

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		
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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37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
37-00694A/37-00694B/37-00695/37-00942/37-02405

Right No. 37-00188 :

IRRIGATION	04/15 to 10/15	1.60 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	06/01/1893	

SUBTOTAL:	1.60 CFS
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Right No. 37-00189 :

IRRIGATION	04/15 to 10/15	1.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	04/01/1899	

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

IRRIGATION	04/15 to 10/15	0.75 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	04/01/1885	

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

IRRIGATION	04/15 to 10/15	0.05 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	04/01/1885	

SUBTOTAL:	0.05 CFS
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Right No. 37-00214 :

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

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

IRRIGATION	04/15 to 10/15	3.88 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	06/15/1899	

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

IRRIGATION	04/15 to 10/15	0.12 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority:	06/15/1899	

SUBTOTAL:	0.12 CFS
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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
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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
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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
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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
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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
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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
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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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37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
37-00694A/37-00694B/37-00695/37-00942/37-02405

CONDITIONS OF APPROVAL AND REMARKS

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

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37-00694A/37-00694B/37-00695/37-00942/37-02405

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

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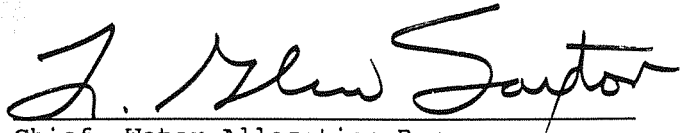
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- ** 32. Right 37-00367D is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 33. Right 37-00376E is limited to the irrigation of 913.5 acres in the place of use described above in a single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


Chief, Water Allocation Bureau

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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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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
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Right No. 37-00217 :

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

SUBTOTAL:	1.00 CFS
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Right No. 37-00218 :

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

Right No. 37-00219 :

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

SUBTOTAL:	1.20 CFS
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Right No. 37-00333 :

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

Right No. 37-00351A :

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

Right No. 37-00352A :

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

Right No. 37-00376B :

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

SUBTOTAL:	0.62 CFS
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TRANSFER NO. 5046

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

Right No. 37-00376D :

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

Right No. 37-00376E :

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

Right No. 37-00377 :

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

Right No. 37-00378 :

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

Right No. 37-00379 :

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

Right No. 37-00380 :

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

Right No. 37-00381 :

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

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:

SENE , 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	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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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.

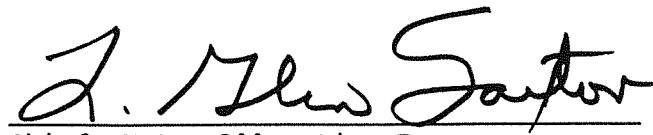
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MAR 27 1998

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 20th day of March, 1998


Chief, Water Allocation Bureau

MICROFILMED
MAR 27 1998

FILE 37-G

37-0186, 37-0187, 37-0188,
37-0213, 37-0214, 37-0216,
37-0219, 37-0379, 370380, 37-0

STATE OF IDAHO

CERTIFICATE OF TRANSFER NO. 201

Dist 11-AB

AUTHORIZING MUTUAL PARTIAL TRANSFER AND DISTRIBUTION OF WATER RIGHTS.

Whereas on June 9, 1917 Kilpatrick Brothers Company, a Corporation organized under the laws of Nebraska, doing business in Idaho, and having its principal place of business in Idaho at Picabo, and William H. Kilpatrick, Jr., applied to the State Engineer of the State of Idaho for a certificate authorizing them to make mutual partial transfer and distribution to each other of the use of 2550 inches of decreed rights of the water of Silver Creek, in Blaine County, Idaho, 1840 inches thereof now belonging to said Kilpatrick Brothers Company and William H. Kilpatrick, Jr., in the proportions of the area of the following described lands, in Blaine County, Idaho, to-wit:

Lands of Kilpatrick Brothers Company:

$S\frac{1}{2}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 30; the $S\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 20; all of Section 28; the $S\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22; the N $\frac{1}{2}$ of SE $\frac{1}{4}$, the SW $\frac{1}{4}$ and N $\frac{1}{2}$ of Sec. 27, except that part east of the center of Silver Creek; the E $\frac{1}{2}$ of SW $\frac{1}{4}$, the SE $\frac{1}{4}$ and N $\frac{1}{2}$ of Sec. 29, all in Town, 1, South, of Range 20 east of the Boise Meridian.

Lands of William H. Kilpatrick, Jr.,:

SW $\frac{1}{4}$ of Sec. 20 Town. 1 South of Range 20 E.B.M. 200 inches thereof now belonging to said Kilpatrick Brothers Company now used upon the following described lands of said Kilpatrick Brothers Company, and situate in Blaine County, Idaho, to-wit:

The $S\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 27, the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 26, the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 35, that part of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, south and west of the center of Silver Creek, that part of the E $\frac{1}{2}$ of SW $\frac{1}{4}$, south and west of center of Silver Creek and north of O.S.L.R.R. right-of-way, all in Sec. 26, except one acre in SW $\frac{1}{4}$ of said Sec. 27, conveyed to School District No. 55, and a rectangular strip 150 feet east and west and 120 feet northerly and southerly fronting on south side of highway in $S\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 27, Town. 1, South Range 20 E.

