

**STARTING
LEFT
SIDE OF
FILE**

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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MAY 14 1998

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WATER RIGHT NO(S). 37-00021/37-00022/37-00186A/37-00186B
37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
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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
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
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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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 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

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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	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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 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.

NOTED LMAE

MAY 14 1938

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
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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

- ** 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.

WIDE WORLD

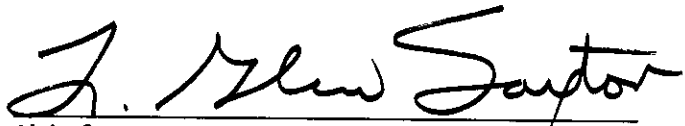
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 37-00694A/37-00694B/37-00695/37-00942/37-02405

- ** 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.

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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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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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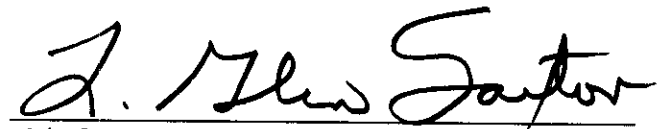
MAR 26 1998

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 26 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5046

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Corrected 3/14/97

Name of applicant Picabo Livestock Co. Phone (208) 788-3539
 Post Office address P.O. Box 688, Picabo, ID 83348

RECEIVED**OCT - 6 1997****A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
 2. Describe the reason for the proposed changes To change place of use and points of diversion to
correspond with actual usage. All rights would then have the same place of use and
points of diversion.

Department of Water Resources

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number See attachment A Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____ to _____
 2. Total amount of water being transferred 72.784 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Loving Cr. / Silver Cr. tributary to Silver Cr. / Little Wood R.
 4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
								See attachment B

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19	39			40							36	35	29	32	31	35	277
01S	20E	20						38	39		29	37	15	24	39	36	11	32	300
01S	20E	21			40	27					40	40	40	23	39	40	33	24	346
01S	20E	22							18	19	9.4	24	36	32					138.4
01S	20E	26									1	11	35	10					57
01S	20E	27		21.1	25.9		38	24	32	26	14	21	1	11	23.5	14	32	32	315.5
01S	20E	28	27	23	31	26	8.3	19.4	40	35	38	40	29	39	40	39	32	12	478.7
01S	20E	29	24	38	40	40	33	25	22.9	38.2	28.3	3			40	29.4	1.9	31	394.7
01S	20E	30	29	34	36	17	12	2		20					22	34			206
01S	20E	33	4	21			5												30
01S	20E	34	40	40			27	1											108
01S	20E	35					40	20											60

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PART 1

6. General Information:

a. Description of diversion system Headgate #11 into Gillihan Ditch; Headgate #17 into Albrethsen Ditch; Headgate #18 into Kilpatrick Ditch; Headgate #19 into Iden Ditch.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
Place of use is being changed to show how rights have actually been used.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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ATTACHMENT A

Picabo Livestock Co. water right transfer

B.1. Rights to be transferred, after the requested change

Right No.	Priority	Amount (CFS)	Nature of use	Period of use	
				From	To
37-00021✓	9/1/1887	5.600	Irrigation	4/15	10/15
37-00022✓	6/17/1899	1.000	Irrigation	4/15	10/15
37-00186A	7/1/1886	0.388	Irrig./domestic	4/15	10/15
37-00186B	7/1/1886	0.012	Irrig./domestic	4/15	10/15
37-00187✓	11/1/1892	1.600	Irrig./domestic	4/15	10/15
37-00188✓	6/1/1893	1.600	Irrig./domestic	4/15	10/15
37-00189✓	4/1/1899	1.800	Irrig./domestic	4/15	10/15
37-00213A	4/1/1885	0.750	Irrig./domestic	4/15	10/15
37-00213B	4/1/1885	0.050	Irrig./domestic	4/15	10/15
37-00214✓	4/1/1887	1.000	Irrig./domestic	4/15	10/15
37-00215E	6/15/1899	3.876	Irrig./domestic	4/15	10/15
37-00215F	6/15/1899	0.124	Irrig./domestic	4/15	10/15
37-00216	4/1/1885	0.800	Irrig./domestic	4/15	10/15
37-00217✓	4/1/1887	1.000	Irrig./domestic	4/15	10/15
37-00218	6/1/1889	0.740	Irrigation	4/15	10/15
37-00219✓	6/1/1893	1.200	Irrig./domestic	4/15	10/15
37-00333	11/1/1889	1.600	Irrigation	4/15	10/15
37-00351A	6/1/1886	0.250	Irrigation	4/15	10/15
37-00352A✓	6/15/1887	0.600	Irrigation	4/15	10/15
37-00376B✓	9/1/1883	0.624	Irrig./domestic	4/15	10/15
37-00376D	9/1/1883	0.800	Irrig./domestic	4/15	10/15
37-00376E	9/1/1883	18.270	Irrig./domestic	4/15	10/15
37-00377✓	4/1/1888	0.800	Irrig./domestic	4/15	10/15
37-00378✓	6/15/1888	2.000	Irrig./domestic	4/15	10/15
37-00379✓	4/1/1890	1.000	Irrig./domestic	4/15	10/15
37-00380✓	4/1/1890	3.000	Irrig./domestic	4/15	10/15
37-00381✓	4/1/1890	10.000	Irrig./domestic	4/15	10/15
37-00428✓	6/1/1889	0.800	Irrigation	4/15	10/15
37-00694A✓	4/1/1887	1.000	Irrigation	4/15	10/15
37-00694B	4/1/1887	0.300	Irrigation	4/15	10/15
37-00695✓	4/1/1889	1.200	Irrigation	4/15	10/15
37-00942✓	8/1/1917	5.000	Irrigation	4/15	10/15
37-02405✓	2/9/1920	4.000	Irrig./domestic	4/15	10/15

Total 72.784

12+5

MICROFILMED

MAR 26 1998

ATTACHMENT A

Picabo Livestock Co. water right transfer

B.1. Rights to be transferred, after the requested change

Right No.	Priority	Amount (CFS)	Nature of use	Period of use	
				From	To
37-00021	9/1/1887	5.600	Irrigation	4/15	10/15
37-00022	6/17/1889	1.000	Irrigation	4/15	10/15
37-00186A	7/1/1886	0.388	Irrig./domestic	4/15	10/15
37-00186B	7/1/1886	0.012	Irrig./domestic	4/15	10/15
37-00187	11/1/1892	1.600	Irrig./domestic	4/15	10/15
37-00188	6/1/1893	1.600	Irrig./domestic	4/15	10/15
37-00189	4/1/1889	1.800	Irrig./domestic	4/15	10/15
37-00213A	4/1/1885	0.750	Irrig./domestic	4/15	10/15
37-00213B	4/1/1885	0.050	Irrig./domestic	4/15	10/15
37-00214	4/1/1887	1.000	Irrig./domestic	4/15	10/15
37-00215E	6/15/1899	3.876	Irrig./domestic	4/15	10/15
37-00215F	6/15/1899	0.124	Irrig./domestic	4/15	10/15
37-00216	4/1/1885	0.800	Irrig./domestic	4/15	10/15
37-00217	4/1/1887	1.000	Irrig./domestic	4/15	10/15
37-00218	6/1/1889	0.740	Irrigation	4/15	10/15
37-00219	6/1/1893	1.200	Irrig./domestic	4/15	10/15
37-00333	11/1/1889	1.600	Irrigation	4/15	10/15
37-00351A	6/1/1886	0.250	Irrigation	4/15	10/15
37-00352A	6/1/1886	0.600	Irrigation	4/15	10/15
37-00376B	9/1/1883	0.624	Irrig./domestic	4/15	10/15
37-00376D	9/1/1883	0.800	Irrig./domestic	4/15	10/15
37-00376E	9/1/1883	18.270	Irrig./domestic	4/15	10/15
37-00377	4/1/1888	0.800	Irrig./domestic	4/15	10/15
37-00378	6/15/1888	2.000	Irrig./domestic	4/15	10/15
37-00379	4/1/1890	1.000	Irrig./domestic	4/15	10/15
37-00380	4/1/1890	3.000	Irrig./domestic	4/15	10/15
37-00381	4/1/1890	10.000	Irrig./domestic	4/15	10/15
37-00428	6/1/1889	0.800	Irrigation	4/15	10/15
37-00694A	4/1/1887	1.000	Irrigation	4/15	10/15
37-00694B	4/1/1887	0.300	Irrigation	4/15	10/15
37-00695	4/1/1889	1.200	Irrigation	4/15	10/15
37-00942	8/1/17	5.000	Irrigation	4/15	10/15
37-02405	2/9/20	4.000	Irrig./domestic	4/15	10/15
Total		72.784			

REC W E D

FEB 28 1997

Department of Water Resource
Sault Ste. Marie

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MAR 26 1998

Pg 5 of 7

T # 5046

ATTACHMENT B

Picabo Livestock Co. water right transfer

1.B.1 Points of diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name
	SE	NW		24	01S	19E	Blaine	Headgate #11, Gillihan Ditch (Loving Creek)
	SW	SE		20	01S	20E	Blaine	Headgate #19, Iden Ditch (Silver Creek)
	NE	NW		30	01S	20E	Blaine	Headgate #18, Kilpatrick Ditch (Silver Creek)
	NW	NW		30	01S	20E	Blaine	Headgate #17, Albrethsen Ditch (Silver Creek)

FILED

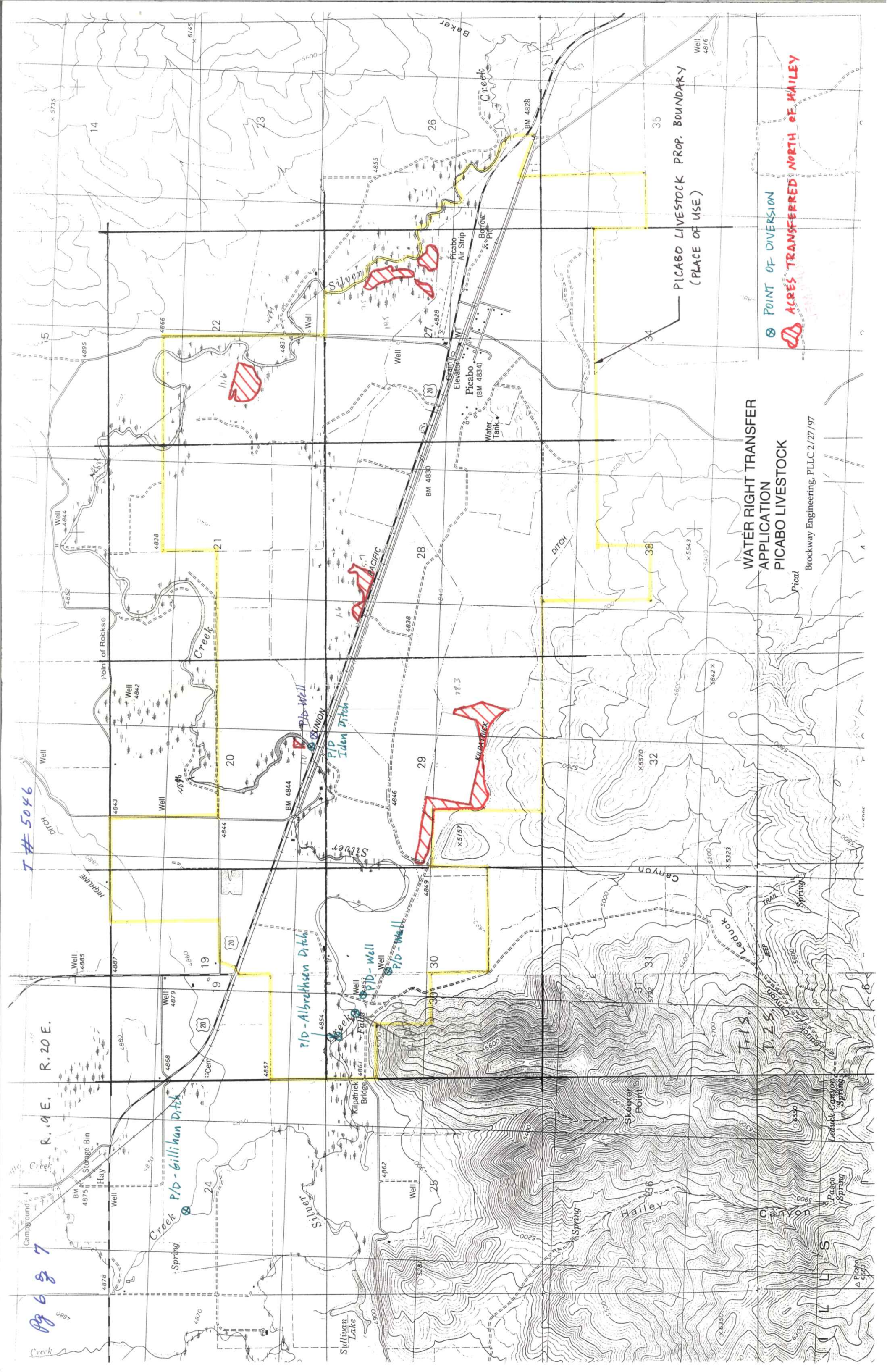
FEB 28 1997

Department of Water Resources
Bureau of Reclamation

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MAR 26 1998

4/2/20



WATER RIGHT TRANSFER
APPLICATION
PICABO LIVESTOCK

Brockway Engineering, PLLC 2/27/97

⊗ POINT OF DIVERSION

ACRES TRANSFERRED NORTH OF HAILEY

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe the effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Nick Purdy V-Pur Picalo Luerstark
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of February, 19 97.

J. F. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 35 attachments

Received by ADM Date 2/28/97 Protest filed by None

Prelim. check by _____ Fee \$100⁰⁰ 5017927

Receipted by JS Date 3/29/95

Published in Lexington Tribune, Post Register, Times News
Wood River Journal, F.D. Statesman Copies of protest forwarded by _____

Pub. dates 4/23 & 4/30/97; 4/24 & 5/1/97 Hearing held by _____ Date _____

Watermaster recommendation requested on 4/14/97 Recommended for ☒ Approval ☐ Denial

_____ rec'd. 4/30/97 by ADM

Copy of transfer sent to lien holder _____

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00021

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN ALBRETHSON	09/01/1887	IRRIGATION	00-00 00-00	5.600 CFS	
TOTAL DIVERSION:					5.600 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30 Lot 01(NWNW)

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	19	:																	:	
01S	20E	30	:	I		I						I	01-I							:	

Pou County: BLAINE

Remarks: SEE RT. 37-0942
DIVERSION RATE CORRECTED BY COURT ORDER 2-16-1912.
P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.
P/U ASSUMED FROM FINDINGS; OTHER LANDS NOT REACHABLE FR. SOURCE.

Dates:	App. Received:	Priority Date:	09/01/1887
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 02/11/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00022

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN ALBRETHSON	06/17/1899	IRRIGATION	00-00 00-00	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30 Lot 01(NWNW)

BLAINE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01S	20E	19	:													I	I	I	I
01S	20E	30	:	I		I				I	01-1								

Pou County: BLAINE

Remarks: P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.
P/U ASSUMED FROM FINDINGS; OTHER LANDS NOT REACHABLE FROM SOURCE.
RT. IS CONTINUOUS & EXCLUSIVE; NOT SUBJECT TO ROTATION.
RT. IS DELIVERED FOR 1.0 CFS MINUS 1% CONVEYANCE LOSS.
AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

Dates: App. Received: Priority Date: 06/17/1899
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 02/11/86 05/28/88 CONVERT 04/09/90 CURTIS

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00186A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	07/01/1886	IRRIGATION	00-00 00-00	0.388 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					0.388 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
01S	20E	20											36	37	30	31	40	40	31	36	281.0
01S	20E	21			40	39							40	40	40	32	40	40	38	28	377.0
01S	20E	22							34	33			33	40	38	36					214.0
01S	20E	26							01				02	27	35	18					83.0
01S	20E	27			34	28	27		38	36	34	36	32	37	35	36	20	31	40	36	500.0
01S	20E	28		39	34	35	35		20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E	29		29	38	40	40		36	36	38	40	26				40	28		22	413.0
01S	20E	30				40	34										02	04			80.0
01S	20E	35								40											40.0
TOTAL ACRES																			2551.0		

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/U INCOMPLETE. SEE MAP IN TRANSFER FILE.
P/D ALSO ON MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 07/01/1886
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/30/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-001868

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEO MERCIER	07/01/1886	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.012 CFS	
TOTAL DIVERSION:					0.012 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREEED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
01S	20E	19	:	40			40	:					:					:					:	80.0
TOTAL ACRES																							80.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201, 303.
P/D GIVEN AS SENW S24 IN TRANSFER; PRESENT P/D FROM WATERMASTER.
DOMESTIC USE ADDED BY TRANSFER.

Dates:	App. Received:	Priority Date:	07/01/1886
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/09/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00187

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	11/01/1892	IRRIGATION	00-00 00-00	1.600 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					1.600 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	20E	20											36	37	30	31	40	40	31	36	281.0
01S	20E	21			40	39							40	40	40	32	40	40	38	28	377.0
01S	20E	22							34	33			33	40	38	36					214.0
01S	20E	26							01				02	27	35	18					83.0
01S	20E	27		34	28	27		38	36	34	36		32	37	35	36	20	31	40	36	500.0
01S	20E	28	39	34	35	35		20	26	40	38		40	40	37	38	40	40	36	25	563.0
01S	20E	29	29	38	40	40		36	36	38	40		26				40	28		22	413.0
01S	20E	30			40	34											02	04			80.0
01S	20E	35							40												40.0
TOTAL ACRES																				2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 11/01/1892
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED

MAR 26 1998

WR5809NP
No. 37-00188

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	06/01/1893	IRRIGATION	00-00 00-00	1.600 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					1.600 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	20E	20	:					:					:	36	37	30	31	:	40	40	31	36	:	281.0
01S	20E	21	:			40	39	:					:	40	40	40	32	:	40	40	38	28	:	377.0
01S	20E	22	:					:			34	33	:	33	40	38	36	:					:	214.0
01S	20E	26	:					:			01		:	02	27	35	18	:					:	83.0
01S	20E	27	:		34	28	27	:	38	36	34	36	:	32	37	35	36	:	20	31	40	36	:	500.0
01S	20E	28	:	39	34	35	35	:	20	26	40	38	:	40	40	37	38	:	40	40	36	25	:	563.0
01S	20E	29	:	29	38	40	40	:	36	36	38	40	:	26				:	40	28		22	:	413.0
01S	20E	30	:			40	34	:					:					:	02	04			:	80.0
01S	20E	35	:					:		40			:					:					:	40.0
TOTAL ACRES																							2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 06/01/1893
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

A37-119

A37-11903

MICROFILMED
MAR 26 1998

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	04/01/1899	IRRIGATION	00-00 00-00	1.800 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					1.800 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE																				
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
01S	20E	20	:									:							:	36	37	30	31	:	40	40	31	36	:	281.0					
01S	20E	21	:				40		39			:							:	40	40	40	32	:	40	40	38	28	:	377.0					
01S	20E	22	:									:			34		33		:	33	40	38	36	:					:	214.0					
01S	20E	26	:									:			01				:	02	27	35	18	:					:	83.0					
01S	20E	27	:			34	28	27		38	36	34	36	:	32	37	35	36	:	20	31	40	36	:	40	40	36	25	:	500.0					
01S	20E	28	:	39		34	35	35		20	26	40	38	:	40	40	37	38	:	40	40	37	38	:	40	40	36	25	:	563.0					
01S	20E	29	:	29		38	40	40		36	36	38	40	:	26				:	40				:	40	28		22	:	413.0					
01S	20E	30	:				40	34						:					:					:	02	04			:	80.0					
01S	20E	35	:								40			:					:					:					:	40.0					
																											TOTAL ACRES				2551.0				

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1899
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

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MAR 26 1998

WR5809NP
No. 37-00213A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	04/01/1885	IRRIGATION	00-00 00-00	0.750 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					0.750 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM	
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE		
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	20E	20										36	37	30	31	40	40	31	36	281.0
01S	20E	21				40	39					40	40	40	32	40	40	38	28	377.0
01S	20E	22								34	33	33	40	38	36					214.0
01S	20E	26								01		02	27	35	18					83.0
01S	20E	27		34	28	27		38	36	34	36	32	37	35	36	20	31	40	36	500.0
01S	20E	28	39	34	35	35		20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E	29	29	38	40	40		36	36	38	40	26				40	28		22	413.0
01S	20E	30			40	34										02	04			80.0
01S	20E	35							40											40.0
TOTAL ACRES																			2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201 & 303.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates:	App. Received:	Priority Date:	04/01/1885
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-002138

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEO MERCIER	04/01/1885	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.050 CFS	
TOTAL DIVERSION:					0.050 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	19	:	40				40													80.0
																				TOTAL ACRES	80.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201, 303.
P/D GIVEN AS SENW S24 IN TRANSFER. PRESENT P/D FROM WATERMASTER.
DOMESTIC USE ADDED BY TRANSFER.

