

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.

| <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  |                      |                       |
|                       | <b>SUBTOTAL:</b>     | <b>0.39 CFS</b>       |
| 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  |                      |                       |
|                       | <b>SUBTOTAL:</b>     | <b>0.01 CFS</b>       |
| 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  |                      |                       |
|                       | <b>SUBTOTAL:</b>     | <b>1.60 CFS</b>       |

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37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E  
37-00377/37-00378/37-00379/37-00380/37-00381/37-00428  
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## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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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## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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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## 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 |

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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

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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    | SENW 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    | SENW 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    | SENW 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    | SENW 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     |              |
|            |            |            | SENW 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

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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.

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- \*\* 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.

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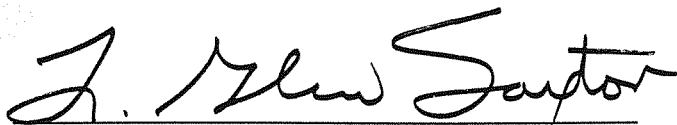
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- \*\* 32. Right 37-00367D is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- \*\* 33. Right 37-00376E is limited to the irrigation of 913.5 acres in the place of use described above in a 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 22<sup>nd</sup> day of April, 1998.

  
Chief, Water Allocation Bureau

MICROFILMED

MAY 08 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

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.

| <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              |
| DOMESTIC              | 01/01 to 12/31       |                       |
| 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              |

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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. 37-00188 :

|            |                |          |
|------------|----------------|----------|
| 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |
|-----------|----------|

## 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 |

## Right No. 37-00428 :

|                      |                |          |
|----------------------|----------------|----------|
| IRRIGATION           | 04/15 to 10/15 | 0.80 CFS |
| Priority: 06/01/1889 |                |          |

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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. 37-00694A : |                |             |
| 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

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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

PLACE OF USE: IRRIGATION & STOCKWATER

| <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      |              |
|            |            |            | SESW 35.0    | NESE 29.0    | NWSE 32      |              |
|            |            |            | SWSE 31.0    | SESE 35.0    |              | 277.0        |
|            |            | 20         | NWNW 38.0    | SWNW 39.0    | NESW 29      |              |
|            |            |            | NWSW 37.0    | SWSW 15.0    | SESW 24      |              |
|            |            |            | NESE 39.0    | NWSE 36.0    | SWSE 11      |              |
|            |            |            | 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

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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

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. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. 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.
- \* 8. 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.
- \* 9. 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.
10. 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.

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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

11. 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.
12. Approval of Transfer 5046 does not authorize the construction of any new diversion headgates.
- \*\* 13. Right 37-00021 is limited to the irrigation of 280.0 acres in the place of use described above in a single irrigation season.
- \*\* 14. Right 37-00022 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- \*\* 15. Right 37-00186A is limited to the irrigation of 19.5 acres in the place of use described above in a single irrigation season.
- \*\* 16. Right 37-00186B is limited to the irrigation of 0.5 acres in the place of use described above in a single irrigation season.
- \*\* 17. Right 37-00187 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- \*\* 18. Right 37-00188 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- \*\* 19. Right 37-00189 is limited to the irrigation of 90.0 acres in the place of use described above in a single irrigation season.
- \*\* 20. Right 37-00213A is limited to the irrigation of 37.5 acres in the place of use described above in a single irrigation season.
- \*\* 21. Right 37-00213B is limited to the irrigation of 2.5 acres in the place of use described above in a single irrigation season.
- \*\* 22. Right 37-00214 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- \*\* 23. Right 37-00215E is limited to the irrigation of 194.0 acres in the place of use described above in a single irrigation season.
- \*\* 24. Right 37-00215F is limited to the irrigation of 6.0 acres in the place of use described above in a single irrigation season.
- \*\* 25. Right 37-00216 is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- \*\* 26. Right 37-00217 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- \*\* 27. Right 37-00218 is limited to the irrigation of 37.0 acres in the place of use described above in a single irrigation season.
- \*\* 28. Right 37-00219 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- \*\* 29. Right 37-00333 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- \*\* 30. Right 37-00351A is limited to the irrigation of 12.5 acres in the place of use described above in a single irrigation season.

