

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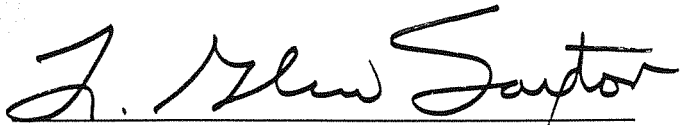
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- ** 32. Right 37-00367D is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 33. Right 37-00376E is limited to the irrigation of 913.5 acres in the place of use described above in a single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

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	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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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

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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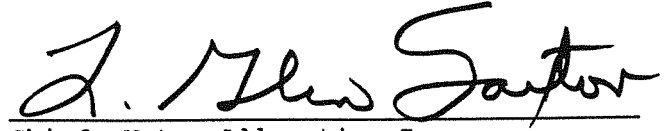
MAR 27 1957

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

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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 ~~GOODING~~ ^{LINCOLN}

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 being submitted to the court upon all the records and files in the above case certain oral testimony, and it appearing therefrom that there are certain clerical 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, 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 which same 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.

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MAR 27 1998

JUN 04 1996

D.H. SUTPHEN
DISTRICT JUDGE

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

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

RECEIVED
JAN 31 1910
OFFICE OF STATE ENGINEER

DECREE.

S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

This cause coming on to be heard this 6th 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 Findings 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 recommendations 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, plaintiffs and defendants herein named, do have judgment respectively for

JUN -1-4 1906

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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 13th, 1909.

Alfred George

Presiding Judge.

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37 0375	Kelly, W. B.	60 inches.	100	May 15, 1885.	Little Wood River.
	" " "				(Also shares in Big Cottonwood Canal Co.)
37 0376	Kilpatrick Brothers Company, a corporation	1000 inches.	100	Sept. 1, 1883.	Silver Creek.
37 0377	Do.	40	145	Apr. 1, 1888.	" "
37 0378	Do.	100	155	June 15, 1888.	" "
37 0379	Do.	50	173	Apr. 1, 1890.	" "
37 0380	Do.	150	173	Apr. 1, 1890.	" "
37 0381	Do.	500	173	Apr. 1, 1890.	" "
37 0382	Kinsey, Alpha A.	120	251	May 1, 1900.	Lower Malad River.
37 0383	Kinsey, Henry H.	150	114	May 1, 1886.	" " "
37 0384	" " "	90	114	May 1, 1886.	" " "
37 0385	" " "	70	131	May 1, 1887.	" " "
37 0386	Kinsey, Mrs. H. H.	80	251	May 1, 1900.	" " "
37 0387	Knight, George H.	200	150	June 1, 1888.	East Fork of Big Wood River.
37 0388	Koontz, William B.	120	131	May 1, 1887.	West Branch of Chimney Creek.
37 0389	Korenko, John, and John Pugel	160	104	June 30, 1888.	Spring Creek.
37 0390	Laidlaw, James	30	94	June 30, 1884.	S. Fork Muldoon Creek.
37 0391	"	20	96	Apr. 1, 1885.	Do.
37 0392	"	110	101	May 20, 1885.	Do.
37 0393	"	60	104	June 15, 1885.	Do.
37 0394	"	50	112	Apr. 1, 1886.	Do.
37 0395	"	160	110	June 1, 1888.	Do.
37 0396	"	160	219	Apr. 15, 1896.	Do.
37 0397	"	160	231	June 1, 1897.	Do.
37 0398	"	160	255	Apr. 15, 1901.	Do.
37 0399	"	60	279	Oct. 15, 1902.	Do.
37 0400	"	800	295	July 1, 1905.	Do.
37 0401	"	All of	748	May 12, 1888.	Certain Springs.

Trans. No. 19

Trans # 303-346

Trans # 201-346

101

JUN 04 1906
JUN 27 1908

NE 1/4 of Sec. 20, N 1/2 of SW 1/4 of Sec. 21,
SW 1/4 of NE 1/4 and NW 1/4 of SE 1/4 of Sec.
21, T. 2 S., R. 21 E.

Kelly, W. B.

Lot 4 of Sec. 1, and Lots 1 and 2 and SW 1/4 of
NE 1/4 of Sec. 2, T. 6 S., R. 15 E., containing
160.8 acres.

Kilpatrick Bros. Co.

S 1/2 of NE 1/4 and N 1/2 of SE 1/4 of Sec. 30,
T. 1 S., R. 20 E. Also, SW 1/4 of Sec. 20,
T. 1 S., R. 20 E. Also, E 1/2 of SW 1/4 and
S 1/2 of SE 1/4 of Sec. 29, T. 1 S., R. 20 E.
Also, all of Sec. 28, T. 1 S., R. 20 E. Also,
S 1/2 of SW 1/4 of Sec. 22, N 1/2 of SE 1/4,
the SW 1/4, and the N 1/2 of Sec. 27, T. 1 S.,
R. 20 E., containing in all 1760 acres. Also,
S 1/2 of SE 1/4, N 1/2 of Sec. 29, and N 1/2
of SE 1/4 of Sec. 29, T. 1 S., R. 20 E.

Kinsey, Alpha A.

N 1/2 of SE 1/4 of Sec. 21, T. 3 S., R. 18 E.

Kinsey, Henry H.

E 1/2 of NE 1/4, SE 1/4 of NW 1/4, and NE 1/4 of
SW 1/4 of Sec. 21, T. 3 S., R. 18 E. Also,
NW 1/4 of NW 1/4 of Sec. 28, T. 3 S., R. 18 E.
Also, NE 1/4 of NW 1/4 of Sec. 28, T. 3 S., R.
18 E. Also, all that part of S 1/2 of SW 1/4
and SW 1/4 of SE 1/4 of Sec. 21, T. 3 S., R.
18 E., lying West of Malad River, containing
about 70 acres.

Kinsey, Mrs. H. H.

E 1/2 of NE 1/4 of Sec. 29, T. 3 S., R. 18 E.

Knight, George H.

SW 1/4 of SW 1/4, E 1/2 of SW 1/4, and NW 1/4 of
SE 1/4 of Sec. 35, T. 4 N., R. 18 E., contain-
ing 160 acres.

Kobutz, William E.

NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, and S 1/2 of
NE 1/4 of Sec. 34, T. 1 N., R. 12 E.

JUN 04 1936

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.

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^{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.

MICROFILMED

MAR 27 1998

MEMORANDUM

TO: FILE 37-00378

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