Dates:	App. Received:	Priority Date:	04/01/1885
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/09/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00214

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	04/01/1887	IRRIGATION	00-00 00-00	1.000 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					1.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	20E	20	:									36	37	30	31	40	40	31	36	281.0
01S	20E	21	:			40	39					40	40	40	32	40	40	38	28	377.0
01S	20E	22	:							34	33	33	40	38	36					214.0
01S	20E	26	:							01		02	27	35	18					83.0
01S	20E	27	:		34	28	27	38	36	34	36	32	37	35	36	20	31	40	36	500.0
01S	20E	28	:	39	34	35	35	20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E	29	:	29	38	40	40	36	36	38	40	26				40	28		22	413.0
01S	20E	30	:			40	34									02	04			80.0
01S	20E	35	:						40											40.0
TOTAL ACRES																				2551.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1887
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

A37-11892

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00215E

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	06/15/1899	IRRIGATION	00-00 00-00	3.876 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					3.876 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S	20E	20										36	37	30	31	40	40	31	36		281.0
01S	20E	21			40	39						40	40	40	32	40	40	38	28		377.0
01S	20E	22								34	33	33	40	38	36						214.0
01S	20E	26								04		06	20	35	18						83.0
01S	20E	27		34	28	27		38	36	34	36	32	37	35	36	20	31	40	36		500.0
01S	20E	28	39	34	35	35		20	26	40	38	40	40	37	38	40	40	36	25		563.0
01S	20E	29	29	38	40	40		36	36	38	40	26				40	28		22		413.0
01S	20E	35							40												40.0
																			TOTAL ACRES		2471.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 76, 201, 303.
P/D DETERMINED FROM WATERMASTER.
P/U INCOMPLETE. SEE FILE.
AC. IRRIG. = 2470.5
RT. IS PRIOR & EXCLUSIVE; SEE FILE.

Dates: App. Received: Priority Date: 06/15/1899
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 05/21/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00215F

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEO MERCIER	06/15/1899	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.124 CFS	
TOTAL DIVERSION:					0.124 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
01S	20E	19	:	40				40										:	80.0	
TOTAL ACRES																			80.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 303.
P/D GIVEN AS SENW S24 T1S R19E IN TRANSFER.
PRESENT P/D DETERMINED FROM WATERMASTER, NOT FROM TRANSFER.
RT. IS PRIOR & EXCLUSIVE; SEE FILE.

Dates: App. Received: Priority Date: 06/15/1899
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/09/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00216

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	04/01/1885	IRRIGATION	00-00 00-00	0.800 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					0.800 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30 NENW BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	20E	20	:					:					:	36	37	30	31	:	40	40	31	36	:	281.0
01S	20E	21	:			40	39	:					:	40	40	40	32	:	40	40	38	28	:	377.0
01S	20E	22	:					:			34	33	:	33	40	38	36	:					:	214.0
01S	20E	26	:					:			01		:	02	27	35	18	:					:	83.0
01S	20E	27	:		34	28	27	:	38	36	34	36	:	32	37	35	36	:	20	31	40	36	:	500.0
01S	20E	28	:	39	34	35	35	:	20	26	40	38	:	40	40	37	38	:	40	40	36	25	:	563.0
01S	20E	29	:	29	38	40	40	:	36	36	38	40	:	26				:	40	28		22	:	413.0
01S	20E	30	:			40	34	:					:					:	02	04			:	80.0
01S	20E	35	:					:		40			:					:					:	40.0
TOTAL ACRES																							2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1885
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

Claimed
As A37-00213

MICROFILMED
MAR 26 1998

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	04/01/1887	IRRIGATION	00-00 00-00	1.000 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					1.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREEED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
01S	20E	20									36	37	30	31	40	40	31	36	281.0
01S	20E	21			40	39					40	40	40	32	40	40	38	28	377.0
01S	20E	22							34	33	33	40	38	36					214.0
01S	20E	26							01		02	27	35	18					83.0
01S	20E	27		34	28	27	38	36	34	36	32	37	35	36	20	31	40	36	500.0
01S	20E	28	39	34	35	35	20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E	29	29	38	40	40	36	36	38	40	26				40	28		22	413.0
01S	20E	30			40	34									02	04			80.0
01S	20E	35						40											40.0
TOTAL ACRES																			2551.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.

P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates:	App. Received:	Priority Date:	04/01/1887
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00218

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. FATOR	06/01/1889	IRRIGATION	00-00 00-00	0.740 CFS	
TOTAL DIVERSION:					0.740 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	20	:																	:	
01S	20E	22	:																	:	

Pou County: BLAINE

Remarks: P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Dates:	App. Received:	Priority Date:	06/01/1889
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam fee:

Audit: 02/11/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

A.

A37-11898

WR5809NP
No. 37-00219

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KILPATRICK BROTHERS CO.	06/01/1893	IRRIGATION	00-00 00-00	1.200 CFS	
C	WILLIAM H. KILPATRICK, JR.		DOMESTIC	00-00 00-00		
TOTAL DIVERSION:					1.200 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
01S	20E	20	:					:					:	36	37	30	31	:	40	40	31	36	:	281.0
01S	20E	21	:			40	39	:					:	40	40	40	32	:	40	40	38	28	:	377.0
01S	20E	22	:					:			34	33	:	33	40	38	36	:					:	214.0
01S	20E	26	:					:			01		:	02	27	35	18	:					:	83.0
01S	20E	27	:		34	28	27	:	38	36	34	36	:	32	37	35	36	:	20	31	40	36	:	500.0
01S	20E	28	:	39	34	35	35	:	20	26	40	38	:	40	40	37	38	:	40	40	36	25	:	563.0
01S	20E	29	:	29	38	40	40	:	36	36	38	40	:	26				:	40	28		22	:	413.0
01S	20E	30	:			40	34	:					:					:	02	04			:	80.0
01S	20E	35	:					:		40			:					:					:	40.0
TOTAL ACRES																							2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 06/01/1893
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00333

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C. H. IDEN	11/01/1889	IRRIGATION	00-00 00-00	1.600 CFS	
TOTAL DIVERSION:					1.600 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREEED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	26	:																	:	
			:																	:	

Pou County: BLAINE

Remarks: P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
AC. IRRIG. NOT SPECIFIED. FARM = 80 AC.

Dates: App. Received: Priority Date: 11/01/1889
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 07/01/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

Water Right Number - 37-00351A Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - +

*** C - CURRENT OWNER ***
NISSON CHRISTIAN

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

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3 -
City - State- ID Zip-
Phone - 208-000-0000

1 -
2 -
3 -
City - State- ID Zip-
Phone - 208-000-0000

MICROFILMED
MAR 26 1998

Water Right Number - 37-00352A

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NISSON

CHRISTIAN

1 -
2 -
3 -

State- ID Zip-

City-
Phone - 208-000-0000

H P

1 -
2 -
3 -

State- ID Zip-

City-
Phone - 208-000-0000

+ - - - - Priority Date - - - - + + - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
06/15/1887 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
LOVING CREEK SILVER CREEK
SILVER CREEK LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - + + - - - - Diversion Name - - - - - + + - - - - Diversion Rate - - - - - + + - - - - Diversion No. - - - - - +

Twn Rng Sec Tract Lot RFlg County (13) BLAINE

01S 19E 25 NW NW
24 SE NW

+ - - - - Description - - - - - + + - - - - Water Use - - - - - + + - - - - Diversion Rate - - - - - + + - - - - Diversion Volume - - - - - +

01 - IRRIGATION

0.600

+ - - - - Total Div. Rate - - - - + + - - - - Total Div. Volume - - - - + + - - - - Total Div. Capacity - - - - +

0.600

+ - - - - Place of Use - - - - - + + - - - - Description - - - - - + + - - - - County - - - - - +

Code

Acres

Tract

Sec

Rng

Twn

(13) BLAINE
(13) BLAINE

01 IRRIGATION
01 IRRIGATION

SE SE
NE NE

24
25

20E
20E

01S
01S

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/D not given in decree, but determined from watermaster.
Right decreed from Butte Creek, but delivered from Loving and
Silver Creek.
Transfer No. 4186 split Right No. 37-00352; Part A equals half
the original right.

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-003768

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 17

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEO MERCIER	09/01/1883	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.624 CFS	
TOTAL DIVERSION:					0.624 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	19	:	40				40												:	80.0
																				TOTAL ACRES	80.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201, 303.
P/D GIVEN AS SENW S24 IN TRANSFER. PRESENT P/D FROM WATERMASTER.
DOMESTIC USE ADDED BY TRANSFER.

Dates:	App. Received:	Priority Date:	09/01/1883
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/09/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-003760

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/17/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. KILPATRICK, JR.	09/01/1883	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	20	:																	:	40.0
																				TOTAL ACRES	40.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201, 346.
P/D GIVEN AS SENW S24 T1S R19E IN TRANSFER.
PRESENT P/D DETERMINED FROM WATERMASTER.
DOMESTIC USE ADDED BY TRANSFER.

Dates:	App. Received:	Priority Date:	09/01/1883
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/09/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00376E

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/17/95
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H KILPATRICK JR	09/01/1883	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	18.270 CFS	
TOTAL DIVERSION:					18.270 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NEWW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	20E	20	:									36	37	30	31	40	40	31	36	281.0
01S	20E	21	:			40	39					40	40	40	32	40	40	38	28	377.0
01S	20E	22	:							34	33	11	25	37	31					171.0
01S	20E	26	:							01		02	27	35	18					83.0
01S	20E	27	:			34	28	27	38	36	34	32	37	35	36	20	31	40	36	500.0
01S	20E	28	:	39	34	35	35	20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E	29	:	29	38	40	40	36	36	38	40	26				40	28		22	413.0
01S	20E	30	:			40	34									02	04			80.0
01S	20E	35	:						40											40.0
TOTAL ACRES																			2508.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201, 303, 346.
P/D & P/U TAKEN FROM MAP IN TRANSFER #201 FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 09/01/1883
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Comments: Date: 03/09/1994 User-ID: SKAGGS Subject: TRANSFER NO. 3889
Transfer No. 3889 was filed to change the point of diversion
under a portion of Right No. 37-00376C, splitting the right into
parts E and F.

Audit: 03/11/94 SKAGGS 03/14/94 SKAGGS

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00377

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. KILPATRICK, JR.	04/01/1888	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				:	NW				:	SW				:	SE				:	SUM	
			NENE	NWNE	SWNE	SENE		NENW	NWNW	SWNW	SENW		NESW	NWSW	SWSW	SESW		NESE	NWSE	SWSE	SESE			
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
01S	20E	20	:					:					:	36	37	30	31	:	40	40	31	36	:	281.0
01S	20E	21	:			40	39	:					:	40	40	40	32	:	40	40	38	28	:	377.0
01S	20E	22	:					:			34	33	:	33	40	38	36	:					:	214.0
01S	20E	26	:					:			01		:	02	27	35	18	:					:	83.0
01S	20E	27	:		34	28	27	:	38	36	34	36	:	32	37	35	36	:	20	31	40	36	:	500.0
01S	20E	28	:	39	34	35	35	:	20	26	40	38	:	40	40	37	38	:	40	40	36	25	:	563.0
01S	20E	29	:	29	38	40	40	:	36	36	38	40	:	26				:	40	28		22	:	413.0
01S	20E	30	:			40	34	:					:					:	02	04			:	80.0
01S	20E	35	:					:		40			:					:					:	40.0
																					TOTAL ACRES		2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1888
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00378

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. KILPATRICK, JR.	06/15/1888	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	2.000 CFS	
TOTAL DIVERSION:					2.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREEED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
01S	20E 20									36	37	30	31	40	40	31	36	281.0
01S	20E 21			40	39					40	40	40	32	40	40	38	28	377.0
01S	20E 22							34	33	33	40	38	36					214.0
01S	20E 26							01		02	27	35	18					83.0
01S	20E 27		34	28	27	38	36	34	36	32	37	35	36	20	31	40	36	500.0
01S	20E 28	39	34	35	35	20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E 29	29	38	40	40	36	36	38	40	26				40	28		22	413.0
01S	20E 30			40	34									02	04			80.0
01S	20E 35						40											40.0
TOTAL ACRES																		2551.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 06/15/1888
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00379

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 10

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. KILPATRICK, JR.	04/01/1890	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S	20E	20																	
01S	20E	21																	
01S	20E	22																	
01S	20E	26																	
01S	20E	27																	
01S	20E	28																	
01S	20E	29																	
01S	20E	30																	
01S	20E	35																	
TOTAL ACRES																			2551.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1890
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

A37-11900

A37-11900

MICROFILMED

MAR 26 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. KILPATRICK, JR.	04/01/1890	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	3.000 CFS	
TOTAL DIVERSION:					3.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	20E	20	:									36	37	30	31	40	40	31	36	281.0
01S	20E	21	:			40	39					40	40	40	32	40	40	38	28	377.0
01S	20E	22	:							34	33	33	40	38	36					214.0
01S	20E	26	:							01		02	27	35	18					83.0
01S	20E	27	:			34	28	27	38	36	34	32	37	35	36	20	31	40	36	500.0
01S	20E	28	:	39	34	35	35	20	26	40	38	40	40	37	38	40	40	36	25	563.0
01S	20E	29	:	29	38	40	40	36	36	38	40	26				40	28		22	413.0
01S	20E	30	:			40	34									02	04			80.0
01S	20E	35	:						40											40.0
TOTAL ACRES																				2551.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1890
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. KILPATRICK, JR.	04/01/1890	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	10.000 CFS	
TOTAL DIVERSION:					10.000 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

			NE								NW								SW								SE									
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	20	:									:							:	36	37	30	31	:	40	40	31	36	:	281.0						
01S	20E	21	:					40	39			:							:	40	40	40	32	:	40	40	38	28	:	377.0						
01S	20E	22	:									:			34	33			:	33	40	38	36	:					:	214.0						
01S	20E	26	:									:			01				:	02	27	35	18	:					:	83.0						
01S	20E	27	:			34	28	27		38	36	:	34	36					:	32	37	35	36	:	20	31	40	36	:	500.0						
01S	20E	28	:	39		34	35	35		20	26	:	40	38					:	40	40	37	38	:	40	40	36	25	:	563.0						
01S	20E	29	:	29		38	40	40		36	36	:	38	40					:	26				:	40	28		22	:	413.0						
01S	20E	30	:				40	34				:							:					:		02	04			:	80.0					
01S	20E	35	:								40	:							:					:						:	40.0					
																																	TOTAL ACRES		2551.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: TRANS. 201.
P/D & P/U TAKEN FROM MAP IN TRANSFER FILE.
DOMESTIC USE ADDED BY TRANSFER.

Dates: App. Received: Priority Date: 04/01/1890
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 09/23/85 05/28/88 CONVERT

MICROFILMED

MAR 26 1998

WR5809NP
No. 37-00428

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	VOLUME
C	HENRY LOVING	06/01/1889	IRRIGATION	00-00	00-00	0.800 CFS	
TOTAL DIVERSION:						0.800 CFS	

Water Source: SILVER CREEK Tributary to: LITTLE WOOD RIVER Stage: DECREED
Point(s) of Diversion: T01S R20E S30 NENW BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---
01S	20E	20	:							:					:					:	

Pou County: BLAINE

Remarks: P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
DECREED FROM BUTTE CR. BUT DELIVERED FROM SILVER CR.
AC. IRRIG. NOT SPECIFIED. FARM = 40 AC.

Dates: App. Received: Priority Date: 06/01/1889
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 02/11/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00694A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANDREW WHITE	04/01/1887	IRRIGATION	00-00 00-00	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: LOVING CREEK

Tributary to: SILVER CREEK

Stage: DECREED

Point(s) of Diversion:

T01S R19E S24

SENE

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	19	:	I				I												:	

Pou County: BLAINE

Remarks: TRANS. 44.
RT. DECREED FROM SILVER CR. BUT DELIVERED FROM LOVING CR.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Dates:	App. Received:	Priority Date:	04/01/1887
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 02/11/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00694B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/95
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	S. R. STOCKTON	04/01/1887	IRRIGATION	00-00 00-00	0.300 CFS	
TOTAL DIVERSION:					0.300 CFS	

Water Source: LOVING CREEK

Tributary to: SILVER CREEK

Stage: DECREED

Point(s) of Diversion:

T01S R19E S11
S24

NWSE
SENW

BLAINE County
BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	20E	19	:	I				I												:	

Pou County: BLAINE

Remarks: TRANS. 44.
RT. DECREED FROM SILVER CR. BUT DELIVERED FROM LOVING CR.
P/D NOT IN DECREE OR TRANSFER BUT VERIFIED BY WATERMASTER.
HILINE DIV. (S. 11) IS ABANDONED ACCORDING TO WATERMASTER.

