

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 16 2012 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Department of Water Resources Eastern Region Phone 208-589-3326
Mailing address Pickley Livestock Inc. 5907 Hwy 93 Mackay, Id 83251 Email tailingart@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Gordon Fulton _____
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Move a pivot downslope about 800' to gain
a little more gravity pressure and better soil.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or Part	<u>34-57</u>	<u>2.4</u>	<u>Irrigation</u>	<u>5/01</u> to <u>10/15</u>	<u>Rock Cr / willow Cr.</u>
☐	<u>34-58</u>	<u>3.2</u>	<u>Irrigation</u>	<u>5/01</u> to <u>10/15</u>	<u>Rock Cr / willow Cr.</u>
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 5.6 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.43 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	22E	6			40	40													
												39	40	40					
																12	40		
										21									
Total Acres (for irrigation use)																			

Total Acres (for irrigation use) _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

NA

- b. Who owns the property at the point(s) of diversion? *BLM, USFS*
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Suspected severe plant stress due to dehydration

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

NA

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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3/16/2022

Water Right 34-57

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GORDON FULTON 5915 N US HIGHWAY 93 MACKAY, ID 83251-4404 (208) 588-3118
Current Owner	DICKEY LIVESTOCK INC 5915 N US HIGHWAY 93 MACKAY, ID 83251-4404 (208) 588-2267

Priority Date: 6/1/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ROCK CREEK	SINKS
WILLOW CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2.400 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		2.400 CFS	

Source and Point(s) of Diversion:

ROCK CREEK	SESWSE	Sec. 34, Twp 10N, Rge 22E, CUSTER County
WILLOW CREEK	SESW	Sec. 32, Twp 10N, Rge 22E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	22E	6			40.0	40.0					39.0	40.0 L6	40.0 L7		33.0	40.0			272.0

Right Acre Limit: 120.00
POU Total Acres: 272.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE

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Proof Report

3/16/2022

- DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00058 AND 34-02288 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. C18 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.
7. WATER IS DELIVERED THROUGH ROCK CREEK AND WILLOW CREEK DIVERSIONS. STOCKWATER, 500 CATTLE

Dates and Other Information:

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		272.0	34-2288 ,34-57 ,34-58

SubCase:

N/A

Water Supply Bank:

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES
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Water Right 34-58

Owner Type **Name and Address**
Current Owner DICKEY LIVESTOCK INC
5915 N US HIGHWAY 93
MACKAY, ID 83251-4404
(208) 588-2267

Current Owner GORDON FULTON
5915 N US HIGHWAY 93
MACKAY, ID 83251-4404
(208) 588-3118

Priority Date: 10/27/1910

Basis: Decreed

Status: Active

Source
WILLOW CREEK
ROCK CREEK

Tributary
SINKS
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.200 CFS	
	<u>Total Diversion</u>		3.200 CFS	

Source and Point(s) of Diversion:

WILLOW CREEK	SESW	Sec. 32, Twp 10N, Rge 22E, CUSTER County
ROCK CREEK	SESWSE	Sec. 34, Twp 10N, Rge 22E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	22E	6			40.0	40.0					39.0	40.0 L6	40.0 L7		33.0	40.0			272.0

POU Total Acres: 272.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 272 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00057 AND 34-02288

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3/16/2022

3. C18 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.
4. WATER IS DELIVERED THROUGH ROCK CREEK AND WILLOW CREEK
DIVERSIONS.

Dates and Other Information:

Decreed Date: 12/14/2001

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 34

Mitigation Plan: False

Combined Use Limits:

Rate

Volume

Acres

Water Rights

272.0

34-2288 ,34-57 ,34-58

SubCase:

N/A

Water Supply Bank:

N/A

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Received by _____ Date _____
Fee paid 500.00 Date 3-16-22 Received by M. Pettis Receipt # E047911

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



Legend

- Dickey_L&L_Transfer_POU
- Area_Being_Removed
- Township/Range
- Sections
- QQ

0 550 1,100 2,200 Feet

1 inch = 832 feet



85926



0004579899

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004579899

Date Filed: 1/24/2022 2:58:00 PM

Entity Name and Mailing Address:

Entity Name:

DICKEY LIVESTOCK, INC.

The file number of this entity on the records of the Idaho Secretary of State is:

0000169918

Address

GORDON FULTON
5907 N US HIGHWAY 93
MACKAY, ID 83251-4404

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

C52779

The registered agent on record is:

Registered Agent

GORDON FULTON
Registered Agent

Physical Address

5907 HWY 93
MACKAY, ID 83251

Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Andrew D Fulton	Vice President	5915 HWY 93 MACKAY, ID 83251

The annual report must be signed by an authorized signer of the entity.

Job Title: President

*Gordon Fulton**01/24/2022*

Sign Here

Date

DUPLICATE OF ORIGINAL FILED BY ID SECRETARY OF STATE LAWRENCE DENNEY 01/24/2022 2:58:00 PM

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