

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: A37-07455  
Date Received: 10/13/1988  
Receipt No: 5003232  
Received By: JD

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 02, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 20E   | 27      | NW     | SW     |     |     | BLAINE |

5. Description of diverting works:  
WELL & PUMP, LINES TO 10 HOMES, CORRALS

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.060  |      |        |

7. Total Quantity Appropriated is:  
0.060 C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/10 HOMES.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 01S      | 20E   | 27      | NE     | SW  |     | DOMEST |       |
|          |       |         | NW     | SW  |     | DOMEST |       |
|          |       |         | NW     | SE  |     | DOMEST |       |

A37-07455

Page 1

Date: 10/13/88

MICROFILMED  
FEB 24 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 01S      | 20E   | 27      | SW SE      |     | DOMEST |       |

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:  
CLAIM A37-10047

14. Remarks:  
THIS WELL IS CONNECTED TO THE PICABO TOWN SPRING. ONCE CO-MINGLED, THE WATER SERVES HOMES & LIVESTOCK ON THE RANCH, & PROVIDES WATER FOR THE TOWN OF PICABO. STOCK USE BEGAN IN 1930, & WILL BE COVERED BY ANOTHER CLAIM.

15. Basis of Claim: LICENSE

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  
Proctor Livestock 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. M. Burdick  
Signature of Authorized Agent

President Proctor Livestock Co.  
Title and Organization

10-25-88  
Date

State of Idaho )  
County of Twila Falls ) SS.

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

[Signature]  
Notary Public

Seal

Residing at Kimberly, Id.  
My Commission Expires 6/30/94

11/09/2006

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

RIGHT NUMBER: 37-7455

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

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 0.060 CFS  
12.000 AFY

Rights 37-7455 and 37-11628 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 26.6 af from all points of diversion.

The total instantaneous diversion of water from all points of diversion under Right 37-7455 shall not exceed 0.06 cfs, nor a total combined annual volume of 12 af.

PRIORITY DATE: 09/02/1975

POINT OF DIVERSION:

T01S R20E S27 NWSWSW Within BLAINE County

T01S R20E S27 NWSWSE Within BLAINE County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.060 CFS  
12.00 AFY

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant

surface

other

water rights, including land converted from irrigated agricultural use to land uses but still requiring water to irrigate lawns and landscaping.

PLACE OF USE:

Place of use is within the area served by the public water supply system of Picabo Livestock Company, Inc. The place of use is generally located within Sections 26 & 27, Township 01S, Range 20E.

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 - License

Prior to the diversion and use of water under Transfer approval 70855, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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