Dates:	App. Received:	Priority Date:	04/01/1887
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 01/04/86 05/28/88 CONVERT

MICROFILMED
MAR 26 1998

WR5809NP
No. 37-00695

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HORACE C. WHITE	04/01/1889	IRRIGATION	00-00 00-00	1.200 CFS	
TOTAL DIVERSION:					1.200 CFS	

Water Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R20E S30

NENW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
01S	20E	22	:					:					:					:						:		

Pou County: BLAINE

Remarks: AC. IRRIG. NOT SPECIFIED. FARM = 120 AC.
P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

Dates: App. Received: Priority Date: 04/01/1889
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Audit: 02/11/86 05/28/88 CONVERT

MICROFILMED

MAR 26 1998

WR5809NP
No. 37-00942

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/95
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN ALBRETHSEN	08/01/1917	IRRIGATION	00-00 00-00	5.000 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: O DRAIN

Tributary to: SILVER CREEK

Stage: DECREED

Point(s) of Diversion:

T01S R20E S30 Lot 01(NWNW)

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
01S	20E	19	:															40	40	40	40	: 160.0
01S	20E	30	:	40		40						40	01-39			40					: 199.0	
																			TOTAL ACRES			359.0

Pou County: BLAINE

Remarks: DRAIN IS LOCATED IN E 1/2 S8 T1S R19E.
RT. DECREED FROM DRAIN BUT DELIVERED FROM SILVER CR.
RT. EXCLUSIVE OF PRIORITY AS LONG AS DRAIN IS MAINTAINED.
DRAIN KNOWN LOCALLY AS O DRAIN ACCORDING TO WATERMASTER.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
RT. SUBJECT TO 1% CONVEYANCE LOSS ACCORDING TO WATERMASTER.
RT. REAFFIRMED IN UNION CENTRAL LIFE INS. CO. VS ALBRETHSEN.

Dates:	App. Received:	Priority Date:	08/01/1917
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 37M Field Exam Fee:

Audit: 12/30/86 05/28/88 CONVERT 06/07/89 CURTIS

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MAR 26 1998

WR5809NP
No. 37-02405

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/17/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	N. B. BUCKLER	02/09/1920	IRRIGATION	00-00 00-00	4.000 CFS	
C	HENRY SMITH		DOMESTIC	00-00 00-00		
C	H. C. RANDALL					
C	C. L. RANDALL					
C	C. O. THOMPSON					
C	W. R. PATTERSON					
C	DRAINAGE DISTRICT NO. 1					
				TOTAL DIVERSION:	4.000 CFS	

Water Source: UNNAMED STREAM

Tributary to: SILVER CREEK

Stage: LICENSE

Point(s) of Diversion:

T01S R20E S20
S30

SWSE
NENW

BLAINE County
BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
01S	20E	15	:					:					:					:							:	
01S	20E	16	:					:					:					:							:	
01S	20E	20	:					:					:					:							:	
01S	20E	21	:					:					:					:							:	
01S	20E	22	:					:					:					:							:	
01S	20E	26	:					:					:					:							:	
01S	20E	27	:					:					:					:							:	
01S	20E	28	:					:					:					:							:	
01S	20E	29	:					:					:					:							:	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Remarks: AC. IRR. = 2216.
SEE FILE FOR OTHER OWNERS.
LIC. IS UNCLEAR AS TO WHICH ACREAGE GOES TO WHICH 1/4 1/4.
SEE FILE.

Dates: App. Received: Priority Date: 02/09/1920
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/06/1985

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/28/88 CONVERT 07/11/89 CURTIS 09/22/90 RGNBR
05/29/91 BILBAO

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REC-100

FEB 28 1997

Department of Water Resources
Southern Region

NARRATIVE IN SUPPORT OF WATER RIGHT TRANSFER

APPLICATIONS FOR PICABO LIVESTOCK CO.

Brockway Engineering, PLLC

February 27, 1997

OVERVIEW

The Picabo Livestock Co. property is located in the vicinity of Silver Creek in Blaine County. Specifically, the property encompasses all or part of sections 19-22, 26-30, and 33-35 of T. 1 S., R. 20 E., Boise Meridian. Use of water on the property consists of crop and rangeland irrigation and stockwater

A total of 33 surface water rights and 3 groundwater rights are applicable to the Picabo Livestock land. The surface rights are decreed rights from either Loving Creek, a tributary to Silver Creek, or from Silver Creek itself. The decrees have diversion rates from 0.012 cfs to 18.27 cfs and priority dates from 9/1/1883 to 2/9/1920. The groundwater rights are licenses with diversion rates from 2.46 cfs to 11.9 cfs and priority dates in 1959.

Three transfers are requested for the following purposes:

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1) To change the place of use so that all rights would be appurtenant to the same land which is actually irrigated

2) To include all headgates on each surface right, and all wells on each groundwater right

3) To transfer a portion of groundwater license 37-02627 to land north of Hailey in which the applicant has an interest.

These changes will codify previous unrecorded transfers and ensure that the recorded rights match actual usage while maximizing the flexibility of the diversion and distribution system.

SURFACE WATER RIGHTS

The surface rights are delivered from Silver Creek and Loving Creek (a tributary to Silver Creek) via four ditches: the Albrethsen, Kilpatrick, and Iden ditches from Silver Creek, and the Gillihan Ditch from Loving Creek.

Sixteen of the rights are applicable to approximately 2500 acres covering most of the subject property, and the remaining 17 smaller rights are applicable to smaller subareas within the property. All surface rights are tabulated below, with the 16 comprehensive rights denoted.

Right No.	Priority	Rate (cfs)	Source	Diversion
37-00021	9/1/1887	5.60	Silver Creek	Albrethsen Ditch
37-00022	6/17/1889	1.00	Silver Creek	Albrethsen Ditch
37-00186A*	7/1/1886	0.388	Silver Creek	Kilpatrick Ditch
37-00186B	7/1/1886	0.012	Silver Creek	Kilpatrick Ditch
37-00187*	11/1/1882	1.60	Silver Creek	Kilpatrick Ditch

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37-00188*	6/1/1893	1.60	Silver Creek	Kilpatrick Ditch
37-00189*	4/1/1889	1.80	Silver Creek	Kilpatrick Ditch
37-00213A*	4/1/1885	0.75	Silver Creek	Kilpatrick Ditch
37-00213B	4/1/1885	0.05	Silver Creek	Kilpatrick Ditch
37-00214*	4/1/1887	1.00	Silver Creek	Kilpatrick Ditch
37-00215E*	6/15/1889	3.876	Silver Creek	Kilpatrick Ditch
37-00215F	6/15/1889	0.124	Silver Creek	Kilpatrick Ditch
37-00216*	4/1/1885	0.80	Silver Creek	Kilpatrick Ditch
37-00217*	4/1/1887	1.00	Silver Creek	Kilpatrick Ditch
37-00218	6/1/1889	0.74	Silver Creek	Kilpatrick Ditch
37-00219*	6/1/1893	1.20	Silver Creek	Kilpatrick Ditch
37-00333	11/1/1889	1.60	Silver Creek	Kilpatrick Ditch
37-00351A	6/1/1886	0.25	Loving Cr./Silver Cr.	Gillihan Ditch
37-00352A	6/1/1886	0.60	Loving Cr./Silver Cr.	Gillihan Ditch
37-00376B	9/1/1883	0.624	Silver Creek	Kilpatrick Ditch
37-00376D	9/1/1883	0.80	Silver Creek	Kilpatrick Ditch
37-00376E*	9/1/1883	18.27	Silver Creek	Kilpatrick Ditch
37-00377*	4/1/1888	0.80	Silver Creek	Kilpatrick Ditch
37-00378*	6/15/1888	2.00	Silver Creek	Kilpatrick Ditch
37-00379*	4/1/1890	1.00	Silver Creek	Kilpatrick Ditch
37-00380*	4/1/1890	3.00	Silver Creek	Kilpatrick Ditch
37-00381*	4/1/1890	10.00	Silver Creek	Kilpatrick Ditch
37-00428	6/1/1889	0.80	Silver Creek	Kilpatrick Ditch
37-00694A	4/1/1887	1.00	Loving Creek	Gillihan Ditch
37-00694B	4/1/1887	0.30	Loving Creek	Gillihan Ditch
37-00695	4/1/1889	1.20	Silver Creek	Kilpatrick Ditch
37-00942	8/1/1917	5.00	"O" Drain	Albrethsen Ditch
37-02405	2/9/1920	4.00	Unnamed Stream	Iden, Kilpatrick

Total diversion rate 72.784 cfs

* Surface rights with comprehensive coverage (approx. 2500 acres)

GROUNDWATER RIGHTS

Diversion of groundwater occurs from three wells. The three appurtenant groundwater rights are tabulated below

Right No.	Priority	Rate (cfs)
37-02627	12/9/1959	11.90
37-02617	6/23/1959	3.72
37-02620	7/28/1959	2.46

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Typically, groundwater is pumped either into one of the ditches or into Silver Creek where it mingles with the surface water, and re-diverted for gravity or sprinkler irrigation. Groundwater may also be pumped directly into the sprinkler systems.

OVERLAP ANALYSIS

An overlap analysis was performed to determine the amount of water applicable to all quarter sections within the subject property. Based on the diversion rate and total irrigated acres listed on the water right, a per-acre rate was computed. This unit rate was applied to the listed acres per quarter-section to determine the diversion rate in miner's inches per quarter section for each right. The sum of these values for all rights yields the amount of water applicable to each quarter section under existing rights. Some of the decreed surface rights do not list total acres or acres irrigated by quarter. For these rights, 40 acres was assumed in each quarter.

The overlap analysis shows that, based on a one inch per acre requirement, approximately 3400 acres can be irrigated under existing rights. If only the recorded acreage on each right is used without regard to the per-acre diversion rate, approximately 3700 acre are authorized to be irrigated. Actual irrigation on the property currently totals 2774 acres.

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GROUNDWATER TRANSFER APPLICATIONS

A transfer for groundwater license 37-02627 is requested to change the place of use to land actually irrigated and to include all points of diversion in the right. In conjunction with this change, 62.7 acres would no longer be irrigated on the Picabo property but would be transferred to land north of Hailey. The place of use at Picabo would then be $2774 - 62.7 = 2711.3$ acres. Only water under this right is proposed to be transferred north of Hailey; however, the reduced acreage will be included on all surface and groundwater rights to ensure that no enlargement of use takes place. The 62.7 acres consists of several small parcels which have been irrigated but will no longer be irrigated. Attached is a table which shows the current irrigation, the land which will no longer be irrigated, and the resulting 2711.3 acres at Picabo.

A transfer for groundwater licenses 37-02617 and 37-02620 is requested to make these rights applicable to all wells and the 2711.3 acres irrigated.

SURFACE WATER TRANSFER APPLICATIONS

An application for transfer was filed with IDWR in March of 1995. The application involved all 33 surface water rights, proposing to change the place of use of all rights to the land which is actually irrigated and to make all points of diversion applicable to all rights. This change would produce agreement between the recorded rights and the SRBA claims. To date, the application has not been reviewed or otherwise acted upon by IDWR.

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It is proposed to amend this pending transfer application to show a place of use of 2711.3 acres rather than the 2508 acres listed on the application.

Although the acreage listed on all of the rights would increase to 2711.3, this does not constitute an enlargement of the right over historical usage or recorded authorization, as shown by the overlap analysis. No increase in the diversion rate for each right, the total diversion volume, or the total consumptive use would occur.

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PICABO LIVESTOCK CO. -- ACRES FOR WATER RIGHT TRANSFER APPLICATIONS

Brockway Engineering, PLLC 2/10/97

CURRENTLY IRRIGATED AT PICABO (INCLUDING NEW PIVOT)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19	39			40							36	35	29	32	31	35	277
01S	20E	20						38	39		29	37	15	24	39	36	12	32	301
01S	20E	21			40	27					40	40	40	23	39	40	33	24	346
01S	20E	22							18	19	17	28	36	32					150
01S	20E	26									1	11	35	10					57
01S	20E	27	1	22	28	8	38	24	32	26	14	21	1	11	25	15	32	32	330
01S	20E	28	27	23	31	26	14	21	40	35	38	40	29	39	40	39	32	12	486
01S	20E	29	24	38	40	40	33	25	31	40	37	3			40	38	3	31	423
01S	20E	30	29	34	36	17	12	2		20					22	34			206
01S	20E	33	4	21			5												30
01S	20E	34	40	40			27	1											108
01S	20E	35						40	20										60

Total acres 2774

ACRES NO LONGER IRRIGATED

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19																	
01S	20E	20															1.0		1.0
01S	20E	21																	
01S	20E	22									7.6	4.0							11.6
01S	20E	26																	
01S	20E	27	1.0	0.9	2.1	8.0									1.5	1.0			14.5
01S	20E	28					5.7	1.6											7.3
01S	20E	29							8.1	1.8	8.7					8.6	1.1		28.3
01S	20E	30																	
01S	20E	33																	
01S	20E	34																	
01S	20E	35																	

Total acres 62.7

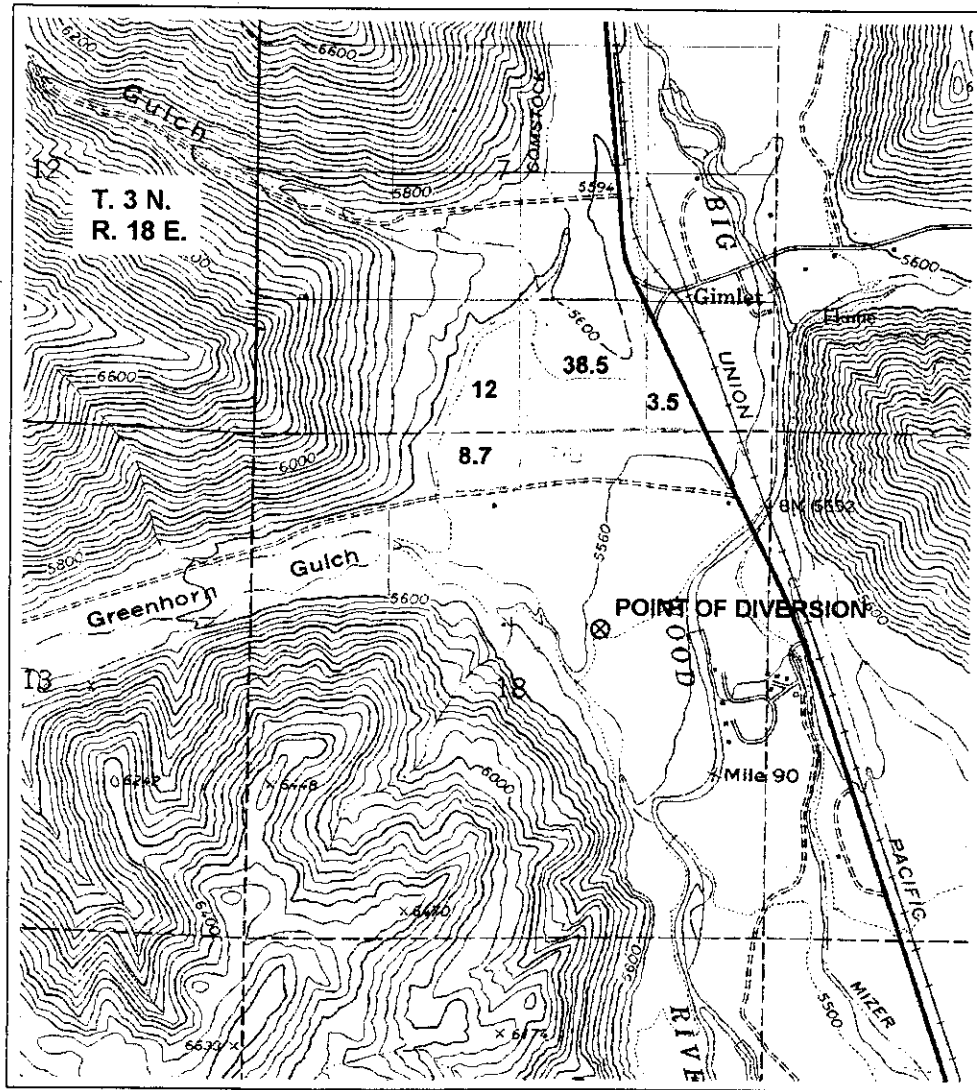
AFTER TRANSFERS

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19	39			40							36	35	29	32	31	35	277
01S	20E	20						38	39		29	37	15	24	39	36	11	32	300
01S	20E	21			40	27					40	40	40	23	39	40	33	24	346
01S	20E	22							18	19	9.4	24	36	32					138.4
01S	20E	26									1	11	35	10					57
01S	20E	27		21.1	25.9		38	24	32	26	14	21	1	11	23.5	14	32	32	315.5
01S	20E	28	27	23	31	26	8.3	19.4	40	35	38	40	29	39	40	39	32	12	478.7
01S	20E	29	24	38	40	40	33	25	22.9	38.2	28.3	3			40	29.4	1.9	31	394.7
01S	20E	30	29	34	36	17	12	2		20					22	34			206
01S	20E	33	4	21			5												30
01S	20E	34	40	40			27	1											108
01S	20E	35						40	20										60

Total acres 2711.3

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**WATER RIGHT TRANSFER APPLICATION FOR 37-02620
PLACE OF USE OF 37-02620B AFTER TRANSFER**

Point of diversion is existing irrigation well. Acres listed are those which would be covered by this transfer, not the total irrigated acreage. Distribution system consists of a mainline to a center pivot north of Greenhorn Road.

Brockway Engineering, PLLC 3/26/97

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PICABO LIVESTOCK GROUNDWATER TRANSFER
PUMP CAPACITIES AND POWER RECORD SUMMARY
 Brockway Engineering, PLLC 3/26/97

Pump I.D.	4420	4560	4430
Horsepower	60	50	30
Approx. pumping level (ft)	70	70	30
Pressure (psi)	0	0	0
Efficiency	0.75	0.75	0.75
Estimated Q (gpm)	2543	2119	2967
Estimated Q (cfs)	5.67	4.72	6.61
Design Q (gpm)	3900	2322	2907
<i>Kw</i>	44.56	37.22	37.22
Estimated total capacity	17.00 cfs		
Total of design flows	20.34 cfs		

Total KWH used:

Year	4420	4560	4430
1996	71770	0	No rec
1995	84538	0	16691
1994	112325	88730	34140
1993	63162	2517	No rec
1992	153698	127208	No rec
1991	110250	92274	No rec

<i>Calc</i>	1996	563	0	—	563
<i>AF2</i>	1995	662	0	183	525
	1994	880	695	374	1949
	1993	495	20	—	2404
<i>by</i>		1204	996	—	2200
<i>ADP</i>		864	723	—	1587

Section

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MAR 26 1997 master records.xls:Sheet2 Page 1

PICABO LIVESTOCK SURFACE WATER TRANSFER
SUMMARY OF WATERMASTER RECORDS 1992 - 1996
 Brockway Engineering, PLLC 3/26/97

11.5 - 5" 1060
 1.65
 400
 4.00
 60.00

Maximum recorded diversion rate (cfs)					
	1996	1995	1994	1993	1992
Gillihan	7.00	6.15	6.00	10.00	6.00
Albrethsen	1.96	1.96	3.00	1.96	4.00
Kilpatrick "O" Drain	20.49	20.06	20.06	30.20	5.00
Kilpatrick	29.52	32.00	31.56	33.00	22.50
Iden (F&G)	8.52	6.64	9.98	10.00	7.00
Iden	0.31	0.31	0.31	0.31	0.40
Total	67.80	67.12	70.91	85.47	44.90

← double count
 = same as

Total volume diverted (acre-feet)					
	1996	1995	1994	1993	1992
Gillihan	1207	1071	1552	1290	1566
Albrethsen	415	466	659	509	919
Kilpatrick "O" Drain	3370	2408	3844	3848	1291
Kilpatrick	6718	6725	6479	6586	5168
Iden (F&G)	1881	1328	1691	2052	1596
Iden	33	39	55	24	32
Total	13624	12037	14280	14307	10572

GW 563 845 1445 2064 2200

Total irrigation 2774 acres

7639 7934 9946 9945 7961

2.75 2.86 3.22 3.90 2.87



July 26, 1994

The Nature Conservancy
Attn: Paul Todd
P.O. Box 624
Picabo, ID 83348

RE: Our Order No. 20134
PICABO LIVESTOCK CO.

