

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 37-11898
Date Received: 10/25/1988
Receipt No: S003232/5026900
Received By: 50

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: 06/01/1889

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

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/15 10/15 1.54

(or) A.F.A

RECEIVED

JUN 25 2004 1

7. Total Quantity Appropriated is:
1.54 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
			SW	SW		IRRIGATION	37.4

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			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

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			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:

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14. Remarks:

This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

This right is a combination of old rights 37-218 and 37-428.

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.

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.

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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 _____ 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: A37-11898
Date Received: 10/21/1988
Receipt No: 5003232
Received By: JP

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: JUN 01, 1889

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 of	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	1.540		
STOCKWATER	03/15	12/01	0.440		

7. Total Quantity Appropriated is:
1.540 C.F.S. (and/or) 653.70 A.F.A.

8. Total consumptive use is 653.7 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/2000 RANGE

10. Place of Use:

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

Section Acres 39.0

A37-11898

Page 1

Date: 10/21/88

MICROFILMED

FEB 26 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.

CLAIM COVERS RTS. 37-0218 & 0428, WHICH HAVE THE SAME 6-1-1889
PRIORITY & WHICH ARE USED TOGETHER AS NEEDED ON THE RANCH.

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 Prespo-Lewiston, 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. Rudy
Signature of Authorized Agent

President
Title and Organization

10-25-88
Date

State of Idaho)
County of Trin. F. (r)) SS.

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

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 10/30/92

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

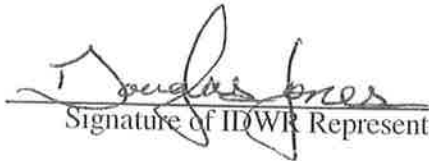
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ 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: 37-11898

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: 1.540 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: 06/01/1889

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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.540 CFS
PLACE OF USE:	<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	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

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 77 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

This right is a combination of old rights 37-218 and 37-428.

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

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

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.

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.



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

10/04/2006

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

RIGHT NUMBER: 37-11898

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: 1.540 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 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.

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.

PRIORITY DATE: 06/01/1889

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.540 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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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	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

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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 77 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.

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

This right is a combination of old rights 37-218 and 37-428.

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

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



Idaho Department of Water Resources

SRBA Recommendation:

37-11898

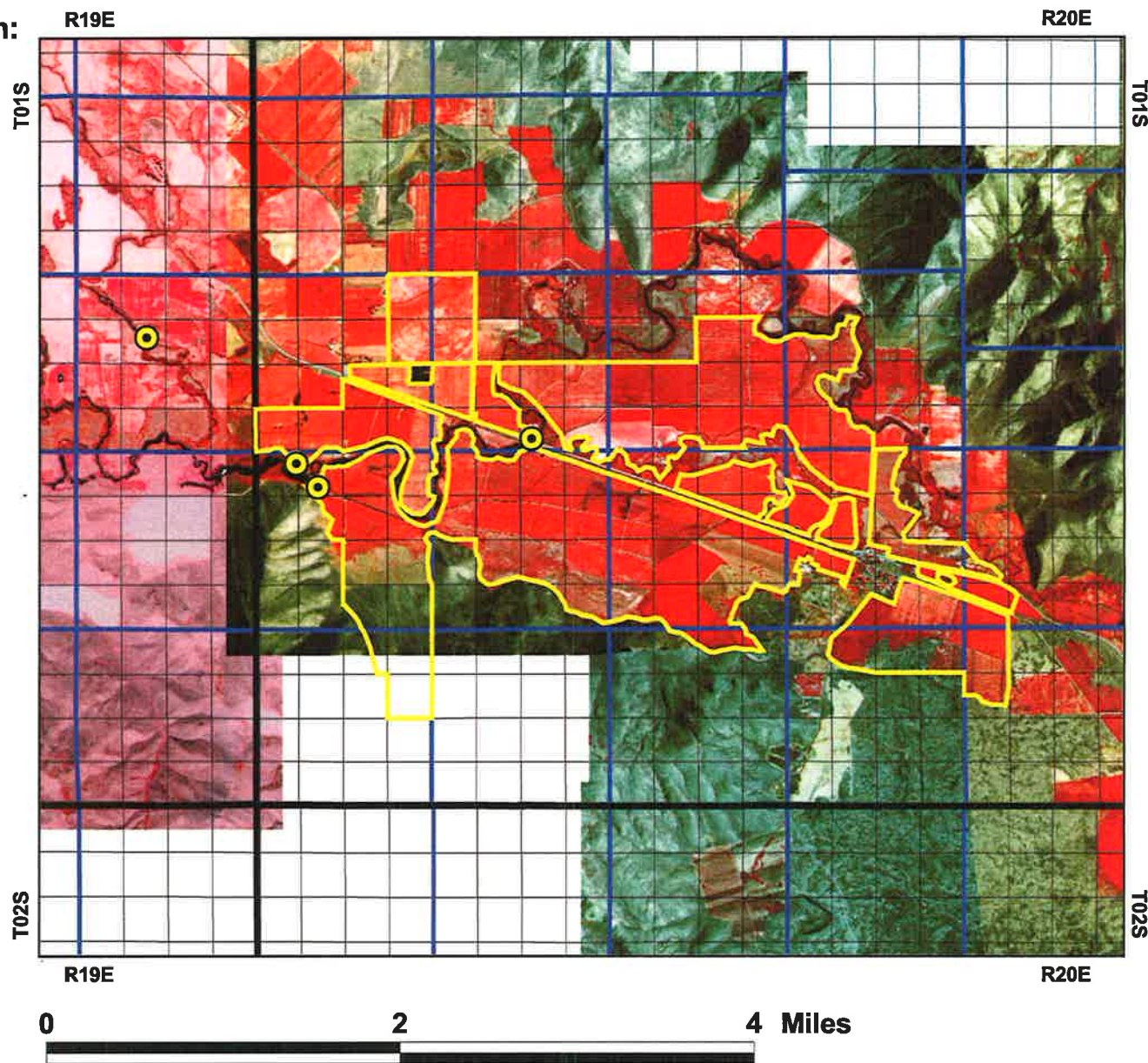
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by M. Ciscell
On Wednesday, November 15, 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