Decreed	07/01/1886	0.40 cfs	N/A	20.0	2,711.3	LOVING CREEK, SILVER CREEK
37-187	AJC/Decreed	11/01/1892	1.60 cfs	N/A	80.0	2,711.3	LOVING CREEK, SILVER CREEK
37-189	AJC/Decreed	04/01/1899	1.80 cfs	N/A	90.0	2,711.3	LOVING CREEK, SILVER CREEK
37-213	AJC/Decreed	04/01/1885	1.60 cfs	N/A	80.0	2,711.3	LOVING CREEK, SILVER CREEK
37-215D	AJC/Decreed	06/15/1899	4.00 cfs	N/A	200.0	2,711.3	LOVING CREEK, SILVER CREEK
37-333	AJC/Decreed	11/01/1889	1.60 cfs	N/A	80.0	2,711.3	LOVING CREEK, SILVER CREEK
37-351A	AJC/Decreed	08/01/1886	0.25 cfs	N/A	12.5	2,711.3	LOVING CREEK, SILVER CREEK
37-377	AJC/Decreed	04/01/1888	0.80 cfs	N/A	40.0	2,711.3	LOVING CREEK, SILVER CREEK
37-378	AJC/Decreed	06/15/1888	2.00 cfs	N/A	100.0	2,711.3	LOVING CREEK, SILVER CREEK
37-695	AJC/Decreed	04/01/1889	1.20 cfs	N/A	60.0	2,711.3	LOVING CREEK, SILVER CREEK
37-942	AJC/Decreed	08/01/1917	5.00 cfs	N/A	250.0	2,711.3	LOVING CREEK, SILVER CREEK
37-2405	AJC/License	02/09/1920	4.00 cfs	N/A	2,216.0	2,711.3	LOVING CREEK, SILVER CREEK
37-11892	AJC/Decreed	04/01/1887	3.30 cfs	N/A	165.0	2,711.3	LOVING CREEK, SILVER CREEK
37-11898	AJC/Decreed	06/01/1889	1.54 cfs	N/A	77.0	2,711.3	LOVING CREEK, SILVER CREEK
37-11900	AJC/Decreed	04/01/1890	14.00 cfs	N/A	700.0	2,711.3	LOVING CREEK, SILVER CREEK
37-11903	AJC/Decreed	06/01/1893	2.80 cfs	N/A	140.0	2,711.3	LOVING CREEK, SILVER CREEK
37-352A	AJC/Decreed	06/15/1887	0.60 cfs	N/A	30.0	2,711.3	BUTTE CREEK, SILVER CREEK
37-20609	AJC/Decreed	09/01/1883	19.69 cfs	N/A	984.5	2,711.3	LOVING CREEK, SILVER CREEK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69626

<u>Purpose of Transfer (Changes Proposed)</u>						
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-21	NO	NO	YES	NO	NO	NO
37-22	NO	NO	YES	NO	NO	NO
37-186	NO	NO	YES	NO	NO	NO
37-187	NO	NO	YES	NO	NO	NO
37-189	NO	NO	YES	NO	NO	NO
37-213	NO	NO	YES	NO	NO	NO
37-215D	NO	NO	YES	NO	NO	NO
37-333	NO	NO	YES	NO	NO	NO
37-351A	NO	NO	YES	NO	NO	NO
37-377	NO	NO	YES	NO	NO	NO
37-378	NO	NO	YES	NO	NO	NO
37-695	NO	NO	YES	NO	NO	NO
37-942	NO	NO	YES	NO	NO	NO
37-2405	NO	NO	YES	NO	NO	NO
37-11892	NO	NO	YES	NO	NO	NO
37-11898	NO	NO	YES	NO	NO	NO
37-11900	NO	NO	YES	NO	NO	NO
37-11903	NO	NO	YES	NO	NO	NO
37-352A	NO	NO	YES	NO	NO	NO
37-20609	NO	NO	YES	NO	NO	NO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69626