Dear Mr. Todd:

Attached is the Title Insurance Commitment relative to the above numbered order.

Copies of the Exceptions under Schedule B, Section 2 of the Commitment are also enclosed.

If you have any questions, or if we can be of further assistance to you, please let us know.

Very truly yours,

SAWTOOTH TITLE COMPANY

Heidi M. Howsden
Title Assistant

/hnh

Attachment(s)

cc: Picabo Livestock Co. - Nick Purdy

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MAR 26 1998

SAWTOOTH TITLE COMPANY

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 -- Requirements	3
SCHEDULE B-2 -- Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact

SAWTOOTH TITLE COMPANY

208-726-4595

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MAR 26 1998

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Ameson* SECRETARY

BY *Bandy Uall* COUNTERSIGNED

MICROFILMED

MAR 26 1998

SCHEDULE A

1. Commitment Date: **July 22, 1994 at 8:00 a.m.**
Order No. **20134**

2.	Policy or Policies to be Issued:	Policy Amount	Premium
(X)	Standard Owners Policy Form 1402.92 (10/17/92) Proposed Insured: THE NATURE CONSERVANCY	\$10,000.00	\$150.00
()	Loan Policy Form 1056.92 (10/17/92) Proposed Insured:	\$	\$
()	Endorsements		\$

3. Fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by:

PICABO LIVESTOCK COMPANY, INC., an Idaho corporation

4. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

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MAR 26 1998

EXHIBIT "A" TO COMMITMENT NO. 20134

TOWNSHIP 1 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 19: E1/2 NE1/4, Lot 4, SE1/4 SW1/4, S1/2 SE1/4
NW1/4 SE1/4 lying Southerly of O.S.L Railroad Right-of-Way. (Tax Lot 1676)
NW1/4 SE1/4 lying Northerly of State Highway Right-of-Way. (Tax Lot 1677)
NE1/4 SE1/4 lying Southerly of O.S.L Railroad Right-of-Way. (Tax Lot 1678)
NE1/4 SE1/4 lying Northerly of State Highway Right-of-Way. (Tax Lot 1679)

EXCEPTING THEREFROM the following described tract of land:

BEGINNING at a point 25 feet South of the East 1/4 corner; thence
South 220 feet; thence
West 594 feet; thence
North 220 feet; thence
East 594 feet to the TRUE POINT OF BEGINNING. (Tax Lot 4662)

SECTION 20: W1/2 NW1/4, N1/2 SW1/4, E1/2 SE1/4, NW1/4 SE1/4
SW1/4 SE1/4 lying Northerly of O.S.L Railroad and State Highway Right-of-Way. (Tax Lot 1738)
SW1/4 SE1/4 lying Southerly of O.S.L Railroad and State Highway Right-of-Way. (Tax Lot 1739)
SE1/4 SW1/4 lying Southerly of O.S.L Railroad and State Highway Right of Way. (Tax Lots 3775 and 3776)
SE1/4 SW1/4 lying Northerly of O.S.L Railroad and State Highway Right-of-Way. (Tax Lot 2936)
SW1/4 SW1/4 lying Southerly of O.S.L Railroad and State Highway Right-of-Way. (Tax Lot 2385)
SW1/4 SW1/4 lying Northerly of O.S.L Railroad and State Highway Right-of-Way. (Tax Lot 1734)

EXCEPTING THEREFROM THE FOLLOWING THREE PARCELS OF LAND:

BEGINNING at a point which bears S. 89° 31' E., 1240 feet and S. 01° 00' W., 1489 feet from the West quarter corner of said Section 20 and which is the TRUE POINT OF BEGINNING; thence
S. 89° 00' E., 120 feet; thence
S. 01° 00' W., 238 feet; thence
N. 71° 05' W., 70.4 feet; thence
N. 35° 43' W., 87.9 feet; thence
N. 01° 00' E., 146.8 feet; to the POINT OF BEGINNING. (Tax Lot 2935)

CONTINUED

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COMMENCING at a point which is 988 feet North of SW corner of Section 20, Township 1 South, Range 20 East, Boise Meridian and 624 feet East of said SW corner of said Section and which point is also 24 feet South of the Southerly side Oregon Short Line Railroad Right-of-Way; thence 150 feet Southeasterly parallel with the Southerly side of said Railroad Right-of-Way; thence Southwesterly at right angles to said first line 100 feet to the North side of Silver Creek; thence Westerly along the North side of Silver Creek to a point which is 150 feet Westerly of the preceding course extended and measured at right angles therefrom; thence Northeasterly 190 feet parallel to the second boundary line above mentioned to the POINT OF BEGINNING. (Tax Lot 2384)

BEGINNING at a point situated N. 62° 19' E., a distance of 1487.0 feet from the section corner common to Sections 19, 20, 29 and 30 of Township 1 South, Range 20 East, Boise Meridian; thence S. 70° 42' E., a distance of 1258.0 feet; thence S. 00° 00' E., a distance of 25.0 feet; thence S. 58° 44' W., a distance of 218.4 feet along the approximate centerline of Silver Creek; thence continuing along the approximate centerline of Silver Creek S. 76° 50' W., a distance of 234.0 feet; thence S. 61° 33' W., a distance of 251.1 feet along said centerline; thence S. 47° 54' W., a distance of 134.2 feet along said centerline; thence N. 80° 39' W., a distance of 86.1 feet along said centerline; thence N. 14° 02' W., a distance of 206.2 feet along said centerline; thence N. 35° 18' W., a distance of 373.7 feet along said centerline; thence N. 55° 54' W., a distance of 58.0 feet along said centerline; thence N. 33° 58' W., a distance of 172.2 feet along said centerline; thence leaving the said centerline of Silver Creek N. 19° 17' E., a distance of 130.0 feet to THE POINT OF BEGINNING. (Tax Lot's 3774 & 3774-1)

SECTION 21: S1/2 NE1/4, S1/2

SECTION 22: S1/2 NW1/4, SW1/4

SECTION 26: That portion of the SW1/4 NW1/4 and N1/2 SW1/4 lying Southerly of Silver Creek and Northerly of Highway Right-of-Way. (Tax Lot 3472)
SW1/4 SW1/4, EXCEPTING THEREFROM O.S.L. Railroad and State Highway Right-of-Way. (Tax Lot 1761)
NW1/4 SW1/4 lying Southerly of State Highway Right-of-Way. (Tax Lot 1760)
SE1/4 SW1/4 lying Southerly of State Highway Right-of-Way and Northerly of O.S.L. Railroad Right-of-Way. (Tax Lot 1762)
EXCEPTING THEREFROM that portion conveyed to State of Idaho, Idaho Transportation Department by deed recorded as Instrument No. 339187.

CONTINUED

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SECTION 27: E1/2 NW1/4, NW1/4 NW1/4, SW1/4 NE1/4 EXCEPT County Road Right-of-Way. SW1/4 NW1/4 lying Northerly of O.S.L Railroad and State Highway Right-of-Way. (Tax Lot 1752)
N1/2 NE1/4 lying Westerly of the centerline of Silver Creek. (Tax Lot 493)
SE1/4 NE1/4 lying Westerly of the centerline of Silver Creek. (Tax Lot 496)
That portion of the SW1/4 NW1/4 and W1/2 SW1/4 lying Southerly of the O.S.L Railroad and State Highway Right-of-Way. (Tax Lots 1049, 1050 and 1051)
NW1/4 SW1/4 lying Northerly of the O.S.L Railroad Right-of-Way. (Tax Lot 1753)
E1/2 SW1/4 lying Southerly of the O.S.L Railroad Right-of-Way and South and West of the Townsite of Picabo. (Tax Lot 1052)
NE1/4 SW1/4 lying Northerly of O.S.L Railroad and State Highway Right of Way. EXCEPTING THEREFROM Lot 1 of Silver Creek Supply Subdivision, according to the official plat thereof recorded as Instrument No. 336048.

A parcel of land being on the Southerly side of the centerline of U.S. Highway No. 20, Project No. FAP-127-D Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, and being a portion of the NE1/4 SW1/4 of Section 27, Township 1 South, Range 20 East, Boise Meridian, described as follows, to wit:

COMMENCING at an aluminum cap marking the Northeast corner of Section 27, Township 1 South, Range 20 East, Boise Meridian, which point lies N. 00°28'03" W., 2626.07 feet from an aluminum cap marking the East one-quarter corner of said Section 27; thence
S. 46°08'16" W., 4521.51 feet to a 1/2" rebar 40 feet Southerly from Station 777+41.49 of said U.S. Highway No. 20, Project No. FAP-127-D Highway Survey; thence
S. 11°41'24" E., 16.26 feet to THE REAL POINT OF BEGINNING; thence
continuing S. 11°41'24" E., 119.67 feet to a point which lies 25.0 feet Northerly from the original Union Pacific Railroad Centerline; thence
S. 71°05'28" E., 623.22 feet along a line 25.0 feet Northerly from and parallel with the original Union Pacific Railroad Centerline; thence
N. 18°54'32" E., 75.0 feet to a 1/2" rebar at the Southeast corner of Tax Lot 2944 and the North boundary of the original Union Pacific Railroad; thence
N. 71°05'28" W., 587.22 feet along said North boundary of the original Union Pacific Railroad; thence
N. 18°54'32" E., 41.03 feet; thence
N. 78°45'00" W., 97.78 feet to the REAL POINT OF BEGINNING.
Highway Station Reference: 777+41.49 to 784+50.

CONTINUED

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EXHIBIT "A" TO COMMITMENT NO. 20134

SECTION 27: NW1/4 SE1/4 lying Northerly of State Highway Right-of-Way. EXCEPTING THEREFROM Lots 1 and 2 of SILVER CREEK SUPPLY SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 336048. (Tax Lot 2940)
NE1/4 SE1/4 lying Northerly of State Highway Right-of-Way. EXCEPTING THEREFROM Lot 2 of SILVER CREEK SUPPLY SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 336048. (Tax Lot 2942)

NE1/4 SE1/4 lying South of State Highway No. 20 and North of Railroad Right-of-Way.

NW1/4 SE1/4 lying South of State Highway No. 20 and North of Railroad Right-of-Way.

EXCEPTING THEREFROM THE FOLLOWING FOUR PARCELS OF LAND:

BEGINNING at a point in the Southerly Right-of-Way boundary of said highway, which point bears S. 18° 55' W., 40.4 feet from Highway Station 791+45.7, which station is approximately 1940 feet North and 695 feet East from the South quarter corner of Section 27, Township 1 South, Range 20 East, Boise Meridian; thence S. 78° 45' E., along the Southerly Right-of-Way boundary of said highway 965.3 feet to an iron pin; thence S. 07° 11' E., 397.3 feet to an iron pin in the Northerly Right-of-Way boundary of the Ketchum Branch of the Union Pacific Railroad Company; thence N. 71° 05' W. along the Northerly Right-of-Way boundary of said railroad for 1132.0 feet to an iron pin; thence N. 18° 55' E., 228.5 feet to THE POINT OF BEGINNING.

AND

BEGINNING at a point which is located on the South edge of State Highway No. 20 and which is located 2183.8 feet N. 09° 57' W. from the South quarter corner, this point is located 220 feet S. 78° 45' E. from highway marker 778+20; thence S. 78° 45' E., 420 feet along the South side of State Highway No. 20; thence S. 18° 55' W., 142 feet to the North edge of Railroad Right-of-Way; thence N. 71° 05' W., 416 feet along the Right-of-Way; thence N. 18° 55' E., 86 feet to THE TRUE POINT OF BEGINNING.

AND

All of that 120 foot wide parcel conveyed to the Oregon Short Line Railroad Company by Warranty Deed dated August 10, 1911, and recorded September 22, 1911, in Book 77 of Deeds, page 93, records of Blaine County, Idaho.

AND

That portion conveyed to the State of Idaho, Idaho Transportation Department by deed recorded March 24, 1992, as Instrument No. 339187.

CONTINUED

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EXHIBIT "A" TO COMMITMENT NO. 20134

- SECTION 27:** All that portion of the S1/2 SE1/4 and the NW1/4 SE1/4 lying South of the O.S.L Railroad Right-of-Way and South and East of the Townsite of Picabo. EXCEPTING THEREFROM two tracts of land conveyed to Blaine County and described as Tax Lots 1792 and 1793. (Tax Lots 500 and 1794)
- SECTION 28:** S1/2, SW1/4 NW1/4, N1/2 NE1/4
NW1/4 NW1/4 EXCEPTING THEREFROM State Highway and O.S.L Railroad Rights-of-Way. (Tax Lots 1744 and 1745)
NE1/4 NW1/4 EXCEPTING THEREFROM State Highway and O.S.L Railroad Rights-of-Way. (Tax Lots 1746 and 1747)
SE1/4 NW1/4 EXCEPTING THEREFROM State Highway and O.S.L Railroad Rights-of-Way. (Tax Lots 1748 and 1749)
SW1/4 NE1/4 EXCEPTING THEREFROM State Highway and O.S.L Railroad Rights-of-Way. (Tax Lots 1045 and 1750)
SE1/4 NE1/4 EXCEPTING THEREFROM State Highway and O.S.L Railroad Rights-of-Way. (Tax Lots 1047 and 1751)
- SECTION 29:** NW1/4 NW1/4, S1/2 NW1/4, E1/2 SW1/4, SE1/4, S1/2 NE1/4
N1/2 NE1/4 EXCEPTING THEREFROM O.S.L Railroad Right-of-Way and State Highway Right-of-Way. (Tax Lots 1740, 1741, 1742 and 1743)
NE1/4 NW1/4, EXCEPTING THEREFROM a tract of land located in the S1/2 SW1/4 of Section 20 and the NE1/4 NW1/4 of Section 29, all in Township 1 South, Range 20 East, Boise Meridian, more particularly described as follows:
- BEGINNING at a point situated N. 62° 19' E., a distance of 1487.0 feet from the section corner common to Sections 19, 20, 29 and 30 of Township 1 South, Range 20 East, Boise Meridian; thence
S. 70° 42' E., a distance of 1258.0 feet; thence
S. 00° 00' E., a distance of 25.0 feet; thence
S. 58° 44' W., a distance of 218.4 feet along the approximate centerline of Silver Creek; thence
continuing along the approximate centerline of Silver Creek S. 76° 50' W., a distance of 234.0 feet; thence
S. 61° 33' W., a distance of 251.1 feet along said centerline; thence
S. 47° 54' W., a distance of 134.2 feet along said centerline; thence
N. 80° 39' W., a distance of 86.1 feet along said centerline; thence
N. 14° 02' W., a distance of 206.2 feet along said centerline; thence
N. 35° 18' W., a distance of 373.7 feet along said centerline; thence
N. 55° 54' W., a distance of 58.0 feet along said centerline; thence
N. 33° 58' W., a distance of 172.2 feet along said centerline; thence
leaving the said centerline of Silver Creek N. 19° 17' E., a distance of 130.0 feet to
THE POINT OF BEGINNING.

CONTINUED

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LEGAL DESCRIPTION PAGE 6

EXHIBIT "A" TO COMMITMENT NO. 20134

**SECTION 30: S1/2 NE1/4, N1/2 SE1/4, N1/2 NE1/4, E1/2 NW1/4
Lot 1, EXCEPTING THEREFROM the following described tract of land:**

**BEGINNING at a point 675 feet South of the Northwest corner of said Lot 1; thence
South along the Section line 300 feet; thence
East 145 feet; thence
North 300 feet; thence
West 145 feet to THE POINT OF BEGINNING. (Tax Lot 5659)**

SECTION 33: N1/2 NE1/4, E1/2 NW1/4

**SECTION 34: NE1/4 NE1/4
NW1/4 NW1/4, EXCEPTING THEREFROM Tax Lot 1051. (Tax Lot 1056)
NE1/4 NW1/4, EXCEPTING THEREFROM a Tract of land conveyed to Blaine County
and described as Tax Lot 1792. (Tax Lot 1795)
NW1/4 NE1/4, EXCEPTING THEREFROM Two Tracts of land conveyed to Blaine
County and described as Tax Lot's 1792 and 1793. (Tax Lot 1796)**

SECTION 35: W1/2 NW1/4

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MAR 26 1998**

SCHEDULE B – Section 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s) N/A
- (f) Other

- 1. We will require an original or a certified copy of the corporate resolution authorizing the sale of the property described herein and/or a copy of the By-Laws of said corporation.

(g) You must give us the following information:

- 1. Any off record leases, surveys, etc.
- 2. Other

IMPORTANT: If this transaction fails to close and/or this commitment is cancelled, a fee will be due and owing, which fee complies with the rates currently on file with the Department of Insurance, State of Idaho. We will consider the party who ordered this commitment, and/or the party benefiting from it, responsible for payment unless notified in writing within 30 days to the contrary.

NOTE: Copies of any of the Exceptions listed in Schedule B, Section 2 will be furnished upon request.

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SCHEDULE B - Section 2

Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents and state deeds or in acts authorizing the issuance thereto; water rights, claims, or title to water.
6. Any lien, or right to a lien for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 1994, a lien not yet due and payable.
8. Levies and Assessments of Carey Fire District.
9. Right-of-Way Deed in favor of Kilpatrick Brothers Company, recorded in Book 52 of Deeds, page 144.
10. Right-of-Way Deed in favor of the State of Idaho, recorded October 23, 1936, in Book 139 of Deeds, page 246, as Instrument No. 74382.
11. Easement granted in Right-of-Way Deed to the State of Idaho, recorded November 5, 1936, in Book 139 of Deeds, page 265, granting an easement adjacent to highway right of way for relocation of all irrigation and/or drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of the highway.
12. Right-of-Way Deed in favor of West Coast Power Company, recorded in Book 139 of Deeds, page 275, as Instrument No. 74566.
13. Right-of-Way Deed in favor of West Coast Power Company, recorded September 1, 1938, in Book 139 of Deeds, page 590, granting easement and right of way over, along and across a portion of NE1/4 SW1/4, Section 27, Township 1 South, Range 20 East.