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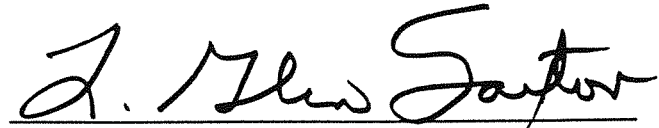
MAR 27 1998

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

- \*\* 31. Right 37-00352A is limited to the irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- \*\* 32. Right 37-00376B is limited to the irrigation of 31.0 acres in the place of use described above in a single irrigation season.
- \*\* 33. Right 37-00376D is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- \*\* 34. Right 37-00376E is limited to the irrigation of 913.5 acres in the place of use described above in a single irrigation season.
- \*\* 35. Right 37-00377 is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- \*\* 36. Right 37-00378 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- \*\* 37. Right 37-00379 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- \*\* 38. Right 37-00380 is limited to the irrigation of 150.0 acres in the place of use described above in a single irrigation season.
- \*\* 39. Right 37-00381 is limited to the irrigation of 500.0 acres in the place of use described above in a single irrigation season.
- \*\* 40. Right 37-00428 is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- \*\* 41. Right 37-00694A is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- \*\* 42. Right 37-00694B is limited to the irrigation of 15.0 acres in the place of use described above in a single irrigation season.
- \*\* 43. Right 37-00695 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- \*\* 44. Right 37-00942 is limited to the irrigation of 250.0 acres in the place of use described above in a single irrigation season.
- \*\* 45. 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 20<sup>th</sup> day of March, 1998

  
 Chief, Water Allocation Bureau

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MAR 27 1998

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF <sup>LINCOLN</sup>GOODING

S.C.FROST, et al.,  
Plaintiffs,

-vs-

ALTURAS WATER COMPANY, et al.,  
Defendants.

ORDER AMENDING AND CORRECTING  
FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DECREE.

The petition of Lloyd Stewart, the successor in interest of the defendant Charles A. Jones, to amend and correct the findings of fact, conclusions of law and decree in the above entitled action, came on to be heard before D. H. Sutphen the above court at chambers at Gooding, Idaho on the 21st day of January, 1946, petitioner appearing in person and by his attorneys, James, Shaw & James, an affidavit being submitted to the court upon all the records and files in the above case and certain oral testimony, and it appearing therefrom that there are certain errors and mistakes in the findings of fact, conclusions of law, and decree in the above entitled action as alleged and set forth in said petition, and the court being advised in the premises.

NOW, THEREFORE, it is hereby ordered that the findings of fact and conclusions of law entered in the above entitled case on the 13th day of December, 1909, by the court are hereby amended and corrected in the following particulars, to wit:

That on page 114 of the findings of fact and conclusions of law as the same now appears in Book A of judgments, Page 101, transcribed records of Gooding County, Idaho, the words and figures are as follows:

Jones, Charles A., SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 26, Township 5 South, Range 14 E.B.M., containing 160 acres.

Being amended and corrected to read as follows:

Jones, Charles A., SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 26, Township 5 South, Range 14 E.B.M., containing 160 acres.

It is further ordered by the court that said findings of fact, conclusions of law and decree are hereby corrected as of the date that they were made and rendered about December 13, 1909.

Given under my hand this 21st day of January, 1946.

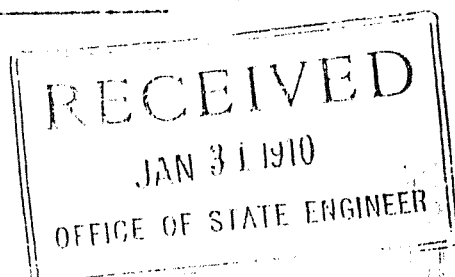
131/264  
Filed Jan. 22, 1946  
Ruth M. Kelley, Clerk

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MAR 27 1946

D.H. SUTPHEN  
DISTRICT JUDGE

In the District Court of the Fourth Judicial District  
of the  
State of Idaho, in and for the County of Lincoln.