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-21	37-21	5.60 cfs	N/A	280.0	3,037.4		N/A	N/A	N/A	N/A
37-22	37-22	1.00 cfs	N/A	50.0	3,037.4		N/A	N/A	N/A	N/A
37-186	37-186	0.40 cfs	N/A	20.0	3,037.4		N/A	N/A	N/A	N/A
37-187	37-187	1.60 cfs	N/A	80.0	3,037.4		N/A	N/A	N/A	N/A
37-189	37-189	1.80 cfs	N/A	90.0	3,037.4		N/A	N/A	N/A	N/A
37-213	37-213	1.60 cfs	N/A	80.0	3,037.4		N/A	N/A	N/A	N/A
37-215D	37-215D	4.00 cfs	N/A	200.0	3,037.4		N/A	N/A	N/A	N/A
37-333	37-333	1.60 cfs	N/A	80.0	3,037.4		N/A	N/A	N/A	N/A
37-351A	37-351A	0.25 cfs	N/A	12.5	3,037.4		N/A	N/A	N/A	N/A
37-377	37-377	0.80 cfs	N/A	40.0	3,037.4		N/A	N/A	N/A	N/A
37-378	37-378	2.00 cfs	N/A	100.0	3,037.4		N/A	N/A	N/A	N/A
37-695	37-695	1.20 cfs	N/A	60.0	3,037.4		N/A	N/A	N/A	N/A
37-942	37-942	5.00 cfs	N/A	250.0	3,037.4		N/A	N/A	N/A	N/A
37-2405	37-2405	4.00 cfs	N/A	2,216.0	3,037.4		N/A	N/A	N/A	N/A
37-11892	37-11892	3.30 cfs	N/A	165.0	3,037.4		N/A	N/A	N/A	N/A
37-11898	37-11898	1.54 cfs	N/A	77.0	3,037.4		N/A	N/A	N/A	N/A
37-11900	37-11900	14.00 cfs	N/A	700.0	3,037.4		N/A	N/A	N/A	N/A
37-11903	37-11903	2.80 cfs	N/A	140.0	3,037.4		N/A	N/A	N/A	N/A
37-352A	37-352A	0.60 cfs	N/A	30.0	3,037.4		N/A	N/A	N/A	N/A
37-20609	37-20609	19.69 cfs	N/A	984.5	3,037.4		N/A	N/A	N/A	N/A

COMBINED

TOTALS	72.78 cfs	9505.2 af	2711.3	3037.4	N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-21 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: September 01, 1887

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15		5.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0					38.0	39.0	28.0	32.0	35.0	37.0			286.0
									L 4								
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-21
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 20 04



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-22 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: June 17, 1899

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
											L 4						
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-22
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-186
As Modified by Transfer No. 69626

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
											L 4						
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35					41.0	25.0											66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-186
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-186A and 37-186B.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-187
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-187 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: November 01, 1892

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	1.60 CFS	
STOCKWATER	01/01	to 12/31	0.04 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0							38.0	39.0	28.0	32.0	35.0	37.0	286.0
													L 4						
01S	20E	20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S	20E	21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S	20E	22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S	20E	26									14.0	38.0	3.0						53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
								L 1											
01S	20E	31	40.0	15.0		40.0													95.0
01S	20E	33	4.9	19.0			4.4												28.3
01S	20E	34	40.0	40.0			34.0	.5											114.5
01S	20E	35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-187
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-189
As Modified by Transfer No. 69626

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	266.0
											L 4						
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35					41.0	25.0											66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-189
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

Right Holder: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

Source: LOVING CREEK
SILVER CREEK

Tributary: SILVER CREEK
LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.12 CFS	
IRRIGATION	04/15	to 10/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:					
LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE	County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE	County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE	County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE	County

PLACE OF USE: STOCKWATER

[illegible]

WATER RIGHT NO. 37-213
As Modified by Transfer No. 69626

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
01S 20E 31	40.0	15.0		40.0		L 1											95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35					41.0	25.0											66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-213
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-213A, 37-213B and 37-216.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-215D

As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-215D is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