CONTINUED

MICROFILMED
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ORDER NO. 20134
SCHEDULE B - SECTION 2 CONTINUED

14. Easement in favor of West Coast Power Company, recorded March 11, 1940, in Book 143 of Deeds, page 291, granting easement and right of way over, along and across a portion of the SE1/4 SW1/4, Section 20, Township 1 South, Range 20 East.
15. Right-of-Way in favor of Mountain States Telephone and Telegraph Company, recorded February 1, 1941, in Book 143 of Deeds, page 517, granting easement and right of way upon, over and across the SE1/4 SW1/4, E1/2 SE1/4 Section 21; SW1/4 NW1/4, W1/2 SW1/4 Section 22; W1/2 NE1/4, N1/2 SW1/4 Section 27; E1/2 NW1/4, NE1/4 SE1/4 Section 28; all in Township 1 South, Range 20 East.
16. Power Line Easement in favor of Idaho Power Company, recorded August 24, 1956, in Book 166 of Deeds, page 610, as Instrument No. 108238.
17. Power Line Easement in favor of Idaho Power Company, recorded June 14, 1961, in Book 176 of Deeds, page 123, granting right of way and easement over, on and across the NW1/4 NE1/4 Section 29; SW1/4 SE1/4 Section 20; all in Township 1 South, Range 20 East.
18. Power Line Easement in favor of Idaho Power Company, recorded in Book 176 of Deeds, page 124, as Instrument No. 115576.
19. Power Line Easement in favor of Idaho Power Company, recorded in Book 176 of Deeds, page 291, as Instrument No. 116671.
20. Any interest of the State of Idaho in and to that portion of said land lying below the high water mark of Silver Creek.
21. Power Line Easement in favor of Idaho Power Company, recorded February 23, 1966, as Instrument No. 124171, granting right of way and easement over, on and across NE1/4 NW1/4 NE1/4 Section 27, Township 1 South, Range 20 East.
22. Right-of-Way in favor of Mountain States Telephone and Telegraph Company, recorded July 11, 1967, as Instrument No. 127361, granting right of way and easement upon, under and across the NW1/4 of Section 27, Township 1 South, Range 20 East.
23. Power Line Easement in favor of Idaho Power Company, recorded October 3, 1972, as Instrument No. 145889, granting right of way and easement over, on and across SW1/4 SW1/4 Section 26; SE1/4 SE1/4 Section 27; NE1/4 NE1/4 Section 34; all in Township 1 South, Range 20 East.

CONTINUED

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ORDER NO. 20134
SCHEDULE B - SECTION 2 CONTINUED

24. Easement for construction, operating and maintaining a landing strip, granted to Blaine County Airport Commission, by document recorded October 11, 1973, as Instrument No. 151453. Affects the NE1/4 SW1/4 and NW1/4 SE1/4 of Section 27, Township 1 South, Range 20 East.
25. Power Line Easement in favor of Idaho Power Company, recorded January 29, 1975, as Instrument No. 158098, granting right of way and easement over the NE1/4 NW1/4 of Section 30, Township 1 South, Range 20 East.
26. Power Line Easement in favor of Idaho Power Company, recorded March 9, 1982, as Instrument No. 224491, granting easement and right of way on, over and across the N1/2 SE1/4 and SE1/4 SE1/4 of Section 19 and SW1/4 SW1/4 of Section 20, Township 1 South, Range 20 East.
27. Right-of-Way Easement in favor of Mountain States Telephone and Telegraph Company, recorded February 24, 1983, as Instrument No. 235687, granting right of way and easement upon, over, under and across a portion of the SW1/4 Section 27, Township 1 South, Range 20 East.
28. UCC-1 Financing Statement covering fixtures.
Recorded: August 16, 1991, as Instrument No. 332709.
Debtor: Picabo Livestock Company, Inc.
Secured Party: First Security Leasing Company.
29. Easement Agreement by and between Picabo Livestock Co., Inc., an Idaho corporation and Tick Tock Corporation, an Idaho corporation, recorded June 11, 1992, as Instrument No. 341740. Affects the N1/2 SW1/4 and S1/2 NW1/4 of Section 20, Township 1 South, Range 20 East.
30. Financing Statement covering irrigation equipment.
Recorded: June 27, 1991, as Instrument No. 331248.
Debtor: Picabo Livestock Company, Inc.
Secured Party: First Security Leasing Company.
31. Power Line Easement in favor of Idaho Power Company, recorded March 17, 1993, as Instrument No. 350921.
32. A Mortgage, Assignment of Rents and Security Agreement to secure an indebtedness in the principal sum of \$2,620,000.00, recorded May 23, 1994, as Instrument No. 366226 in Blaine County and recorded May 25, 1994 at 11:59 a.m. in Butte County, as Instrument No. 028031.
Dated: May 6, 1994.
Mortgagor: Picabo Livestock Company, Inc, an Idaho corporation.
Mortgagee: John Hancock Mutual Life Insurance Company, a corporation.
(Affects Additional Property)
33. The Use Agreement from Picabo Livestock Company, Inc., an Idaho corporation, to James B. Cruzen, recorded November 27, 1967, as Instrument No. 128454 has been subordinated to the lien of the Mortgage, Assignment of Rents and Security Agreement noted above by instrument recorded May 23, 1994, as Instrument No. 366227.

The following numbered exceptions -0- may be eliminated in an ALTA Extended Coverage Policy.

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MAR 26 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Replaced
2/28/97

Name of applicant Picabo Livestock Co Inc Phone 788-3539
Post Office address PO Box 688, Picabo, ID 83348

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create permissible place of use
2. Describe the reason for the proposed changes To show how rights are presently used by tying all rights together from all diversion points. Recorded rights will then agree with SRBA claims. This will legalize previous unrecorded transfers without having to wait for the SRBA to be completed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use REGULATED Period of Use _____ to _____
See Attachment A FEB 28 1997 to _____
Department of Water Resources
Southern Region
2. Total amount of water being transferred 72,979 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Loving Creek 72,979 tributary to Silver Creek
Silver Creek Little Wood River
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
								<u>See Attachment B</u>

5. Lands irrigated or place of use:

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				SUM
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
		Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
01S	20E 19	39			38					30	38	15	20	25	32	27	36	271.0
01S	20E 20						38	38		39	40	40	25	40	35	12	35	301.0
01S	20E 21			39	28										39	37	25	352.0
01S	20E 22							18	19	16	25	37	36					151.0
01S	20E 26											30	08					38.0
01S	20E 27																	
01S	20E 28		21	22		38	24	30	22	14	24	02	08	07	10	27	27	276.0
01S	20E 29	22	23	29	21	17	25	40	35	38	40	29	38	40	39	32	10	478.0
01S	20E 30	28	38	40	40	34	27	31	40	37	03			40	38	02	28	424.0
01S	20E 31						02	01-02										34.0
01S	20E 33	20			10													33.0
01S	20E 34	05	21			07												85.0
01S	20E 35	32	20			32	01	30										65.0
01S	20E 35						35	30										2508.0

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TOTAL ACRES 2508.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Headgate #11 & Gilligan Ditch; Headgate #17 & Albrethsen Ditch;
Headgate #18 & Kilpatrick Ditch; Headgate #19 & Eden Ditch

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or
N/A contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of
trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

P/U description is being changed to show how rights have actually been
used for many years.

d. Remarks:

This transfer is being filed to avoid possible delivery problems with the
District 37-M watermaster.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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ATTACHMENT A

B.1. Rights To Be Transferred, After Requested Change

Right Number	Priority	Amount CFS	Usage
37-00021	9-1-1887	5.6	Irrigation
37-00022	6-17-1899	1.0	"
37-00186A	7-1-1886	0.388	Irrig/Domestic
37-00186B	"	0.012	"
37-00187	11-1-1892	1.6	"
37-00188	6-1-1893	1.6	"
37-00189	4-1-1889	1.8	"
37-00213A	4-1-1885	0.75	"
37-00213B	"	0.05	"
37-00214	4-1-1887	1.0	"
37-00215E	6-15-1899	3.876	"
37-00215F	"	0.124	"
37-00216	4-1-1885	0.80	"
37-00217	4-1-1887	1.0	"
37-00218	6-1-1889	0.74	Irrigation
37-00219	6-1-1893	1.2	Irrig/Domestic
37-00333	11-1-1889	1.6	Irrigation
37-00351 ~~A~~ E	6-1-1886	0.25	"
37-00352 ~~A~~ E	"	0.60	"
		<u>0.27</u>	Stockwater
		0.60	total
37-00376B	9-1-1883	0.624	Irrig/Domestic
37-00376D	"	0.80	"
37-00376E	"	18.27	"

MICROFILMED
MAR 26 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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MAR 26 1998

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 29th day of March, 19 95.

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. E. Stanton Date 3-29-95 Protest filed by _____Prelim. check by _____ Fee \$100, 5017927Receipted by JA Date 3-29-95

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED
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MAR 26 1998 MAR 29 1995

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, WITHIN AND FOR LINCOLN COUNTY.

S.C. Frost, et al,

Plaintiffs, :

VS.

Alturas Water Company et al,

Defendants.)

RECEIVED

FEB 13 1996

Department of Water Resources

MICROFILMED
MAR 26 1998

RECEIVED

JAN 23 1981

Department of Water Resources
Southern District Office

Certain of the defendants, in the above entitled cause, to-wit: Martin Albretson
Michael Brown, Catharine Brown and M.S. Lawson having heretofore, duly filed their motions
to correct clerical errors in the Final Decree, in said cause, which motions pursuant
to notices, duly served upon the attorneys for the plaintiffs, and for the other defendants
in said cause, came on to be heard before the undersigned, special Judge for the
trial of said cause, at Chambers in the City of Pocatello, Idaho, on the 27th and 28th
days of November, 1911, and after hearing thereon the same were taken under advisement,
and now at this day the said Judge being sufficiently advised of and concerning the
premises, it is ordered that the said motions be sustained, and the said final decree
corrected so as to read as follows, as to the waters allotted to said parties thereby,
to-wit;

Albretson Martin 280 inches from Sept. 1. 1887 Silver Creek.

JUN 04 1996

Michael Brown, Catherine Brown and M.S. Dawson having heretofore, duly filed their motions to correct clerical errors in the Final Decree, in said cause, which motions pursuant to notices, duly served upon the attorneys for the plaintiffs, and for the other defendants in said cause, came on to be heard before the undersigned, special Judge for the trial of said cause, at Chambers in the City of Pocatello, Idaho, on the 27th and 28th days of November, 1911, and after hearing thereon the same were taken under advisement, and now at this day the said Judge being sufficiently advised of and concerning the premises, it is ordered that the said motions be sustained, and the said final decree corrected so as to read as follows, as to the waters allotted to said parties thereby, to-wit;

37-001 Albratson Martin 280 inches from Sept, 1. 1887 Silver Creek.

37-002 " " 50 " " June 17, 1899 " "

37-0103 Brown, Michael, Mary & Catherine, and Sarah Sweet, 160 inches dating from August 1st, 1884, To be taken out of the Brown Bros & Miner, otherwise called the Miller & Packard Ditch, for irrigating the W¹/₂SE¹/₄ of Section 8. T.1. N.R. 19.E.

GIVEN under my hand, this 15th day of February, 1912.

(Sgd) Alfred Budge,

District Judge.

STATE OF IDAHO
COUNTY OF LINCOLN

I SS.
I

I. Harry W. Anderson, Clerk of the District Court and Ex-officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full

JUN 04 1996

MICROFILMED
MAR 26 1998

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

S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

DECREE.

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

JUL -12-4 1906

MICHAEL
MAR 26 1998

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 H. [Signature]

Presiding Judge.

JUN 04 1996
-31-

MICROFILMED
MAR 26 1998

right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Malad or Big Wood River and its tributaries, situated in the counties of Blaine and Lincoln, State of Idaho, their priorities to date from the times hereinafter named, to-wit:

37 0003	Abbott, George H.	100 inches.	86	June 18, 1883.	Soldier Creek. Trans #901
37 0004	Abbott, William G.	105	36	Nov. 24, 1883.	Big Wood River. TRANS #3589 (From Riley ditch.)
37 0005	Adams, Henry W.	150	33	Nov. 10, 1883.	Big Wood River.
37 0006	Adams, Jacob	150	✓	May 1, 1881.	Silver Creek.
37 0007	"	125	95	Apr. 1, 1885.	" "
37 0008	"	30	129	Apr. 1, 1887.	" "
37 0009	Adamson, Margaret	85			Little Wood River Canal Company shares.
37 0010	Ainsworth, James	80	21	Apr. 15, 1884.	Little Wood River.
37 0011	"	80	57	June 20, 1883.	" " "
37 0012	Ainsworth, J. L.	20	71	Apr. 15, 1884.	" " "
37 0013	"	8	46	May 15, 1883.	" " "
37 0014	Ainsworth, Joseph	72	46	May 15, 1883.	" " "
37 0015	"	70	71	Apr. 15, 1884.	" " "
37 0016	Albrethson, Albert	110	48	May 1, 1883.	" " "
37 0017	"	50		July 9, 1886.	" " "
37 0018	"	50	45	Apr. 1, 1889.	" " "
37 0019	"	20	45	June 30, 1889.	" " "
37 0020	"				Little Wood River Canal Company shares.
37 0021	Albrethson, Martin	200	42	Sept. 1, 1887.	Silver Creek.
37 0022	"	50	215	June 17, 1899.	(Exclusive right from pond.)
37 0023	"	60 cubic ft.		Aug. 2, 1902.	Silver Creek. (For power purposes.)
37 0024	"	100 inches.	45	Nov. 23, 1883.	Big Wood River. TRANS #3589 (From Riley ditch.)

Abbott, George H. SE 1/4 of Sec. 32, T. 1 N., R. 14 E., 160 acres.

Abbott William G. W 1/2 of NW 1/4, NE 1/4 of SW 1/4, Sec. 10,
T. 2 N., R. 18 E.

Adams, Henry W. E 1/2 of SE 1/4 of Sec. 26, Lot 2 of Sec. 36, &
Lot 3 of Sec. 35, T. 2 N., R. 18 E., B. M.,
containing 147.50 acres.

Adams, Jacob NW 1/4 of Sec. 20, T. 2 S., R. 21 E., 160 acres;
also, SW 1/4 of Sec. 29, T. 2 S., R. 21 E.,
containing 160 acres.

Adamson, Margaret Commencing at a point 48 feet E and 51 feet S of
NW corner of NW 1/4 of the NE 1/4 of Sec. 27,
T. 1 S., R. 21 E., running thence E. 28.3 rods,
thence S 28.3 rods, thence W 28.3 rods, thence
N 28.3 rods, to place of beginning, containing
five acres.

Ainsworth, James S 1/2 of NW 1/4 and Lots 3 & 4 of Sec. 2, T. 2
S., R. 21 E., containing 158.38 acres; also
N 1/2 of SW 1/4 of Sec. 2, T. 2 S., R. 21 E.,
containing 80 acres.

Ainsworth, J. L. NE 1/4 of SE 1/4 of Sec. 34, T. 1 S., R. 21 E.

Ainsworth, Joseph S 1/2 of SW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE
1/4 and NW 1/4 of SW 1/4 of Sec. 35, T. 1 S.,
R. 21 E., containing 200 acres.

Albrethson, Albert S 1/2 of NW 1/4 of Sec. 26, and S 1/2 of NE 1/4
of Sec. 27, T. 1 S., R. 21 E., containing 160
acres; also, SW 1/4 of NE 1/4, SE 1/4 of NW
1/4, and Lot 3, of Sec. 2, T. 1 N., R. 20 E.,
and SE 1/4 of SW 1/4 of Sec. 35, T. 2 N., R.
20 E., containing 159.09 acres.

Albrethson, Martin SE 1/4 of Sec. 19, N 1/2 of NE 1/4, NE 1/4 of
NW 1/4 and Lot 1 of Sec. 30, T. 1 S., R. 20

E., containing 320 acres. Also, SE 1/4 of SE 1/4, & NE 1/4 of SE 1/4 of Sec. 4; S 1/2 of SW 1/4 of Sec. 3; & NE 1/4 of NW 1/4 of Sec. 10; all in T. 2 N., R. 18 E., B. M.

Allen, Calvin S.

NW 1/4 of SW 1/4, S 1/2 of NW 1/4 of Sec. 11, and SE 1/4 of NE 1/4 of Sec. 10, T. 5 S., R. 16 E., containing 160 acres.

Allred, George

W 1/2 of SW 1/4 and Lot 4 of Sec. 1, NE 1/4 of SE 1/4 and Lot 1 of Sec. 2, T. 1 S., R. 18 E., S 1/2 of SE 1/4 Sec. 35, T. 1 N., R. 18 E.

Angel, Mary E.

Block No. 7, in the townsite of Hailey. Also, Commencing at the center of the Westerly end of Bullion Street, in the town of Hailey, 140 feet of the Westerly side of River Street, thence running along the line of Bullion Road in a direct line towards the center of the Easterly abutment of the old Bullion bridge built in 1881, to a point about 30 feet Easterly of the center of said abutment, on the West line of the North-East corner of the South-West Quarter of Sec. 9, T. 2 N., R. 18 E., thence Southerly on said line, across said Wood River to the Westerly bank thereof, thence along the Westerly bank of Wood River to the section line between Sections 9 and 16, Township and Range aforesaid, thence Easterly, on said section line, to the alleyway on the Westerly side of the Hailey townsite, and 140 feet Westerly from River Street, thence Northerly, along the Westerly line of said alleyway, to the place of beginning, being parts of SE 1/4

JUN 04 1986

**STARTING
RIGHT
SIDE OF
FILE**



State of Ida.

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON
WATERMASTER
BOX T
SHOSHONE ID 83352

RE: TRANSFER OF WATER RIGHTS 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
(Transfer 5046)

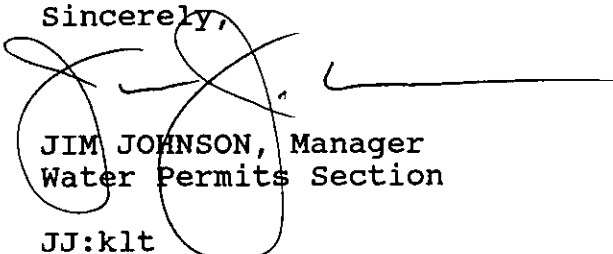
Dear Lee:

Enclosed is a copy of the recently approved **amended** Transfer of Water Rights for the above referenced water rights (Transfer No. 5046) in the name of Picabo Livestock Company.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

UNRECORDED

MAY 14 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1998

PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348

RE: Water Rights 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 (Transfer 5046)

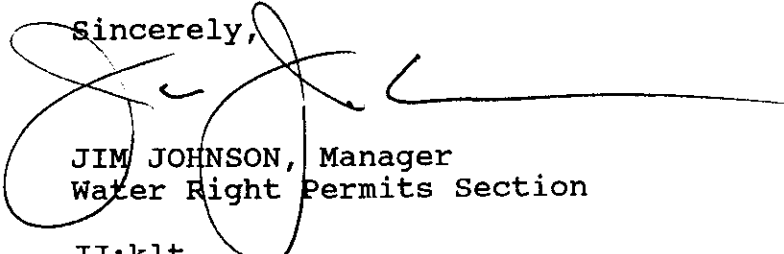
Dear Water Right Holder(s):

Enclosed is a copy of your approved **Amended** Transfer of Water Right for the above referenced water rights (Transfer 5046). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

Also, please be advised that the accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to Section 67-5243, Idaho Code. Enclosed are instructions for responding to **preliminary orders** if you are in disagreement with the approved transfer.