# Picabo Livestock Co Inc

SRBA Recommendation: 37-7455

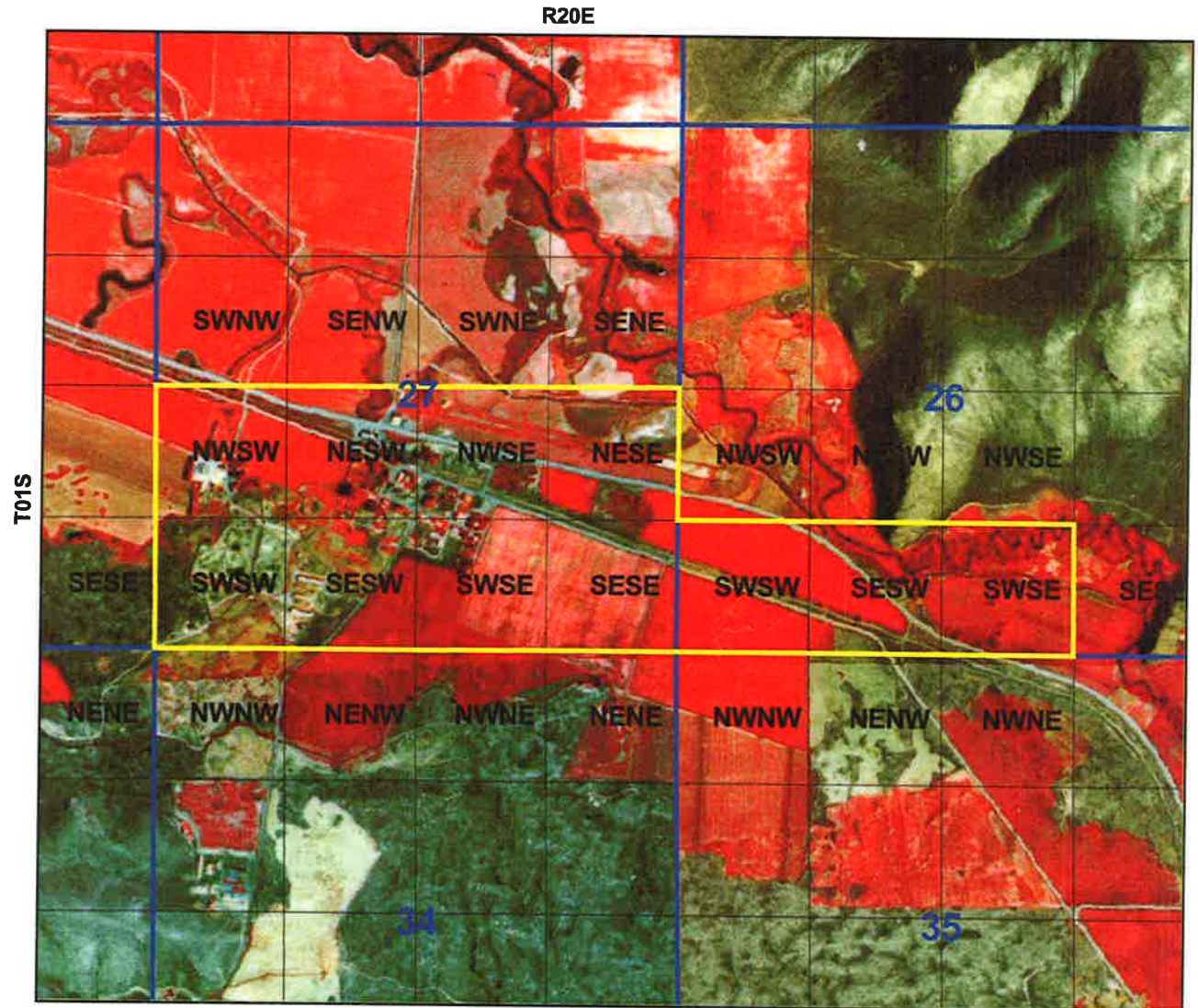
Service Area Boundary  
GIS Place of Use Illustration

## Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County  
IDWR Basin 37



0 0.7 1.4 Miles

Prepared by M. Ciscell  
On Wednesday, November 15, 2006  
1987/88 Aerial Photography

**WATER RIGHT NO. 37-7455**  
**As Modified by Transfer No. 70855**

In accordance with the approval of Transfer No. 70855, Water Right No. 37-7455 is now described as follows.

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

**Priority Date:** September 02, 1975

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MUNICIPAL             | 01/01       | to 12/31  | 0.06 CFS              | 12.0 AF       |
|                       |             |           | 0.06 CFS              | 12.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWSWSW      Sec. 27 Twp 01S    Rge 20E    BLAINE County

GROUND WATER      NWSWSE      Sec. 27 Twp 01S    Rge 20E    BLAINE County

**CONDITIONS OF APPROVAL**

1. Place of use is within the area served by the public water supply system of Picabo Livestock Company, Inc. The place of use is generally located within Sections 26 & 27, Township 01S, Range 20E.
2. The total instantaneous diversion of water from all points of diversion under Right 37-7455 shall not exceed 0.06 cfs, nor a total combined annual volume of 12 af.
3. Rights 37-7455 and 37-11628 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 26.6 af from all points of diversion.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. Prior to the diversion and use of water under Transfer approval 70855, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 37-7455**  
**As Modified by Transfer No. 70855**

**CONDITIONS OF APPROVAL**

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right 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 9<sup>th</sup> day of December, 2005

  
Chief, Water Allocation Bureau

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 70855**

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 37-7455      | AJC/License         | 09/02/1975      | 0.06 cfs    | 12.0 af       | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-7455               | NO           | YES        | YES        | YES            | NO                   | YES                  |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-7455               | <b>37-7455</b>                   | 0.06 cfs             | 12.0 af                | N/A               | N/A                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.06 cfs</b>      | <b>12.0 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 9<sup>th</sup> day of December, 2005

  
 Chief, Water Allocation Bureau

WATER RIGHT NUMBER - A37-07455

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
PICABO LIVESTOCK CO. INC.