Priority Date: June 15, 1899

Source: LOVING CREEK
SILVER CREEK

Tributary: SILVER CREEK
LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	4.00 CFS	
STOCKWATER	01/01	to 12/31	0.08 CFS	
			4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0					38.0	39.0	26.0	32.0	35.0	37.0			286.0
											L4								
01S	20E	20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S	20E	21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S	20E	22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S	20E	26									14.0	36.0	3.0						53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
								L1											
01S	20E	31	40.0	15.0		40.0													95.0
01S	20E	33	4.9	19.0			4.4												28.3
01S	20E	34	40.0	40.0			34.0	.5											114.5
01S	20E	35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-215D
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-215E and 37-215F.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2024


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-333
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-333 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: November 01, 1889

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
											L 4						
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-333
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-351A
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-351A is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: June 01, 1886

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.25 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
													L 4						
01S	20E	20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	38.0	309.0
01S	20E	21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S	20E	22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S	20E	26									14.0	36.0	3.0						53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	18.0	32.0	36.0	322.6
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
								L 1											
01S	20E	31	40.0	15.0		40.0													95.0
01S	20E	33	4.9	19.0			4.4												28.3
01S	20E	34	40.0	40.0			34.0	.5											114.5
01S	20E	35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-351A
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.5 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-352A
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-352A is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: June 15, 1887

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0					38.0	39.0	26.0	32.0	35.0	37.0			286.0
										L 4									
01S	20E	20					40.0	40.0		30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0		309.0
01S	20E	21			40.0	27.0				40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0		368.0
01S	20E	22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S	20E	26									14.0	38.0	3.0						53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
								L 1											
01S	20E	31	40.0	15.0		40.0													95.0
01S	20E	33	4.9	19.0			4.4												28.3
01S	20E	34	40.0	40.0			34.0	.5											114.5
01S	20E	35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-352A
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

Right Holder: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

Source: LOVING CREEK
SILVER CREEK

Tributary: SILVER CREEK
LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.04 CFS	
IRRIGATION	04/15	to 10/15	0.80 CFS	
			0.80 CFS	

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

[illegible]

WATER RIGHT NO. 37-377
As Modified by Transfer No. 69626

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
01S 20E 31	40.0	15.0		40.0		L 1											95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-377
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-378
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-378 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: June 15, 1888

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	2.00 CFS	
STOCKWATER	01/01 to	12/31	0.04 CFS	
			2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0					38.0	39.0			26.0	32.0	35.0	37.0	286.0
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	428.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35					41.0	25.0											66.0

Total Acres: 3037.4

[illegible]

WATER RIGHT NO. 37-378
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-695
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-695 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: April 01, 1889

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	1.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0					38.0	39.0			26.0	32.0	35.0	37.0	286.0
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
01S 20E 31	40.0	15.0		40.0		L 1											95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35					41.0	25.0											66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-695
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-942
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-942 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: August 01, 1917

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	5.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0					38.0	39.0			28.0	32.0	35.0	37.0	286.0
									L 4								
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

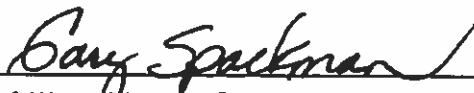
WATER RIGHT NO. 37-942
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 250 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2405
As Modified by Transfer No. 69626

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
											L 4						
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		35.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-2405
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2216 acres within the place of use described above in a single irrigation season.
2. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
3. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11892
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-11892 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: April 01, 1887

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	3.30 CFS	
STOCKWATER	01/01	to 12/31	0.08 CFS	
			3.30 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0					38.0	39.0			28.0	32.0	35.0	37.0	286.0
									L 4								
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22						23.0	19.0		6.8	36.0	37.0	27.0					148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-11892
As Modified by Transfer No. 69626

PLACE OF USE: STOCKWATER

[illegible]

WATER RIGHT NO. 37-11892
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 165 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-214, 37-217, 37-694A, and 37-694B.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11898
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-11898 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: June 01, 1889

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	1.54 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0					38.0	39.0			26.0	32.0	35.0	37.0	286.0
									L 4								
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S 20E 26									14.0	36.0	3.0						53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-11898
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-218 and 37-428.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11900**As Modified by Transfer No. 69626**

In accordance with the approval of Transfer No. 69626, Water Right No. 37-11900 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