If you have any questions regarding this matter, you may telephone me at 208-327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

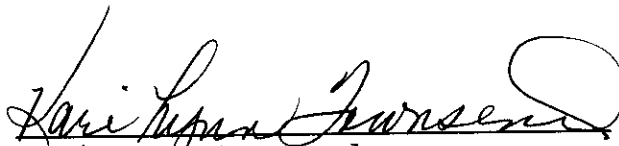
MAY 14 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 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 (Transfer 5046)

PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348-0688


Kari Lynn Townsend
Secretary

MICROFILMED
MAY 14 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAY 14 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 4.22.98

TO: Chuck Broadway FROM: Jim Johnson
208-736-8506 IDWR

DOCUMENT DESCRIPTION: Amended transfer for
Picabo Livestock Co.

COVER SHEET + 9 PAGES

CONTACT: Kim Lynn IF YOU DO NOT RECEIVE ALL THE PAGES
327-7941

THANK YOU!

MICROFILMED

MAY 14 1998

* P. 01 *
* | TRANSACTION REPORT *
* APR-22-98 WED 02:52 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# *
* ----- *
* APR-22 02:47 PM 6-912087368506--8093 5'28" 10 SEND OK *
* *****

MICROFILMED
MAY 14 1998

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 14 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 24, 1998

PHILIP E. BATT
GOVERNOR

PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348-0688

KARL J. DREHER
DIRECTOR

RE: Water Rights 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 (Transfer 5046)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5045). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

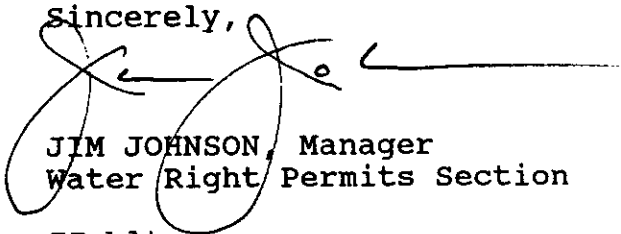
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

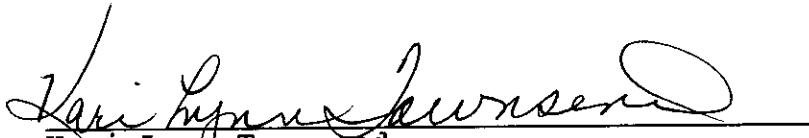
MICROFILMED
MAR 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 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 (Transfer 5046)

PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348-0688


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON
WATERMASTER
BOX T
SHOSHONE ID 83352

RE: TRANSFER OF WATER RIGHTS 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
(Transfer 5046)

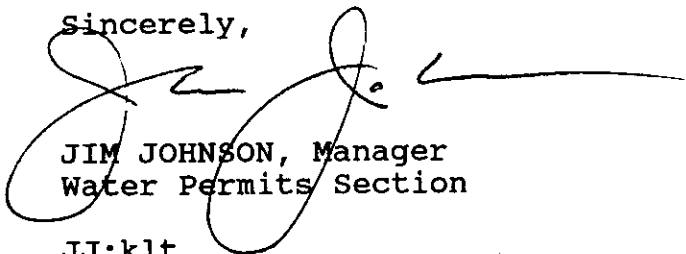
Dear Lee:

Enclosed is a copy of the recently approved Transfer of Water Rights for the above referenced water rights (Transfer No. 5046) in the name of Picabo Livestock Company.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

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MAR 26 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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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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Pico Lake Livestock

2/14/99

Stockwater Use (as per Nick Pugh - table)

Max load 2000 animals - summer

Min load 500 animals - Jan - April

Assume evenly spread throughout season

Diet variation - 3/4 daytime 1/4 night

$$2000 \times 12 \text{ gal} = 24000 \text{ gal.}$$

$$\text{Daytime} - 3/4 (8 \text{ am} - 8 \text{ pm}) = 18,000 \text{ gal.}$$

$$18,000 / 12 \text{ hrs} = 259 \text{ gal/hr} = .0557$$

$$\text{Assume peak multipliers} = 3$$

$$\therefore 3 \times .0557 = \underline{.17 \text{ cfs. peak}}$$

$$\text{Volume: } \overset{\text{sum}}{\underset{\text{409}}{1500}} \times 240 \times 12 = 4,320,000$$

$$+ 500 \times 125 \times 12 = 750,000$$

$$5,070,000 \text{ gal/yr.}$$

$$= \underline{15.56 \text{ cfs/yr.}}$$

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FEB 18 1998

DEPARTMENT OF WATER RESOURCES

 C. E. Graham
 2/19/1999

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934-2188
934-636

Picabo Land & Livestock
Stockwater use.

C.E. Prockway

Max # Range Cattle on Ranch 2000 summer
11/12 # 300 Jan 1 - April 1

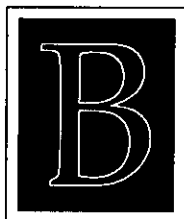
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DEPARTMENT OF WATER RESOURCES

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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NOV 03 1997

Department of Water Resources

October 30, 1997

Mr. Norm Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Picabo Livestock transfer application Nos. 5044, 5045 & 5046

Dear Norm:

I have spoken with Allen Merritt and the applicant, Nick Purdy, about the above-referenced water right applications relative to your concerns about potential interference with existing in-stream flow rights in Silver Creek. I understand that because the transfers would make all rights appurtenant to all Silver Creek and Loving Creek points of diversion, you are concerned that the flow remaining in the creek could be impacted if the relative amount withdrawn from each headgate were to vary from historical values.

The applicable in-stream flow right is license 37-07727 for 99 cfs, covering a 7-mile reach from 0.5 miles upstream of Sullivan Lake to 0.75 miles due north of Picabo. All of the Picabo Livestock diversions from Silver Creek lie within the first 3 miles of this reach (the Gillihan diversion is on Loving Creek, which joins Silver Creek just downstream of the beginning of the reach).

Mr. Purdy has agreed to allow conditions to be established in the course of this transfer to avoid any future decreases in streamflow over those established historically. Specifically, the proposal is as follows:

1. The maximum diversion rate from 1992 to 1996, as determined by the watermaster of District 37, shall be used as a baseline. These values are given below.

Diversion	Maximum rate (cfs)	Year of maximum
Gillihan	10.00	1993
Albrethsen	4.00	1992
Kilpatrick	33.00	1993
Iden (F&G)	10.00	1993
Iden	0.40	1992

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MAR 26 1998

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

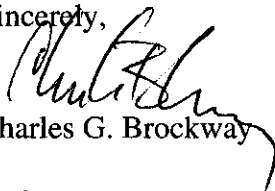
FAX: 736•1746

2. At the four diversion points (Gillihan, Kilpatrick, Albrethsen, and Iden), the diversion rate may not be increased above the historical maximum rate, unless the diversion rate is decreased accordingly at an upstream diversion (I am enclosing a map which shows the diversion locations).

In practice, this means that the rate diverted from each point of diversion could not exceed the historical maximum, unless water was shifted downstream to that diversion point. For example, water which was historically diverted from the Gillihan could be diverted instead from the Kilpatrick, but water historically diverted from the Albrethsen could not be diverted from the Gillihan.

Please review this proposal and determine if attaching these conditions will resolve the concerns you have so that the approval process can be expedited.

Sincerely,



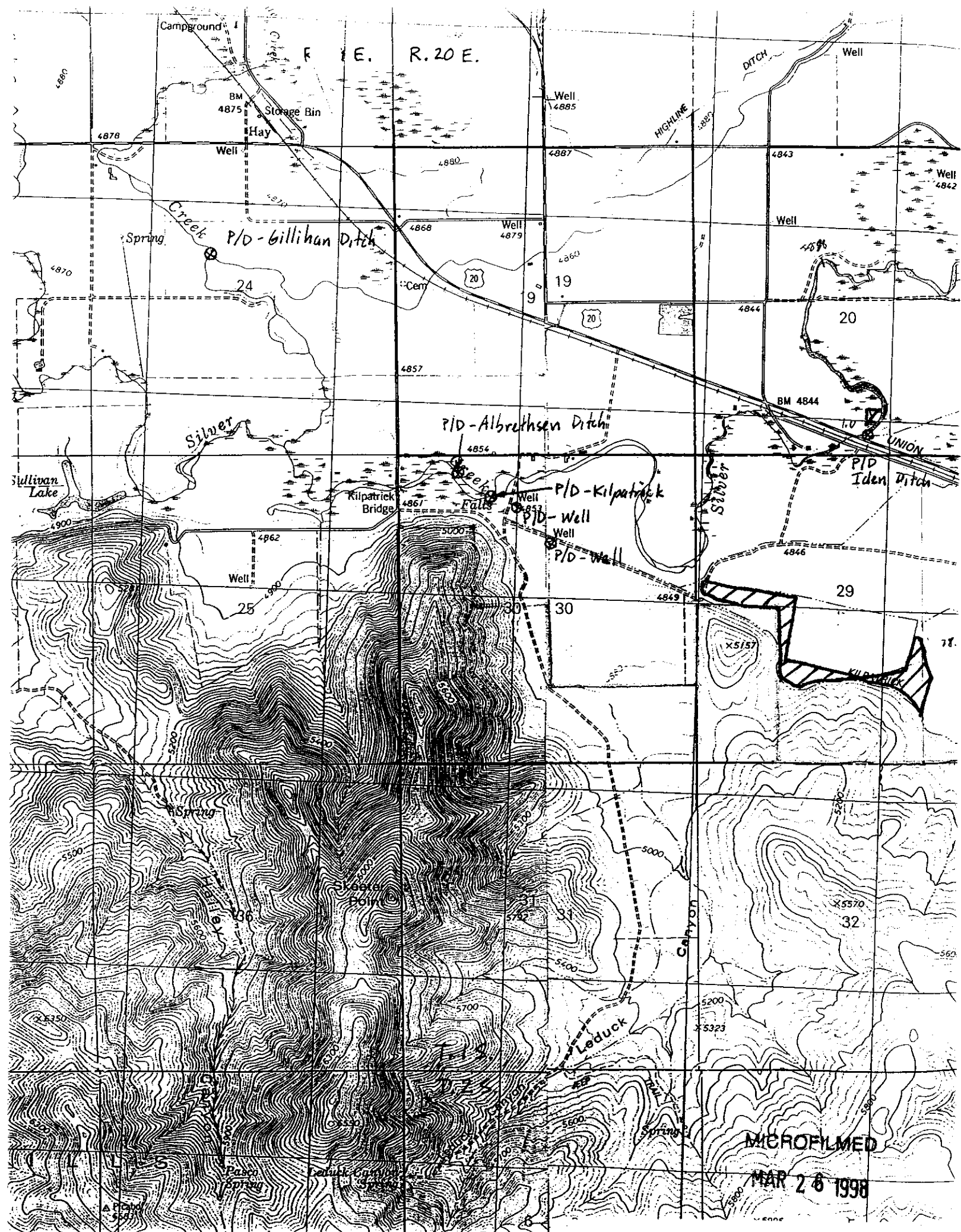
Charles G. Brockway

enclosure

cc: Nick Purdy

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MAR 26 1998



FROM: Allen Merritt *AM*

DATE: September 25, 1997

TO: Transfer File Nos.: 5044, 5045 & 5046
In the Name of: Picabo Livestock Co.

SUBJECT: Review and Recommendation

These three transfers deal with creation of a PPU on the main block of Picabo Livestock Co. lands (Picabo PPU) in the vicinity of Picabo Idaho. One transfer also serves to split a groundwater right and move a portion up the valley to provide groundwater for lands (Greenhorn) presently irrigated by groundwater via an SRBA enlargement claim A37-14258. (The Greenhorn lands are also served by surface decrees from the Big Wood River.) No new wells or points of diversion will be developed pursuant to these transfers (all presently exist). These three transfers should be reviewed together. Note that a large map exists in file 5044 showing the delivery system for the Picabo PPU. There is also a map in 5046 comparing recorded acres of the rights. As seen the Picabo lands have numerous rights associated with irrigation. These rights are relatively vague in describing the extent of use. The transfers purport to remove this vagueness as well as reduce the historical place of use by 62.7 acres to allow moving a portion of one groundwater right up the valley to the Greenhorn lands. Since the groundwater is in some respects supplemental at both sites, it may not be necessary in one respect to dry up acres; but on the otherhand, there is potential to expand use from the wells on the Picabo PPU. Maybe the reduction of acres mitigates this expansion potential.

Transfer 5046 deals mainly with creating the 2711.3 acre Picabo PPU for the 33 surface water rights. This transfer was processed without protest. The surface rights will be diverted into four diversions (1 from Loving Creek & 3 from Silver Creek)

Transfer 5044 deals with including two groundwater rights in the Picabo PPU. This transfer was processed without protest. The groundwater rights are diverted from 3 existing wells which augment surface diversions.

Transfer 5045 deals with another groundwater right but a portion is proposed to be moved to the Greenhorn lands to be diverted from an existing well and the remainder stays within the Picabo PPU to be diverted from the same three existing wells mentioned in transfer 5044. This transfer was protested by parties concerned in the Greenhorn area but the protest was resolved by agreement among parties. The agreement should be made part of any approval.

REVIEW

Forfeiture does not appear to be an issue. Expansion does not appear to be an issue. The points of diversion on Silver Creek are

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MAR 26 1998

all within the reach covered by minimum flow right 37-07727; I do not think this transfer is affected by this right but may need to have legal review and special conditions prepared. My analysis of Brockway's figures for what amount of water has historically been delivered does not arrive at Brockway's amount but in either analysis it does not appear to bear on final approval.

On final review I have found a typo in the description of the well on the Greenhorn property. It should be SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Twp.03N, Rge.18E, B.M. I believe we should not require re-advertising of this minor change since it was protested and in resolution the agreement specifies no new wells to be drilled. Adequate notice has been given.

RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions: R04, R43, T02, T07, T08, T09, 065, No new wells or diversion headgates authorized to be developed under approvals.

Additionally for 5045: 020, Correct typo, No New wells authorized to be developed under approval. No newly irrigated acres are allowed to be developed as a result of this transfer. Rights 37-02632 and 37-08854 are diverted from the same well in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Twp.03N, Rge.18E, B.M.

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The Idaho Statesman

P.O. BOX 49, BOISE, IDAHO 83707-0049

MAY 09 1997

Department of Water Resources

Southern Region

LEGAL ADVERTISING INVOICE

Amount Due

\$148.20

100564

Ordered By

Legal Notice

P.O. Number

Rate

Run Dates

Mary Baldwin
Mary Baldwin
STATE OF IDAHO
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

NT

April 24, May 1, 1997

Estimated Inches

Real Inches

Affidavits

Legal Number

1

7490

Errors noted 5/9/97

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that PICABO LIVE-STOCK CO., P.O. BOX 688, PICABO, IDAHO, has applied to the Department of Water Resources for changes to the following described water right(s) pursuant to Section 42-272 of Idaho Code:

The purpose of the transfers is to add points of diversion and change the place of use to correspond with actual use on a ranch near Picabo. Additionally, to move acres served by groundwater from the Picabo area lands presently irrigated near Greenhorn Gulch.

Transfer No. 5044:
PRESENTLY Water Right Nos. 37-02617 (Priority date: 6/23/1959 for 3.72 cfs) and 37-02620 (Priority date 7/28/1959 for 3.46 cfs) are diverted from a well within NE1/4NW1/4, S30, T1S, R20E; Blaine County to irrigate 340 acres within parts of S19 and S30, T1S, R20E.

PROPOSED CHANGES:
The rights will be diverted from three (3) wells within SWSE, S20; SWNE, NENW, S30; T1S, R20E for the irrigation of 340 acres within 2711.3 acre place of use located in Sections 19-22, 26-30, 33-35, T1S, R20E.

Transfer No. 5045:
PRESENTLY Right No. 37-02627 (Priority date: 12/9/1959 for 11.90 cfs) is diverted from wells located in the SW1/4SE1/4, S20; and SW1/4NE1/4, S30; T1S, R20E; Blaine County, for the irrigation of 2559 acres within parts of, Sections 19-22, 27-30, 33 and 34, T1S, R20E.

PROPOSED CHANGES:
This right will be split into parts A & B. Part A (10.45 cfs) to be diverted from wells in the SWSE, S20; SWNE and NENW, S30; T1S, R20E for irrigation of 2496.3 acres within same 2711.3 acres proposed in Transfer 5044. Part B (1.45 cfs) to be diverted from a well in the SWNW, S18, T3N, R18E for irrigation of 62.7 acres within parts of S07 and S18, T03N, R18E.

Transfer No. 5046:
PRESENTLY Decreed Right Nos. 37-00021 (Priority 9/1/1887 for 5.60 cfs), 37-00022 (Priority 6/17/1899 for 1.00 cfs), 37-00186A (Priority 7/1/1886 for 0.39 cfs), 37-00186B (Priority 7/1/1886 for 0.61 cfs), 37-00187 (Priority 11/1/1892 for 1.60 cfs), 37-00188 (Priority 6/1/1893 for 1.60 cfs), 37-00189 (Priority 4/1/1889 for 1.80 cfs), 37-00213A (Priority 4/1/1885 for 0.75 cfs), 37-00213B (Priority 4/1/1885 for 0.05 cfs), 37-00214 (Priority 4/1/1887 for 1.00 cfs), 37-00215E (Priority 6/15/1899 for 3.88 cfs), 37-00215F (Priority 6/15/1899 for 0.12 cfs), 37-00216 (Priority 4/1/1885 for 0.80 cfs), 37-00217 (Priority 4/1/1887 for 1.00 cfs), 37-00218 (Priority 6/1/1889 for 0.74 cfs), 37-00219 (Priority 6/1/1893 for 1.20 cfs), 37-00333 (Priority 11/1/1889 for 1.6 cfs), 37-00351A (Priority 6/1/1886 for 0.25 cfs), 37-00352A (Priority 6/15/1887 for 0.50 cfs), 37-00376B (Priority 9/1/1883 for 0.62 cfs), 37-00376D (Priority 9/1/1883 for 0.80 cfs), 37-00376E (Priority 9/1/1883 for 18.27 cfs), 37-00378 (Priority 6/15/1888 for 2.00 cfs), 37-00379 (Priority 4/1/1890 for 1.00 cfs), 37-00380 (Priority 4/1/1890 for 3.00 cfs), 37-00391 (Priority 4/1/1890 for 10.00 cfs), 37-00428 (Priority 6/1/1889 for 0.80 cfs), 37-00694A (Priority 4/1/1887 for 1.00 cfs), 37-00694B (Priority 4/1/1887 for 0.30 cfs), 37-00695 (Priority 4/1/1889 for 1.20 cfs), 37-00942 (Priority 8/1/1917 for 5.00 cfs) and License No. 37-02405 (Priority 2/9/1920 for 4.00 cfs) are diverted from Loving Creek tributary to Silver Creek and Silver Creek tributary to Little Wood River in the SE1/4NW1/4, S24; T1S, R19E; SW1/4SE1/4, S20; NE1/4NW1/4, NW1/4NW1/4, S30, T1S, R20E recorded for the irrigation of an approximate combined total of 3500 acres within Sections 19-22, 26-30, 33-35, T1S, R20E. TOTAL: 72.78 cfs.