510 inches thereof now used on the following described lands of said William H. Kilpatrick, Jr., situate in Blaine County, Idaho, to-wit:

The N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 20, $S\frac{1}{2}$ of Sec. 21, $S\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 21, $S\frac{1}{2}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, all in Town 1, South of Range 20 east of the Boise Meridian, so that such portion of all of said water rights may be transferred in such manner as to distribute equally all of said water rights both as to priority and quantity to and for the 2550 acres of irrigable land included within all of the above described lands, and located within the legal subdivisions as shown on the map of said lands filed with said application.

And notice having been duly published for four successive weeks in the Wood River Times, a legal weekly newspaper published at Hailey, in Blaine County, Idaho, as directed by the State Engineer, of the State of Idaho, that on the 7th day of July A. D. 1917, at 10 o'clock, a. m., at the postoffice at Picabo, Idaho, before the State Engineer or his authorized agent, the opportunity would be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

And at the time and place appointed, no one appearing to object and no objections having been presented to or filed with the State Engineer in opposition to said application, and having duly considered the facts set forth in said application duly verified, the affidavits filed in support thereof, and the abstract of the water rights covered by said application and hereinafter described, and the map, showing the irrigable acreage of each legal subdivision of the above described lands, duly certified by a competent Civil Engineer, which abstract and map were filed with said application, the said State Engineer finds that the mutual partial transfer and distribution of water rights prayed for in said application should be granted; that the 2550 inches of decreed water rights of the water of Silver Creek, in Blaine County, Idaho, specified in said application, and decreed by the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln in the case of S. C. Frost et al. Plaintiffs, vs. Alturas Water Company et al. Defendants, to the persons, in the amounts, and with priorities as follows:

To said Kilpatrick Brothers Company,

1000 inches with priority of September 1, 1883.
40 inches with priority of April 1, 1888.
100 inches with priority of June 15, 1888.
50 inches with priority of April 1, 1890.
150 inches with priority of April 1, 1890.
500 inches with priority of April 1, 1890.
1840 inches.

160 inches prior and exclusive right to Frederick W. Fator
40 inches of the 160 inches prior and exclusive right to Adam Ifland.
200 inches.

To P. H. Donahue,

20 inches with priority of July 1, 1886.
80 inches with priority of Nov. 1, 1892.
80 inches with priority of June 1, 1893.
90 inches with priority of April 1, 1899.

To Charles H. Fator.

40 inches with priority of April 1, 1885.
50 inches with priority of April 1, 1887.

To John A. Fator.

40 inches with priority of April 1, 1885.
50 inches with priority of April 1, 1887.
60 inches with priority of June 1, 1893.

510 inches, all belonged at the date of said application to the said applicants herein in the proportions, amounts, and for use upon their respective lands as above indicated.

NOW, therefore, by virtue of the authority vested in me by the laws of the State of Idaho, I do hereby grant and confirm unto the said Kilpatrick Brothers Company, a corporation, and William H. Kilpatrick, Jr. the right and authority to make such mutual partial

transfer and distribution to each other of said water rights, so that such portion of all of said water shall be by said applicants mutually transferred, conveyed and distributed in such manner as to distribute equally all of said water rights both as to priority and quantity to and for each acre of the 2550 acres of irrigable land within all of the above described premises, the acreage of irrigable land in each legal subdivision being indicated upon the map filed with said application and made a part hereof by reference.

The transfer and distribution for each irrigable acre shall be as follows:

Prior and exclusive right	20/255 of an inch
Sept. 1, 1883	100/255 " " "
Apr. 1, 1885	8/255 " " "
July 1, 1886	2/255 " " "
Apr. 1, 1887	10/255 " " "
Apr. 1, 1888	4/255 " " "
June 15, 1888	10/255 " " "
Apr. 1, 1890	70/255 " " "
Nov. 1, 1892	8/255 " " "
June 1, 1893	14/255 " " "
Apr. 1, 1899	9/255 " " "
	<u>255/255</u> or 1 inch per acre to and for each acre of

the irrigable land in each of the following legal subdivisions, belonging to said respective applicants, to-wit:

In Sec. 20, T. 1, S. R. 20 E., the following:

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 37; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 29.7; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 35.8; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 31.2; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ - 40; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ - 31.1; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ - 40; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ - 35.8;

In Sec. 21, T. 1, S. R. 20 E., the following:

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 40; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 40; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 40; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 32; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ - 40; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ - 38.4; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ - 40; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ - 27.7; SW $\frac{1}{4}$ of NE $\frac{1}{4}$ - 40; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ - 39

In Sec. 22, T. 1, S. R. 20 E., the following:

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ - 35.5; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ - 32.8; NW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 40; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 38.2; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 33; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ - 35.5;

In Sec. 26, T. 1 S. R. 20 E., the following:

Part of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$, west of creek, 30; part of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ south of creek, north of railroad, 18.4; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ - 35.2;

MEMORANDUM

Date: April 21, 1998

To: Files

From: Jim Johnson

Subject: Request to Amend Approved Transfer 5046

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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.

MICROFILMED
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/STATE OFFICE

SUBJECT: TRANSFER 5046

DATE: February 26, 1998

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

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

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

MICROFILMED
MAR 27 1998

MEMORANDUM

TO: FILE 37-00377

FROM: PAM SKAGGS

RE: TRANSFER # 5046

DATE: 4-17-97

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

MICROFILMED
MAR 27 1998