Priority Date: April 01, 1890

Source: LOVING CREEK
SILVER CREEK

Tributary: SILVER CREEK
LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	14.00 CFS	
STOCKWATER	01/01 to	12/31	0.12 CFS	
			14.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0						38.0	39.0	26.0	32.0	35.0	37.0	286.0	
												L 4							
01S	20E	20					40.0	40.0		30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0	
01S	20E	21			40.0	27.0				40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0	
01S	20E	22						23.0	19.0	6.8	36.0	37.0	27.0					148.8	
01S	20E	26									14.0	36.0	3.0					53.0	
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	322.6	
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	496.4	
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	426.8	
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	323.0	
								L 1											
01S	20E	31	40.0	15.0		40.0												95.0	
01S	20E	33	4.9	19.0			4.4											28.3	
01S	20E	34	40.0	40.0			34.0	.5										114.5	
01S	20E	35						41.0	25.0									66.0	

Total Acres: 3037.4

[illegible]

WATER RIGHT NO. 37-11900
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 700 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-379, 37-380, and 37-381.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

Right Holder: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

Source: LOVING CREEK
SILVER CREEK

Tributary: SILVER CREEK
LITTLE WOOD RIVER

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

[illegible]

WATER RIGHT NO. 37-11903
As Modified by Transfer No. 69626

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 19	40.0			39.0							38.0	39.0	26.0	32.0	35.0	37.0	286.0
											L 4						
01S 20E 20					40.0	40.0			30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S 20E 21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S 20E 22							23.0	19.0	6.8	36.0	37.0	27.0					148.8
01S 20E 26										14.0	36.0	3.0					53.0
01S 20E 27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S 20E 28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S 20E 29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S 20E 30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
						L 1											
01S 20E 31	40.0	15.0		40.0													95.0
01S 20E 33	4.9	19.0			4.4												28.3
01S 20E 34	40.0	40.0			34.0	.5											114.5
01S 20E 35						41.0	25.0										66.0

Total Acres: 3037.4

WATER RIGHT NO. 37-11903
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-188 and 37-219.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20609
As Modified by Transfer No. 69626

In accordance with the approval of Transfer No. 69626, Water Right No. 37-20609 is now described as follows.

Right Holder: PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO ID 83348

Priority Date: September 01, 1883

Source: LOVING CREEK
 SILVER CREEK

Tributary: SILVER CREEK
 LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	19.69 CFS	
STOCKWATER	01/01 to	12/31	0.12 CFS	
			19.69 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LOVING CREEK	NESENW	Sec. 24 Twp 01S	Rge 19E	BLAINE County
SILVER CREEK	SWSWSE	Sec. 20 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNENW	Sec. 30 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	L1 (NENWNW)	Sec. 30 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0													286.0
01S	20E	20					40.0	40.0		30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0		309.0
01S	20E	21			40.0	27.0				40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0		368.0
01S	20E	22						23.0	19.0	6.8	36.0	37.0	27.0						148.8
01S	20E	26									14.0	36.0	3.0						53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	.6	12.0	30.0	16.0	32.0	36.0	322.6
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0		15.0					37.0	40.0	35.0	40.0	323.0
01S	20E	31	40.0	15.0		40.0													95.0
01S	20E	33	4.9	19.0			4.4												28.3
01S	20E	34	40.0	40.0			34.0	.5											114.5
01S	20E	35						41.0	25.0										66.0

Total Acres: 3037.4

[illegible]

WATER RIGHT NO. 37-20609
As Modified by Transfer No. 69626

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 984.5 acres within the place of use described above in a single irrigation season.
2. This right is a combination of old rights 37-376B, 37-376D, and 37-376E.
3. Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation of 2711.3 acres within the place of use described above, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
4. The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation of 2711.3 acres in any one season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of May, 2004


Chief, Water Allocation Bureau

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
37-00694A/37-00694B/37-00695/37-00942/37-02405

This is to certify that: **PICABO LIVESTOCK CO**
PO BOX 688
PICABO ID 83348

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.