PROPOSED CHANGES:
Each of the rights will show all four of the above points of diversion (from the two sources) and irrigation of a combined total of 2711.3 acres with Sections 19-22, 26-30, 33-35, T1S, R20E (same lands as Transfer 5044). A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 12, 1997. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub April 24 & May 1, 1997

7490

JANICE HILDRETH

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two

☒ consecutive weekly

single

☐ consecutive daily

☐ odd skip

insertion(s) beginning with the issue of

April 24

1997

and ending with the issue of

May 1

1997

Janice Hildreth

STATE OF IDAHO

ss.

COUNTY OF ADA

On this 1st day of May in the year of 1997, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at:

Boise, Idaho

My commission expires:

5/03

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MAR 26 1998

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 24th day of April, 1997, last publication having been made on the 1st day of May, 1997, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

S. Bob Bright

Subscribed and sworn to before me, this 7th day of May, 1997

Patricia O'Malley
Notary Public

My commission expires January 3, 2003

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MAY 08 1997

Department of Water Resources
Southern Region

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MAR 26 1998



OK
MB
5/8/97
See invoice

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that PICABO LIVESTOCK CO., PO BOX 688, PICABO, IDAHO, has applied to the Department of Water Resources for changes to the following described water right(s) pursuant to Section 42-222 of Idaho Code. The purpose of the transfers is to add points of diversion and change the place of use to correspond with actual usage on a ranch near Picabo. Additionally, to move acres served by groundwater from the Picabo area to lands presently irrigated near Greenhorn Gulch.

Transfer No. 5044:

PRESENTLY Water Right Nos. 37-02617 (Priority date: 6/23/1959 for 3.72 cfs) and 37-02620 (Priority date: 7/28/1959 for 2.46 cfs) are diverted from a well within NE1/4NW1/4, S30, T1S, R20E; Blaine County to irrigate 340 acres within parts of S19 and S30, T1S, R20E.

PROPOSED CHANGES:

The rights will be diverted from three (3) wells within SWSE, S20; SWNE, NENW, S30; T1S, R20E for the irrigation of 340 acres within a 2711.3 acre place of use located in Sections 19-22, 26-30, 33-35, T1S, R20E.

Transfer No. 5045:

PRESENTLY Right No. 37-02627 (Priority date: 12/9/1959 for 11.90 cfs) is diverted from wells located in the SW1/4SE1/4, S20; and SW1/4NE1/4, S30; T1S, R20E, Blaine County, for the irrigation of 2359 acres within parts of Sections 19-22, 27-30, 33 and 34, T1S, R20E.

PROPOSED CHANGES:

This right will be split into parts A & B. Part A (10.65 cfs) to be diverted from wells in the SWSE, S20; SWNE and NENW, S30; T1S, R20E for irrigation of 2496.3 acres within same 2711.3 acres proposed in Transfer 5044. Part B (1.25 cfs) to be diverted from a well in the SWNW, S18, T3N, R18E for irrigation of 62.7 acres within parts of S07 and S18, T03N, R18E.

Transfer No. 5046:

PRESENTLY Decreed Right Nos. 37-00021 (Priority 9/1/1887 for 5.60 cfs), 37-00022 (Priority 6/17/1899 for 1.00 cfs), 37-00186A (Priority 7/1/1886 for 0.39 cfs), 37-00186B (Priority 7/1/1886 for 0.01 cfs), 37-00187 (Priority 11/1/1892 for 1.60 cfs), 37-00188 (Priority 6/1/1893 for 1.60 cfs), 37-00189 (Priority 4/1/1889 for 1.80 cfs), 37-00213A (Priority 4/1/1885 for 0.75 cfs), 37-00213B (Priority 4/1/1885 for 0.05 cfs), 37-00214 (Priority 4/1/1887 for 1.00 cfs), 37-00215E (Priority 6/15/1899 for 3.88 cfs), 37-00215F (Priority 6/15/1899 for 0.12 cfs), 37-00216 (Priority 4/1/1885 for 0.80 cfs), 37-00217 (Priority 4/1/1887 for 1.00 cfs), 37-00218 (Priority 6/1/1889 for 0.74 cfs), 37-00219 (Priority 6/1/1893 for 1.20 cfs), 37-00333 (Priority 11/1/1889 for 1.6 cfs), 37-00351A (Priority 5/1/1886 for 0.25 cfs), 37-00352A (Priority 6/15/1887 for 0.60 cfs), 37-00376B (Priority 9/1/1883 for 0.62 cfs), 37-00376D (Priority 9/1/1883 for 0.80 cfs), 37-00376E (Priority 9/1/1883 for 18.27 cfs), 37-00377 (Priority 4/1/1888 for 0.80 cfs), 37-00378 (Priority 6/15/1888 for 2.00 cfs), 37-00379 (Priority 4/1/1890 for 1.00 cfs), 37-00380 (Priority 4/1/1890 for 3.00 cfs), 37-00381 (Priority 4/1/1890 for 10.00 cfs), 37-00428 (Priority 6/1/1889 for 0.80 cfs), 37-00694A (Priority 4/1/1887 for 1.00 cfs), 37-00694B (Priority 4/1/1887 for 0.30 cfs), 37-00695 (Priority 4/1/1889 for 1.20 cfs), 37-00942 (Priority 8/1/1917 for 5.00 cfs), and License No. 37-02405 (Priority 2/9/1920 for 4.00 cfs) are diverted from Loving Creek tributary to Silver Creek and Silver Creek tributary to Little Wood River in the SE1/4NW1/4, S24, T1S, R19E; SW1/4SE1/4, S20; NE1/4NW1/4, NW1/4NW1/4, S30; T1S, R20E recorded for the irrigation of an approximate combined total of 3500 acres within Sections 19-22, 26-30, 33-35, T1S, R20E. **TOTAL: 72.78 cfs**

PROPOSED CHANGES:

Each of the rights will show all four of the above points of diversion (from the two sources) and irrigation of a combined total of 2711.3 acres with Sections 19-22, 26-30, 33-35, T1S, R20E (same lands as Transfer 5044). A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 12, 1997. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Post Register on 4/24 & 5/1/97.

OK
NB
5/8/97

MICROFILMED
MAR 26 1998

**The Post Register
333 Northgate Mile
Idaho Falls, ID 83401
(208)522-1800**

May 7, 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

RECEIVED

MAY 08 1997

Department of Water Resources
Southern Region

Account # 06570

Published: APRIL 24, MAY 1 ✓

Legal Notice: NOTICE OF PROPOSED CHANGE PICABO
LIVESTOCK CO. *TR 5044-5046*
37-02617 et al

Please refer to Invoice # or Ad # N/A

PO #

TOTAL COST: \$150.30

*OK
MB
5/8/97*

MICROFILMED

MAR 26 1998

Affidavit of Publication

RECEIVED

STATE OF IDAHO
COUNTY OF TWIN FALLS

SS.

MAY 08 1997

No 29324

I, Ruby Aufderheide Department of Water Resources Southern Region being first duly sworn upon oath, depose and say that I am principle Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Weeks, commencing with the issue dated 4-24, 19 97, and ending with the issue dated 5-1, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 7th day of May in the year of 1997, before me, a Notary Public, personally appeared Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

OK
MB
5/8/97

Heva R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

MICROFILMED

MAR 26 1998

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHTS**

Notice is hereby given that PICABO LIVESTOCK CO., PO BOX 688, PICABO, IDAHO, has applied to the Department of Water Resources for changes to the following described water right(s) pursuant to Section 42-222 of Idaho Code. The purpose of the transfers is to add points of diversion and change the place of use to correspond with actual usage on a ranch near Picabo. Additionally, to move acres served by groundwater from the Picabo area to lands presently irrigated near Greenhorn Gulch.

Transfer No. 5044:

PRESENTLY Water Right Nos. 37-02617 (Priority date: 6/23/1959 for 3.72 cfs) and 37-02620 (Priority date: 7/28/1959 for 2.46 cfs) are diverted from a well within NE1/4NW1/4, S30, T1S, R20E; Blaine County to irrigate 340 acres within parts of S19 and S30, T1S, R20E.

PROPOSED CHANGES:

The rights will be diverted from three (3) wells within SWSE, S20; SWNE, NENW, S30; T1S, R20E for the irrigation of 340 acres within a 2711.3 acre place of use located in Sections 19-22, 26-30, 33-35, T1S, R20E.

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PRESENTLY Right No. 37-02627 (Priority date: 12/9/1959 for 11.90 cfs) is diverted from wells located in the SW1/4SE1/4, S20; and SW1/4NE1/4, S30; T1S, R20E, Blaine County, for the irrigation of 2559 acres within parts of Sections 19-22, 27-30, 33 and 34, T1S, R20E.

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This right will be split into parts A & B. Part A (10.65 cfs) to be diverted from wells in the SWSE, S20; SWNE and NENW, S30; T1S, R20E for irrigation of 2496.3 acres within same 2711.3 acres proposed in Transfer 5044. Part B (1.25 cfs) to be diverted from a well in the SWNW, S18, T3N, R18E for irrigation of 62.7 acres within parts of S07 and S18, T03N, R18E.

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33-35, T1S, R20E.

TOTAL: 72.78 cfs

**P R O P O S E D
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Karl J. Dreher, Director

Published in the Times
News on 4/24 & 5/1/97.

MICROFILMED
MAR 26 1998

REMITTANCE ADDRESS THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS, ID 83303-0548		BILL TO DEPT WATER RESOURCES	
AD NUMBER 114290	CLASS 0050 LEGAL	SALESPERSON 5	BILLING DATE 05/01/97
AD DESCRIPTION Water Right Picabo Livestock Co.		START DATE 04/24/97	LINES 0
PUBLICATION 4 THE TIMES NEWS LEGAL FLAT CHARGE TOTAL AD CHARGE		INSERTIONS 37-022 at 26/17	STOP DATE 05/01/97
DAYS RUN		RATE LGS FC	NET AMOUNT 181.52 181.52
PURCHASE ORDER		GROSS AMOUNT 181.52*	
PAY THIS AMOUNT			

MESSAGE:

RECEIVED

MAY 08 1987

Department of Water Resources
Southern Region

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL

P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

AD NUMBER	CLASS 050	START DATE	STOP DATE
114290	LEGAL	04/24/97	05/01/97
AD DESCRIPTION		BILLING DATE	TELEPHONE NUMBER
Water Right Picabo Livestock Co.		05/01/97	208-736-3033

GROSS AMOUNT OF
181.52
DUE AFTER

VISA MASTERCARD

EXPIRATION DATE: / SIGNATURE: _____

SIGNATURE:

[illegible]

TOTAL AMOUNT DUE

181.52

ENTER AMOUNT ENCLOSED

9

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID

83301

Abstract

MICROFILMED
MAR 26 1998

[illegible]

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 05/01/97

INVOICE N° 141711

Account No. 446620

Description 141711NOTICEOFPROPOSED

Times 2

Lines 111

Tab. Lines _____

\$ 152.63

MAY 07 1997

OLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 83301-3380

OK
MB
5/8/97

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 141711NOTICEOFF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 04/24, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 04/24/97, and the last publication thereof being on the 05/01/97, and said 141711NOTICEOFF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 5

day of May 1997

Ray Paul

Notary Public in and for the State of Idaho,
residing at Lewiston, therein

Commission Expires 7/97
MICROFILMED

MAR 26 1998

MAR 26 1998
MICROFILMED

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Published in the Lewiston Morning Tribune
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AFFIDAVIT of PUBLICATION

RECEIVED

MAY 01 1997

State of Idaho,
County of Blaine

SS.

Department of Water Resources
Southern Region

On this 30 day of April, in the year 1997, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 23 day of April, 1997, and the date of the last publication was on the 30 day of April, 1997.

Subscribed and sworn to before me this 30 day of April, 1997.
(SEAL)

NOTARY PUBLIC

#10481
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 165,533
Number of Insertions 2
Lines tabular at 7¢/Pica
165,533 Lines straight at 114,218 6¢/Pica
165,533 Subsequent lines at 95,182 5¢/Pica
TOTAL COST 15 \$214.40

COPY OF NOTICE
(Paste Here)

Prop. change water right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Proposed change of water right

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Karl J. Dreher, Director
Publish: Wood River Journal -
April 23 & 30, 1997.

MICROFILMED
MAR 26 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 1997

Pam Smith
Blaine County Commission
P.O. Box 400
Hailey, ID 83333

Dear Ms. Smith:

Pursuant to your recent request, I have enclosed copies of water right transfer applications 5044, 5045, and 5046, all filed in the name of Picabo Livestock Company. Water right summaries of the rights involved with these transfer applications are attached to transfer #5046. A narrative in support of the transfers, prepared by the applicant's consultant, has also been included with the applications.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, reading 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures

MICROFILMED

MAR 26 1998

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

APR 30 1997

NO. 5046

Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

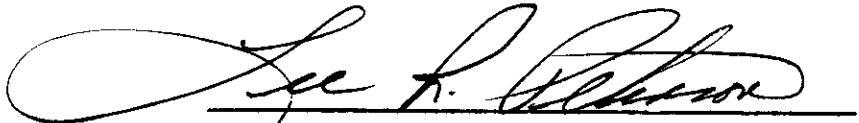
I, Lee R. Peterson, watermaster of Silver Cr. & Little Wood River,
of Water District No. 37M, County of Blaine, Lincoln, Gooding, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
Picabo Livestock Co,, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: None. All diversions, measurement devices and
road right of ways are complete.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 28th day of April 19 97.


(signature)

MICROFILMED

MAR 26 1998

Please use reverse side if needed.

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PRESENTLY Decreed Right Nos. 37-00021 (Priority 9/1/1887 for 5.60 cfs), 37-00022 (Priority 6/17/1899 for 1.00 cfs), 37-

00186A (Priority 7/1/1886 for 0.39 cfs), 37-00186B (Priority 7/1/1886 for 0.01 cfs), 37-00187 (Priority 11/1/1892 for 1.60 cfs), 37-00188 (Priority 6/1/1893 for 1.60 cfs), 37-00189 (Priority 4/1/1889 for 1.80 cfs), 37-00213A (Priority 4/1/1885 for 0.75 cfs), 37-00213B (Priority 4/1/1885 for 0.05 cfs), 37-00214 (Priority 4/1/1887 for 1.00 cfs), 37-00215E (Priority 6/15/1899 for 3.88 cfs), 37-00215F (Priority 6/15/1899 for 0.12 cfs), 37-00216 (Priority 4/1/1885 for 0.80 cfs), 37-00217 (Priority 4/1/1887 for 1.00 cfs), 37-00218 (Priority 6/1/1889 for 0.74 cfs), 37-00219 (Priority 6/1/1893 for 1.20 cfs), 37-00333 (Priority 11/1/1889 for 1.6 cfs), 37-00351A (Priority 6/1/1886 for 0.25 cfs), 37-00352A (Priority 6/15/1887 for 0.60 cfs), 37-00376B (Priority 9/1/1883 for 0.62 cfs), 37-00376D (Priority 9/1/1883 for 0.80 cfs), 37-00376E (Priority 9/1/1883 for 18.27 cfs), 37-00377 (Priority 4/1/1888 for 0.80 cfs), 37-00378 (Priority 6/15/1888 for 2.00 cfs), 37-00379 (Priority 4/1/1890 for 1.00 cfs), 37-00380 (Priority 4/1/1890 for 3.00 cfs), 37-00381 (Priority 4/1/1890 for 10.00 cfs), 37-00428 (Priority 6/1/1889 for 0.80 cfs), 37-00694A (Priority 4/1/1887 for 1.00 cfs), 37-00694B (Priority 4/1/1887 for 0.30 cfs), 37-00695 (Priority 4/1/1889 for 1.20 cfs), 37-00942 (Priority 8/1/1917 for 5.00 cfs), and License No. 37-02405 (Priority 2/9/1920 for 4.00 cfs) are diverted from Loving Creek tributary to Silver Creek and Silver Creek tributary to Little Wood River in the SE1/4NW1/4, S24, T1S, R19E; SW1/4SE1/4, S20; NE1/4NW1/4, NW1/4NW1/4, S30; T1S, R20E recorded for the irrigation of an approximate combined total of 3500 acres within Sections 19-22, 26-30, 33-35, T1S, R20E.

TOTAL: 72.78 cfs

PROPOSED CHANGES:

Each of the rights will show all four of the above points of diversion (from the two sources) and irrigation of a combined total of 2711.3 acres with Sections 19-22, 26-30, 33-35, T1S, R20E (same lands as Transfer 5044). A protest against approval of any particular transfer must be filed

with the Department of Water Resources, Southern Region, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 12, 1997. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Wood River Journal on 4/23 & 4/30/97.

MICROFILMED

MAR 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

MAR 26 1998

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PRESENTLY Water Right Nos. 37-02617 (Priority date: 6/23/1959 for 3.72 cfs) and 37-02620 (Priority date: 7/28/1959 for 2.46 cfs) are diverted from a well within NE1/4NW1/4, S30, T1S, R20E; Blaine County to irrigate 340 acres within parts of S19 and S30, T1S, R20E.

PROPOSED CHANGES:

The rights will be diverted from three (3) wells within SWSE, S20; SWNE, NENW, S30; T1S, R20E for the irrigation of 340 acres within a 2711.3 acre place of use located in Sections 19-22, 26-30, 33-35, T1S, R20E.

Transfer No. 5045:

PRESENTLY Right No. 37-02627 (Priority date: 12/9/1959 for 11.90 cfs) is diverted from wells located in the SW1/4SE1/4, S20; and SW1/4NE1/4, S30; T1S, R20E, Blaine County, for the irrigation of 2559 acres within parts of Sections 19-22, 27-30, 33 and 34, T1S, R20E.

PROPOSED CHANGES:

This right will be split into parts A & B. Part A (10.65 cfs) to be diverted from wells in the SWSE, S20; SWNE and NENW, S30; T1S, R20E for irrigation of 2496.3 acres within same 2711.3 acres proposed in Transfer 5044. Part B (1.25 cfs) to be diverted from a well in the SWNW, S18, T3N, R18E for irrigation of 62.7 acres within parts of S07 and S18, T03N, R18E.