1 - P. O. BOX 688

2 -

3 -

CITY- PICABO

STATE- ID ZIP- 83348

PHONE - 208-788-2516

+ - - PRIORITY DATE - - +  
09/02/1975+ - - - REGION - - - +  
17 SOUTHERN+ - - - STAGE - - - +  
L - LICENSE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +  
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +  
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

01S 20E 27 NW SW (13) BLAINE

+ - - - - WATER USE - - - - - +  
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.060

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +  
0.060 12.00 0.0+ - - - - PLACE OF USE - - - - - +  
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

|     |     |    |                      |                   |    |          |              |
|-----|-----|----|----------------------|-------------------|----|----------|--------------|
| 01S | 20E | 27 | NE SW                | 0152027214A       | 43 | DOMESTIC | (13 ) BLAINE |
| 01S | 20E | 27 | NW SW                | 0152027214A       | 43 | DOMESTIC | (13 ) BLAINE |
| 01S | 20E | 27 | NW SE                | 0152027214A       | 43 | DOMESTIC | (13 ) BLAINE |
| 01S | 20E | 27 | W 1/2 SE<br>E 1/2 SW | SW SE 0152027214A | 43 | DOMESTIC | (13 ) BLAINE |

+ - - DIVERSION MEANS - WELL &amp; PUMP, LINES TO 10 HOMES, CORRALS

+ - - NON-IRRIGATION USE - D/10 HOMES.

+ - - OTHER RIGHTS FOR SAME USE - CLAIM A37-10047

207 S. Picabo Lane ~~20009~~

+ - - - - REMARKS - - - - - +

THIS WELL IS CONNECTED TO THE PICABO TOWN SPRING. ONCE CO-  
MINGLED, THE WATER SERVES HOMES & LIVESTOCK ON THE RANCH, &  
PROVIDES WATER FOR THE TOWN OF PICABO. STOCK USE BEGAN IN 1930,  
& WILL BE COVERED BY ANOTHER CLAIM.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED  
OCT 25 1994

WATER RIGHT NUMBER - A37-07455

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - - +  
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - - +      + - - - - DECREE DEFENDANT - - - - +      + - DECREE DATE - +  
00/00/0000

+ - - AUDIT FIELDS - 10/13/88 STANTON 10/03/89 REFUNDML

+ - - - - COMMENTS - - - - - +  
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| COURT REPORT FILING   | - 00/00/0000 | FIELD INSPECTION MADE | - 00/00/0000 | CIVIL CASE NUMBER       | - 39576 |
| OBJECTION FILED DATE  | - 00/00/0000 | FIELD INSPECTION FLAG | -            | OLD CASE NUMBER         | -       |
| RESPONSE FILED DATE   | - 00/00/0000 | VERIFIED DATE         | - 03/12/1985 | OLD JUDICIAL DISTRICT   | -       |
| CLAIM RECEIVED DATE   | - 10/25/1988 | LAST AMENDED DATE     | - 00/00/0000 | TEMPORARY RIGHT         | - P     |
| PROOF DUE DATE        | - 00/00/0000 | PROOF MADE DATE       | - 00/00/0000 | WATER DISTRICT          | -       |
| LICENSED DATE         | - 00/00/0000 | RECEIPT NUMBER        | - S003232    | FEDERAL/STATE INDICATOR | - S     |
| CLAIMS TAPE ERROR FLG | -            | POU OWNERSHIP FLAG    | - Y          | PRESUMPTION FLAG        | -       |
| FEE EXEMPT FLAG       | -            | NAME CONNECTOR        | -            | NOTICE OF ERROR FLAG    | -       |

*REOTOS RPO1520027214AA*

DATA ENTRY

ENTERED 11-2-93 RS  
CHECKED 2/6/94 RDD

"Verified By"  
Topo Map/Ortho-Photo  
ASCS Map  
Watermaster Records  
NAPP Photos  
Field Exam  
Other (See Remarks)  
County Records  
Witness Statement  
Project Records  
IDWR Records

VERIFIED  
MAR 10 / 1992

CERTIFIED  
MAR 24 1992  
WATER EXAMINER