RECEIVED

APR 24 1998

Department of Water Resources
Southern Region

21-00001

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-00021 :		
IRRIGATION	04/15 to 10/15	5.60 CFS
Priority: 09/01/1887		
Right No. 37-00022 :		
IRRIGATION	04/15 to 10/15	1.00 CFS
Priority: 06/17/1899		
Right No. 37-00186A :		
IRRIGATION	04/15 to 10/15	0.39 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 07/01/1886		
	SUBTOTAL:	0.39 CFS
Right No. 37-00186B :		
IRRIGATION	04/15 to 10/15	0.01 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS
Priority: 07/01/1886		
	SUBTOTAL:	0.01 CFS
Right No. 37-00187 :		
IRRIGATION	04/15 to 10/15	1.60 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 11/01/1892		
	SUBTOTAL:	1.60 CFS

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

Right No. 37-00188 :

IRRIGATION	04/15 to 10/15	1.60 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 06/01/1893

SUBTOTAL:	1.60 CFS
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Right No. 37-00189 :

IRRIGATION	04/15 to 10/15	1.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1899

SUBTOTAL:	1.80 CFS
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Right No. 37-00213A :

IRRIGATION	04/15 to 10/15	0.75 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1885

SUBTOTAL:	0.75 CFS
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Right No. 37-00213B :

IRRIGATION	04/15 to 10/15	0.05 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1885

SUBTOTAL:	0.05 CFS
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Right No. 37-00214 :

IRRIGATION	04/15 to 10/15	1.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1887

SUBTOTAL:	1.00 CFS
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Right No. 37-00215E :

IRRIGATION	04/15 to 10/15	3.88 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 06/15/1899

SUBTOTAL:	3.88 CFS
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Right No. 37-00215F :

IRRIGATION	04/15 to 10/15	0.12 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 06/15/1899

SUBTOTAL:	0.12 CFS
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TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

Right No. 37-00216 :

IRRIGATION	04/15 to 10/15	0.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	04/01/1885	

SUBTOTAL:	0.80 CFS
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Right No. 37-00217 :

IRRIGATION	04/15 to 10/15	1.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	04/01/1887	

SUBTOTAL:	1.00 CFS
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Right No. 37-00218 :

IRRIGATION	04/15 to 10/15	0.74 CFS
Priority:	06/01/1889	

Right No. 37-00219 :

IRRIGATION	04/15 to 10/15	1.20 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	06/01/1893	

SUBTOTAL:	1.20 CFS
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Right No. 37-00333 :

IRRIGATION	04/15 to 10/15	1.60 CFS
Priority:	11/01/1889	

Right No. 37-00351A :

IRRIGATION	04/15 to 10/15	0.25 CFS
Priority:	06/01/1886	

Right No. 37-00352A :

IRRIGATION	04/15 to 10/15	0.60 CFS
Priority:	06/15/1887	

Right No. 37-00376B :

IRRIGATION	04/15 to 10/15	0.62 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	09/01/1883	

SUBTOTAL:	0.62 CFS
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TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

Right No. 37-00376D :

IRRIGATION	04/15 to 10/15	0.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 09/01/1883		
SUBTOTAL:		0.80 CFS

Right No. 37-00376E :

IRRIGATION	04/15 to 10/15	18.27 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 09/01/1883		
SUBTOTAL:		18.27 CFS

Right No. 37-00377 :

IRRIGATION	04/15 to 10/15	0.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 04/01/1888		
SUBTOTAL:		0.80 CFS

Right No. 37-00378 :

IRRIGATION	04/15 to 10/15	2.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 06/15/1888		
SUBTOTAL:		2.00 CFS

Right No. 37-00379 :

IRRIGATION	04/15 to 10/15	1.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 04/01/1890		
SUBTOTAL:		1.00 CFS

Right No. 37-00380 :

IRRIGATION	04/15 to 10/15	3.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 04/01/1890		
SUBTOTAL:		3.00 CFS

Right No. 37-00381 :

IRRIGATION	04/15 to 10/15	10.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 04/01/1890		
SUBTOTAL:		10.00 CFS