: : : : :  
S. C. Frost, et al.,  
P l a i n t i f f s,  
vs.  
Alturas Water Company, et al.,  
D e f e n d a n t s.  
: : : : :

DECREE.

This cause coming on to be heard this 6<sup>th</sup> day of October,  
1909, upon the Report of F. J. Cowen, Referee heretofore appointed for  
the purpose of taking the testimony and making recommendations as to Find-  
ings of Fact, Conclusions of Law and Decree, to be entered herein, and the  
said F. J. Cowen having filed his Report of the testimony taken, and his  
recommendations as to Findings of Fact, Conclusions of Law, which have  
heretofore been adopted, and the respective plaintiffs and defendants and  
cross-complainants appearing herein by their respective counsel, and the  
court being fully informed and advised in the premises, and having ordered  
that judgment be entered in accordance with the Report and recommenda-  
tions of the said Referee, Wherefore, by reason of the law and the Report  
and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plain-  
tiffs and defendants herein named, do have judgment respectively for

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MAR 27 1966

spectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decrees, or the right otherwise awarded in this decree.

It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said stream for the season of 1909, amount to the sum of approximately \$2700.00, in addition to the amounts heretofore paid by the respective parties to this action, and that there is filed herewith a tabulated statement apportioning such costs as near as may be among the various claimants and decreed rights in this action,

It is Therefore Further Ordered, that the various parties, plaintiffs and defendants herein, pay to the Clerk of this court the respective amounts set opposite their names in the said statement, for which execution may issue herein.

And it is Further Ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the terms of this decree until the respective amounts as assessed in said statement shall be paid into court.

And it is Further Ordered, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

Dated at Pocatello, Idaho, December 13<sup>th</sup> 1909.

*Alfred M. George*

Presiding Judge.

JUN 04 1996  
-31-

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MAD-3

Wayman, William M.  
and Olive, et al.

(See Miller, Annie I.,  
Wayman, et al.)

Weber, Peter, and  
Margaret Sutherland

(See Sutherland,  
Margaret, and  
Pater Weber.)

7 0681✓ Wells, George W. 155 inches. May 14, 1883. Soldier Creek. Trans #209

7 0682✓ Welsh, Mrs. Bridget 25 " Apr. 17, 1883. Big Wood River.

7 0683✓ " " 225 " June 20, 1884. " " "

7 0684✓ " " 50 " June 2, 1890. " " "

7 0685✓ Werry, Joseph, Jr. 320 " Oct. 15, 1884. " " "

7 0686✓ Werry, Joseph, Sr. 78 " June 1, 1886. " " " Trans #2766

7 0687✓ Werry, Nicholas A. 100 " July 1, 1887. " " "

7 0688✓ Werry, Thomas 150 " Aug. 15, 1902. " " "

7 0689✓ Werry, Thomas, Jr. 40 " July 15, 1885. " " " T. #2932

7 0690✓ Wheeler, James 40 " May 16, 1903. " " " Trans #2765

7 0691✓ Wheeler, James A. 150 " Apr. 1, 1885. Little Wood River. Trans #279 P.D.

7 0692✓ " " 120 " May 1, 1889. Chaney Creek. Trans #132

7 0693✓ " " 50 " Apr. 1, 1890. " " " Trans #131

7 0694✓ White, Andrew 65 " Apr. 1, 1887. Silver Creek.

7 0695✓ White, Horace C. 60 " Apr. 1, 1889. " " "

7 0696✓ " " 30 " Apr. 1, 1893. " " "

7 0697✓ White, Isaiah 160 ✓ May 31, 1887. Soldier Creek. ✓

7 0698✓ White, J. F.,  
Estate of 65 " May 5, 1884. Little Wood River.