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

Right No. 37-00428 :
 IRRIGATION 04/15 to 10/15 0.80 CFS
 Priority: 06/01/1889

Right No. 37-00694A :
 IRRIGATION 04/15 to 10/15 1.00 CFS
 Priority: 04/01/1887

Right No. 37-00694B :
 IRRIGATION 04/15 to 10/15 0.30 CFS
 Priority: 04/01/1887

Right No. 37-00695 :
 IRRIGATION 04/15 to 10/15 1.20 CFS
 Priority: 04/01/1889

Right No. 37-00942 :
 IRRIGATION 04/15 to 10/15 5.00 CFS
 Priority: 08/01/1917

Right No. 37-02405 :
 IRRIGATION 04/15 to 10/15 4.00 CFS
 STOCKWATER 01/01 to 12/31 0.04 CFS
 Priority: 02/09/1920

SUBTOTAL: 4.00 CFS

TOTAL: * 72.78 CFS

SOURCE

SILVER CREEK
 LOVING CREEK

TRIBUTARY OF

LITTLE WOOD RIVER
 SILVER CREEK

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 24, Township 01S, Range 19E
 SWSE , Sec. 20, Township 01S, Range 20E
 NENW , Sec. 30, Township 01S, Range 20E
 NWNW , Sec. 30, Township 01S, Range 20E
 BLAINE County

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

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>
01S	20E	19	NENE 39.0	SENE 40.0	SWSW 36.0	
			SESW 35.0	NESE 29.0	NWSE 32.0	
			SWSE 31.0	SESE 35.0		277.0
		20	NWNW 38.0	SWNW 39.0	NESW 29.0	
			NWSW 37.0	SWSW 15.0	SESW 24.0	
			NESE 39.0	NWSE 36.0	SWSE 11.0	
			SESE 32.0			300.0
		21	SWNE 40.0	SENE 27.0	NESW 40.0	
			NWSW 40.0	SWSW 40.0	SESW 23.0	
			NESE 39.0	NWSE 40.0	SWSE 33.0	
			SESE 24.0			346.0
		22	SWNW 18.0	SENE 19.0	NESW 9.4	
			NWSW 24.0	SWSW 36.0	SESW 32.0	138.4
		26	NESW 1.0	NWSW 11.0	SWSW 35.0	
			SESW 10.0			57.0
		27	NWNE 21.1	SWNE 25.9	NENW 38.0	
			NWNW 24.0	SWNW 32.0	SENE 26.0	
			NESW 14.0	NWSW 21.0	SWSW 1.0	
			SESW 11.0	NESE 23.5	NWSE 14.0	
			SWSE 32.0	SESE 32.0		315.5
		28	NENE 27.0	NWNE 23.0	SWNE 31.0	
			SENE 26.0	NENW 8.3	NWNW 19.4	
			SWNW 40.0	SENE 35.0	NESW 38.0	
			NWSW 40.0	SWSW 29.0	SESW 39.0	
			NESE 40.0	NWSE 39.0	SWSE 32.0	
			SESE 12.0			478.7
		29	NENE 24.0	NWNE 38.0	SWNE 40.0	
			SENE 40.0	NENW 33.0	NWNW 25.0	
			SWNW 22.9	SENE 38.2	NESW 28.3	
			NWSW 3.0	NESE 40.0	NWSE 29.4	
			SWSE 1.9	SESE 31.0		394.7
		30	NENE 29.0	NWNE 34.0	SWNE 36.0	
			SENE 17.0	NENW 12.0	NWNW 2.0	
			SENE 20.0	NESE 22.0	NWSE 34.0	206.0
		33	NENE 4.0	NWNE 21.0	NENW 5.0	30.0
		34	NENE 40.0	NWNE 40.0	NENW 27.0	
			NWNW 1.0			108.0
		35	NWNW 40.0	SWNW 20.0		60.0

Total number of acres irrigated: ** 2711.3

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5046 shall not exceed 72.78 cfs, nor a total combined annual volume of 9505.2 af.
- * 8. Rights 37-00021, 37-00022, 37-00186A & B, 37-00187, 37-00188, 37-00189, 37-00213A & B, 37-00214, 37-00215E & F, 37-00216, 37-00217, 37-00218, 37-00219, 37-00333, 37-00351A, 37-00352A, 37-00376B, D & E, 37-00377, 37-00378, 37-00379, 37-00380, 37-00381, 37-00428, 37-00694A & B, 37-00695, 37-00942 and 37-02405 when combined shall not exceed an annual diversion volume of 9489.6 af at the field headgate for the irrigation of 2711.3 acres, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rights 37-02617, 37-02620 and 37-02627A and shall only divert groundwater when water from the appurtenant surface water rights cannot be delivered to the right holder.
10. Approval of Transfer 5046 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. Approval of Transfer 5046 does not authorize the construction of any new diversion headgates.

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
37-00694A/37-00694B/37-00695/37-00942/37-02405

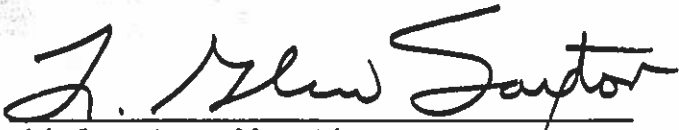
- ** 12. Right 37-00021 is limited to the irrigation of 280.0 acres in the place of use described above in a single irrigation season.
- ** 13. Right 37-00022 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- ** 14. Right 37-00186A is limited to the irrigation of 19.5 acres in the place of use described above in a single irrigation season.
- ** 15. Right 37-00186B is limited to the irrigation of 0.5 acres in the place of use described above in a single irrigation season.
- ** 16. Right 37-00187 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- ** 17. Right 37-00188 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- ** 18. Right 37-00189 is limited to the irrigation of 90.0 acres in the place of use described above in a single irrigation season.
- ** 19. Right 37-00213A is limited to the irrigation of 37.5 acres in the place of use described above in a single irrigation season.
- ** 20. Right 37-00213B is limited to the irrigation of 2.5 acres in the place of use described above in a single irrigation season.
- ** 21. Right 37-00214 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- ** 22. Right 37-00215E is limited to the irrigation of 194.0 acres in the place of use described above in a single irrigation season.
- ** 23. Right 37-00215F is limited to the irrigation of 6.0 acres in the place of use described above in a single irrigation season.
- ** 24. Right 37-00216 is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 25. Right 37-00217 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- ** 26. Right 37-00218 is limited to the irrigation of 37.0 acres in the place of use described above in a single irrigation season.
- ** 27. Right 37-00219 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- ** 28. Right 37-00333 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- ** 29. Right 37-00351A is limited to the irrigation of 12.5 acres in the place of use described above in a single irrigation season.
- ** 30. Right 37-00352A is limited to the irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- ** 31. Right 37-00376B is limited to the irrigation of 31.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5046

WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
37-00694A/37-00694B/37-00695/37-00942/37-02405

- ** 32. Right 37-00367D is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 33. Right 37-00376E is limited to the irrigation of 913.5 acres in the place of use described above in a single irrigation season.
- ** 34. Right 37-00377 is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 35. Right 37-00378 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- ** 36. Right 37-00379 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- ** 37. Right 37-00380 is limited to the irrigation of 150.0 acres in the place of use described above in a single irrigation season.
- ** 38. Right 37-00381 is limited to the irrigation of 500.0 acres in the place of use described above in a single irrigation season.
- ** 39. Right 37-00428 is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 40. Right 37-00694A is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- ** 41. Right 37-00694B is limited to the irrigation of 15.0 acres in the place of use described above in a single irrigation season.
- ** 42. Right 37-00695 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- ** 43. Right 37-00942 is limited to the irrigation of 250.0 acres in the place of use described above in a single irrigation season.
- ** 44. Right 37-02405 is limited to the irrigation of 2216.0 acres in the place of use described above in a single irrigation season.