7 0699✓ Do. 180 " May 5, 1884. " " "

7 0700✓ Do. 65 " May 5, 1884. " " "

\* Do. Shares in Big Cotton-wood Canal Co.

7 0701✓ Wilde, Benjamin C. 50 " Apr. 1, 1888. Little Wood River.  
(Also shares in Little  
Wood River Canal Co.)

7 0702✓ Wilde, Emmanuel 90 " Apr. 5, 1894. Little Wood River.

7 0703✓ Wilde, W. H. 2268 " Shares in Little Wood  
River Canal Company

Werry, Thomas                      Lots 1 and 2 and S 1/2 of NE 1/4 of Sec. 2, and  
                                          Lot 4, of Sec. 1, T. 1 N., R. 18 E., contain-  
                                          ing 202.27 acres.

Werry, Thomas, Jr.                10 acres of land, being part of townsite of  
                                          Broadford, patented to Probate Judge of Al-  
                                          turas County, and conveyed to Thomas Werry.

Wheeler, James                    SE 1/4 of SW 1/4 of Sec. 8, and NE 1/4 of NW 1/4  
                                          of Sec. 17, T. 5 S., R. 17 E., containing 80  
                                          acres.

Wheeler, James A.                N 1/2 of NE 1/4 of Sec. 22, T. 1 S., R. 19 E.,  
                                          containing 80 acres.    Also, E 1/2 of NE 1/4,  
                                          and NE 1/4 of SE 1/4 of Sec. 21, and NW 1/4 of  
                                          SW 1/4 of Sec. 22, T. 1 S., R. 19 E.

Wheeler, J. W.                    S 1/2 of SE 1/4 and S 1/2 of SW 1/4 of Sec. 35,  
                                          T. 5 S., R. 17 E., containing 160 acres, except  
                                          eight acres.

White, Andrew                    E 1/2 of NE 1/4 of Sec. 19, T. 1 S., R. 20 E.,  
                                          and one square acre in NE corner of NE 1/4 of  
                                          said Sec. 19.

White, Horace C.                NW 1/4 of SE 1/4 and S 1/2 of SE 1/4 of Sec. 22,  
                                          T. 1 S., R. 20 E., containing 120 acres.

White, Isaiah                    NE 1/4 of Sec. 10, T. 1 S., R. 14 E., containing  
                                          160 acres.

White, Jf., Estate of            SE 1/4 of NE 1/4 and NE 1/4 of SE 1/4 of Sec. 35,  
                                          T. 5 S., R. 17 E., and N 1/2 of NE 1/4 of Sec.  
                                          35, T. 5 S., R. 17 E., containing 160 acres.  
                                          SW 1/4 of SW 1/4 of Sec. 25 and S 1/2 of SE 1/4  
                                          of Sec. 26, and NW 1/4 of Sec. 36, T. 5 S., R.  
                                          17 E., containing 280 acres.    N 1/2 of NE 1/4,  
                                          SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4 of Sec.  
                                          35, T. 5 S., R. 17 E., containing 160 acres.

**MEMORANDUM**

**Date:** April 21, 1998

**To:** Files

**From:** Jim Johnson

**Subject:** Request to Amend Approved Transfer 5046

=====  
On March 20, 1998 the Department approved the above referenced transfer containing the following condition.

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.

On April 6, 1998 Chuck Brockway, representing the transfer applicant contacted me concerning the condition, pointing out that it was inconsistent with the rates of diversion per acre listed on the transfer.

I have reviewed the matter and after discussing various alternatives with my supervisor we have elected to remove the condition.

An amended transfer approval has been prepared and an amended preliminary order will be issued.

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MAY 08 1998

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

=====

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.

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MAR 27 1998

MEMORANDUM

TO: FILE 37-00695

FROM: PAM SKAGGS

RE: TRANSFER # 5046

DATE: 4-17-97

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 37-00021.

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MAR 27 1998