Dated this 22nd day of April, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 37-00021/22/186A & B/187/188/189/213A & B/214/215E & F/
216/217/218/219/333/351A/352A/376B,D & E/377/378/379/380/381/
428/694A & B/695/942 & 02405

FROM: PAM SKAGGS ^{PS} STATE OFFICE

SUBJECT: TRANSFER 5046

DATE: February 26, 1998

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This is the third of three (3) transfers filed by the applicant to more fully describe the use of these 33 surface water rights on the 2711.3 acre place of use. These rights are used in conjunction with the three (3) groundwater rights under Transfers 5044 & 5045; 37-02617, 37-02620 and 37-02627A. The transferred groundwater rights describe the same common place of use.

The transfer creates a combined permissible place of use, adds all diversion points, and identifies both Silver Creek and Loving Creek as sources under each right. Season of use and total diversion volume were adjusted to current standards. Domestic use found on some of the rights was changed to reflect historic stockwater use. The extent of the stockwater use was provided by the applicant's representative and maximum limits identified in conditions of approval.

Recommended conditions include Watermaster control, measuring devices & lockable controlling works, irrigation overlap, future impact or injury, multiple points of diversion, combined limits, use in conjunction with groundwater, right-of-way, no new diversion headgates and standard transfer conditions.

FROM: Allen Merritt *AM*

DATE: September 25, 1997

TO: Transfer File Nos.: 5044, 5045 & 5046
In the Name of: Picabo Livestock Co.

SUBJECT: Review and Recommendation

These three transfers deal with creation of a PPU on the main block of Picabo Livestock Co. lands (Picabo PPU) in the vicinity of Picabo Idaho. One transfer also serves to split a groundwater right and move a portion up the valley to provide groundwater for lands (Greenhorn) presently irrigated by groundwater via an SRBA enlargement claim A37-14258. (The Greenhorn lands are also served by surface decrees from the Big Wood River.) No new wells or points of diversion will be developed pursuant to these transfers (all presently exist). These three transfers should be reviewed together. Note that a large map exists in file 5044 showing the delivery system for the Picabo PPU. There is also a map in 5046 comparing recorded acres of the rights. As seen the Picabo lands have numerous rights associated with irrigation. These rights are relatively vague in describing the extent of use. The transfers purport to remove this vagueness as well as reduce the historical place of use by 62.7 acres to allow moving a portion of one groundwater right up the valley to the Greenhorn lands. Since the groundwater is in some respects supplemental at both sites, it may not be necessary in one respect to dry up acres; but on the otherhand, there is potential to expand use from the wells on the Picabo PPU. Maybe the reduction of acres mitigates this expansion potential.

Transfer 5046 deals mainly with creating the 2711.3 acre Picabo PPU for the 33 surface water rights. This transfer was processed without protest. The surface rights will be diverted into four diversions (1 from Loving Creek & 3 from Silver Creek)

Transfer 5044 deals with including two groundwater rights in the Picabo PPU. This transfer was processed without protest. The groundwater rights are diverted from 3 existing wells which augment surface diversions.

Transfer 5045 deals with another groundwater right but a portion is proposed to be moved to the Greenhorn lands to be diverted from an existing well and the remainder stays within the Picabo PPU to be diverted from the same three existing wells mentioned in transfer 5044. This transfer was protested by parties concerned in the Greenhorn area but the protest was resolved by agreement among parties. The agreement should be made part of any approval.

REVIEW

Forfeiture does not appear to be an issue. Expansion does not appear to be an issue. The points of diversion on Silver Creek are

all within the reach covered by minimum flow right 37-07727; I do not think this transfer is affected by this right but may need to have legal review and special conditions prepared. My analysis of Brockway's figures for what amount of water has historically been delivered does not arrive at Brockway's amount but in either analysis it does not appear to bear on final approval.

On final review I have found a typo in the description of the well on the Greenhorn property. It should be SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Twp.03N, Rge.18E, B.M. I believe we should not require re-advertising of this minor change since it was protested and in resolution the agreement specifies no new wells to be drilled. Adequate notice has been given.

RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions: R04, R43, T02, T07, T08, T09, 065, No new wells or diversion headgates authorized to be developed under approvals.

Additionally for 5045: 020, Correct typo, No New wells authorized to be developed under approval. No newly irrigated acres are allowed to be developed as a result of this transfer. Rights 37-02632 and 37-08854 are diverted from the same well in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Twp.03N, Rge.18E, B.M.