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Karl J. Dreher, Director

Published in the Idaho Statesman on 4/24 & 5/1/97.

MICROFILMED

MAR 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 16, 1997

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ATTENTION-LEGALS
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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Published in the Lewiston Morning Tribune on 4/24 & 5/1/97.

MICROFILMED

MAR 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 16, 1997

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ATTENTION-LEGALS
LEWISTON MORNING TRIBUNE
606 C STREET
LEWISTON ID 83501**

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Enclosure

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State of Idaho

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1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-KATHY-LEGALS
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

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CHANGE OF WATER
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Transfer No. 5046:

PRESENTLY Decreed Right Nos. 37-00021 (Priority 9/1/1887 for 5.60 cfs), 37-00022 (Priority 6/17/1899 for 1.00 cfs), 37-00186A (Priority 7/1/1886 for 0.39 cfs), 37-00186B (Priority 7/1/1886 for 0.01 cfs), 37-00187 (Priority 11/1/1892 for 1.60 cfs), 37-00188 (Priority 6/1/1893 for 1.60 cfs), 37-00189 (Priority 4/1/1889 for 1.80 cfs), 37-00213A (Priority 4/1/1885 for 0.75 cfs), 37-00213B (Priority 4/1/1885 for 0.05 cfs), 37-00214 (Priority 4/1/1887 for 1.00 cfs), 37-00215E (Priority 6/15/1899 for 3.88 cfs), 37-00215F (Priority 6/15/1899 for 0.12 cfs), 37-00216 (Priority 4/1/1885 for 0.80 cfs), 37-00217 (Priority 4/1/1887 for 1.00 cfs), 37-00218 (Priority 6/1/1889 for 0.74 cfs), 37-00219 (Priority 6/1/1893 for 1.20 cfs), 37-00333 (Priority 11/1/1889 for 1.6 cfs), 37-00351A (Priority 6/1/1886 for 0.25 cfs), 37-00352A (Priority 6/15/1887 for 0.60 cfs), 37-00376B (Priority 9/1/1883 for 0.62 cfs), 37-00376D (Priority 9/1/1883 for 0.80 cfs), 37-00376E (Priority 9/1/1883 for 18.27 cfs), 37-00377 (Priority 4/1/1888 for 0.80 cfs), 37-00378 (Priority 6/15/1888 for 2.00 cfs), 37-00379 (Priority 4/1/1890 for 1.00 cfs), 37-00380 (Priority 4/1/1890 for 3.00 cfs), 37-00381 (Priority 4/1/1890 for 10.00 cfs), 37-00428 (Priority 6/1/1889 for 0.80 cfs), 37-00694A (Priority 4/1/1887 for 1.00 cfs), 37-00694B (Priority 4/1/1887 for 0.30 cfs), 37-00695 (Priority 4/1/1889 for 1.20 cfs), 37-00942 (Priority 8/1/1917 for 5.00 cfs), and License No. 37-02405 (Priority 2/9/1920 for 4.00

cfs) are diverted from Loving Creek tributary to Silver Creek and Silver Creek tributary to Little Wood River in the SE1/4NW1/4, S24, T1S, R19E; SW1/4SE1/4, S20; NE1/4NW1/4, NW1/4NW1/4, S30; T1S, R20E recorded for the irrigation of an approximate combined total of 3500 acres within Sections 19-22, 26-30, 33-35, T1S, R20E.

**TOTAL: 72.78 cfs
P R O P O S E D
C H A N G E S:**

Each of the rights will show all four of the above points of diversion (from the two sources) and irrigation of a combined total of 2711.3 acres with Sections 19-22, 26-30, 33-35, T1S, R20E (same lands as Transfer 5044). A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 12, 1997. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times
News on 4/24 & 5/1/97.

MICROFILMED

MAR 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 16, 1997

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

**Mary Baldwin
Sr. Secretary**

Enclosure

MICROFILMED

MAR 26 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that PICABO LIVESTOCK CO., PO BOX 688, PICABO, IDAHO, has applied to the Department of Water Resources for changes to the following described water right(s) pursuant to Section 42-222 of Idaho Code.

The purpose of the transfers is to add points of diversion and change the place of use to correspond with actual usage on a ranch near Picabo. Additionally, to move acres served by groundwater from the Picabo area to lands presently irrigated near Greenhorn Gulch.

Transfer No. 5044:

PRESENTLY Water Right Nos. 37-02617 (Priority date: 6/23/1959 for 3.72 cfs) and 37-02620 (Priority date: 7/28/1959 for 2.46 cfs) are diverted from a well within NE1/4NW1/4, S30, T1S, R20E; Blaine County to irrigate 340 acres within parts of S19 and S30, T1S, R20E.

PROPOSED CHANGES:

The rights will be diverted from three (3) wells within SWSE, S20; SWNE, NENW, S30; T1S, R20E for the irrigation of 340 acres within a 2711.3 acre place of use located in Sections 19-22, 26-30, 33-35, T1S, R20E.

Transfer No. 5045:

PRESENTLY Right No. 37-02627 (Priority date: 12/9/1959 for 11.90 cfs) is diverted from wells located in the SW1/4SE1/4, S20; and SW1/4NE1/4, S30; T1S, R20E, Blaine County, for the irrigation of 2559 acres within parts of Sections 19-22, 27-30, 33 and 34, T1S, R20E.

PROPOSED CHANGES:

This right will be split into parts A & B. Part A (10.65 cfs) to be diverted from wells in the SWSE, S20; SWNE and NENW, S30; T1S, R20E for irrigation of 2496.3 acres within same 2711.3 acres proposed in Transfer 5044. Part B (1.25 cfs) to be diverted from a well in the SWNW, S18, T3N, R18E for irrigation of 62.7 acres within parts of S07 and S18, T03N, R18E.

Transfer No. 5046:

PRESENTLY Decreed Right Nos. 37-00021 (Priority 9/1/1887 for 5.60 cfs), 37-00022 (Priority 6/17/1899 for 1.00 cfs), 37-00186A (Priority 7/1/1886 for 0.39 cfs), 37-00186B (Priority 7/1/1886 for 0.01 cfs), 37-00187 (Priority 11/1/1892 for 1.60 cfs), 37-00188 (Priority 6/1/1893 for 1.60 cfs), 37-00189 (Priority 4/1/1889 for

PICABO LIVESTOCK-Transfers 5044, 5045, 5046

Page 1

MICROFILMED

MAR 26 1998

1.80 cfs), 37-00213A (Priority 4/1/1885 for 0.75 cfs), 37-00213B (Priority 4/1/1885 for 0.05 cfs), 37-00214 (Priority 4/1/1887 for 1.00 cfs), 37-00215E (Priority 6/15/1899 for 3.88 cfs), 37-00215F (Priority 6/15/1899 for 0.12 cfs), 37-00216 (Priority 4/1/1885 for 0.80 cfs), 37-00217 (Priority 4/1/1887 for 1.00 cfs), 37-00218 (Priority 6/1/1889 for 0.74 cfs), 37-00219 (Priority 6/1/1893 for 1.20 cfs), 37-00333 (Priority 11/1/1889 for 1.6 cfs), 37-00351A (Priority 6/1/1886 for 0.25 cfs), 37-00352A (Priority 6/15/1887 for 0.60 cfs), 37-00376B (Priority 9/1/1883 for 0.62 cfs), 37-00376D (Priority 9/1/1883 for 0.80 cfs), 37-00376E (Priority 9/1/1883 for 18.27 cfs), 37-00377 (Priority 4/1/1888 for 0.80 cfs), 37-00378 (Priority 6/15/1888 for 2.00 cfs), 37-00379 (Priority 4/1/1890 for 1.00 cfs), 37-00380 (Priority 4/1/1890 for 3.00 cfs), 37-00381 (Priority 4/1/1890 for 10.00 cfs), 37-00428 (Priority 6/1/1889 for 0.80 cfs), 37-00694A (Priority 4/1/1887 for 1.00 cfs), 37-00694B (Priority 4/1/1887 for 0.30 cfs), 37-00695 (Priority 4/1/1889 for 1.20 cfs), 37-00942 (Priority 8/1/1917 for 5.00 cfs), and License No. 37-02405 (Priority 2/9/1920 for 4.00 cfs) are diverted from Loving Creek tributary to Silver Creek and Silver Creek tributary to Little Wood River in the SE1/4NW1/4, S24, T1S, R19E; SW1/4SE1/4, S20; NE1/4NW1/4, NW1/4NW1/4, S30; T1S, R20E recorded for the irrigation of an approximate combined total of 3500 acres within Sections 19-22, 26-30, 33-35, T1S, R20E.

TOTAL: 72.78 cfs

PROPOSED CHANGES:

Each of the rights will show all four of the above points of diversion (from the two sources) and irrigation of a combined total of 2711.3 acres with Sections 19-22, 26-30, 33-35, T1S, R20E (same lands as Transfer 5044).

A protest against approval of any particular transfer must be filed with the Department of Water Resources, Southern Region, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 12, 1997. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Wood River Journal on 4/23 & 4/30/97 and Idaho Statesman, Post Register, Lewiston Morning Tribune, Times News on 4/24 & 5/1/97.

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MAR 26 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

April 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

E.

CHARLES ~~E~~ BROCKWAY PhD PE
706 SUNRISE BLVD NORTH
TWIN FALLS ID 83301

Re: Application for Transfer Nos. 5044, 5045 & 5046 (Picabo Livestock Co.)

Dear Dr. Brockway:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

Since your application involves the diversion of 10.0 cfs or greater as specified in Sections 42-203A & 42-222 of the Idaho Code, the Department is required to publish notice of your application in the newspaper designated for the county in which the point of diversion is located as well as the major newspaper in each of the Department of Water Resources administrative regions.

Therefore, this office has scheduled advertising the application in The Wood River Journal for 4/23 and 4/30/97 and also in the Idaho Statesman, Post Register, Lewiston Morning Tribune, Times News on 4/24 & 5/1/97.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

cc: Picabo Livestock Co., PO Box 688; Picabo ID 83348

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MAR 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

April 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Applications for Transfer Nos. 5044, 5045, 5046 (Picabo Livestock Co.)

Dear Mr. Peterson:

Enclosed are copies of Applications for Transfer of Water Rights within your District, and Watermaster's Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation forms and return them to this office.

Processing of an application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the applications, please contact this office or the applicant.

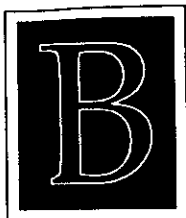
Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

Enclosures

MICROFILMED
MAR 26 1998



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 26, 1997

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

4489 MAR 28 1997
Department of Water Resources
Southern Region

Re: Transfer applications for Picabo Livestock

Dear Allen:

Enclosed is the following supplementary information for the above-mentioned applications:

1. System map showing all surface diversions, wells, booster pumps, ditches, mainlines, and fields. Green denotes sprinkler irrigation, and blue denotes surface irrigation.
2. Diagram showing the place of use and point of diversion after the transfer under 37-02620B.
3. Summary of watermaster records for the past five years.
4. Estimate of well pump capacities and summary of Idaho Power records for the three wells for the past six years. Some years are missing for pump 4430. I will attempt to secure these records and forward them to you.
5. Actual watermaster records for 1992 - 1996.
6. Actual Idaho Power records for 1991 - 1996.
7. Copy of the title insurance policy showing ownership of the land by Picabo Livestock Company, Inc.

In your analysis of water requirements for the property, please consider that although the surface water rights total 72.8 cfs, the majority of these are late-priority (post-1887) rights which are not reliable. The total diversion rate for rights with priority dates of 1887 or earlier is 31.4 cfs. These rights together with the 18.1 cfs of licensed groundwater provide a reliable supply of only 0.89 inches per acre for the 2774 irrigated acres.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

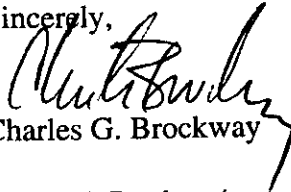
FAX: 736•1746

MICROFILMED

MAR 26 1998

Please call if you have any questions.

Sincerely,

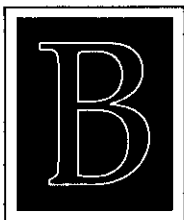


Charles G. Brockway

cc: Nick Purdy w/o enclosures

MICROFILMED

MAR 26 1998



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 14 1997

Department of Water Resources
Southern Region

March 14, 1997

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Transfer applications – Picabo Livestock Co.

Dear Allen:

Per our meeting yesterday, this letter is to transmit several corrections to the above-mentioned transfer applications and to clarify some points. Enclosed are the following documents:

1. Corrected "Attachment A" for the surface water transfer application
2. Corrected place of use table to be included in the narrative
3. Corrected page 1 for each application
4. Completed Part 2.A. for 37-02627

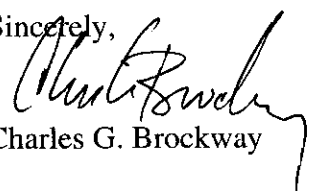
Please substitute these documents for the corresponding documents in the file.

With regard to the surface water transfer application, the water right profile report which was submitted for each water right is intended to be the individual Part 2.A for each right. The answer to question 2.A.10 should be considered as "No" for all rights.

The question arose as to the difference between the licenses, the SRBA claims, and the current irrigation. The SRBA claims list a total of 2508 acres, while the actual irrigation computed from aerial photos is 2774 acres. This difference must be attributed to a mistake on the original SRBA claim filing. Via the present transfer process, I understand the claims will be amended to reflect the new acreage.

I understand from our meeting that IDWR will proceed with the advertisement of these transfers as soon as possible. I will be working with Nick Purdy to compile the additional information needed for a full evaluation. If you have any additional questions, please give me a call.

Sincerely,


Charles G. Brockway

cc: Nick Purdy w/o enclosures

MICROFILMED
MAR 26 1998

CHARLES E.
BROCKWAY,
PH.D., P.E.

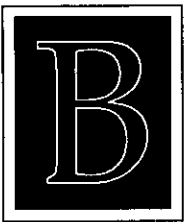
CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 28, 1997

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

FEB 28 1997

Department of Water Resources
Southern Region

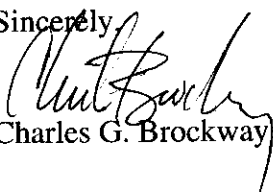
Re: Transfer applications – Picabo Livestock

Dear Allen:

Enclosed are three transfer applications for water rights owned by Picabo Livestock near Picabo. A total of 33 surface water rights and 3 groundwater rights are covered by the applications. It is proposed to change the place of use and points of diversion for all rights to make the recorded information correspond to actual usage on the ranch. In addition, 62.7 acres are proposed to be transferred to land north of Hailey from one of the groundwater rights.

If you have any questions, please do not hesitate to call.

Sincerely,



Charles G. Brockway

enclosure
cc: Nick Purdy

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

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MAR 26 1998

PICABO LIVESTOCK CO. -- ACRES . OR WATER RIGHT TRANSFER APPLICA .IONS
 Brockway Engineering, PLLC 2/10/97

CURRENTLY IRRIGATED AT PICABO (INCLUDING NEW PIVOT)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19	39			40							36	35	29	32	31	35	277
01S	20E	20		38	39						29	37	15	24	39	36	12	32	301
01S	20E	21			40	27					40	40	40	23	39	40	33	24	346
01S	20E	22							18	19	17	28	36	32					150
01S	20E	26									1	11	35	10					57
01S	20E	27	1	22	28	8	38	24	32	26	14	21	1	11	25	15	32	32	330
01S	20E	28	27	23	31	26	14	21	40	35	38	40	29	39	40	39	32	12	486
01S	20E	29	24	38	40	40	33	25	31	40	37	3			40	38	3	31	423
01S	20E	30	29	34	36	17	12	2		20					22	34			206
01S	20E	33	4	21			5												30
01S	20E	34	40	40			27	1											108
01S	20E	35						40	20										60
Total acres																			2774

ACRES NO LONGER IRRIGATED

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19																	
01S	20E	20															1.0		1.0
01S	20E	21																	
01S	20E	22									7.6	4.0							11.6
01S	20E	26																	
01S	20E	27	1.0	0.9	2.1	8.0									1.5	1.0			14.5
01S	20E	28					5.7	1.6											7.3
01S	20E	29							8.1	1.8	8.7					8.6	1.1		28.3
01S	20E	30																	
01S	20E	33																	
01S	20E	34																	
01S	20E	35																	
Total acres																			62.7

AFTER TRANSFERS

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19	39			40							36	35	29	32	31	35	277
01S	20E	20		38	39						29	37	15	24	39	36	11	32	300
01S	20E	21			40	27					40	40	40	23	39	40	33	24	346
01S	20E	22							18	19	9.4	24	36	32					138.4
01S	20E	26									1	11	35	10					57
01S	20E	27		21.1	25.9		38	24	32	26	14	21	1	11	23.5	14	32	32	315.5
01S	20E	28	27	23	31	26	8.3	19.4	40	35	38	40	29	39	40	39	32	12	478.7
01S	20E	29	24	38	40	40	33	25	22.9	38.2	28.3	3			40	29.4	1.9	31	394.7
01S	20E	30	29	34	36	17	12	2		20					22	34			206
01S	20E	33	4	21			5												30
01S	20E	34	40	40			27	1											108
01S	20E	35						40	20										60
Total acres																			2711.3

MICROFILMED

MAR 26 1998

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Corrected 2/28/97

Name of applicant Picabo Livestock Co. Phone (208) 788-3539Post Office address P.O. Box 688, Picabo, ID 83348

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To change place of use and points of diversion to
correspond with actual usage. All rights would then have the same place of use and
points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number See Priority attachment Amount (cfs/ac-ft) A Nature of Use Department of Water Resource Period of Use FEB 28 1997
to
2. Total amount of water being transferred 72.784 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Loving Cr. / Silver Cr. tributary to Silver Cr. / Little Wood R.
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
								See attachment B

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	20E	19	39			40							36	35	29	32	31	35	277
01S	20E	20		38	39						29	37	15	24	39	36	11	32	300
01S	20E	21			40	27					40	40	40	23	39	40	33	24	346
01S	20E	22						18	19		9.4	24	36	32					138.4
01S	20E	26									1	11	35	10					57
01S	20E	27		21.1	25.9		38	24	32	26	14	21	1	11	23.5	14	32	32	315.5
01S	20E	28	27	23	31	26	8.3	19.4	40	35	38	40	29	39	40	39	32	12	478.7
01S	20E	29	24	38	40	40	33	25	22.9	38.2	28.3				40	29.4	1.9	31	394.7
01S	20E	30	29	34	36	17	12	2		20					22	34			206
01S	20E	33	4	21			5												30
01S	20E	34	40	40			27	1											108
01S	20E	35						40	20										60

Total acres 2711.3

ATTACHMENT A

Picabo Livestock Co. water right transfer

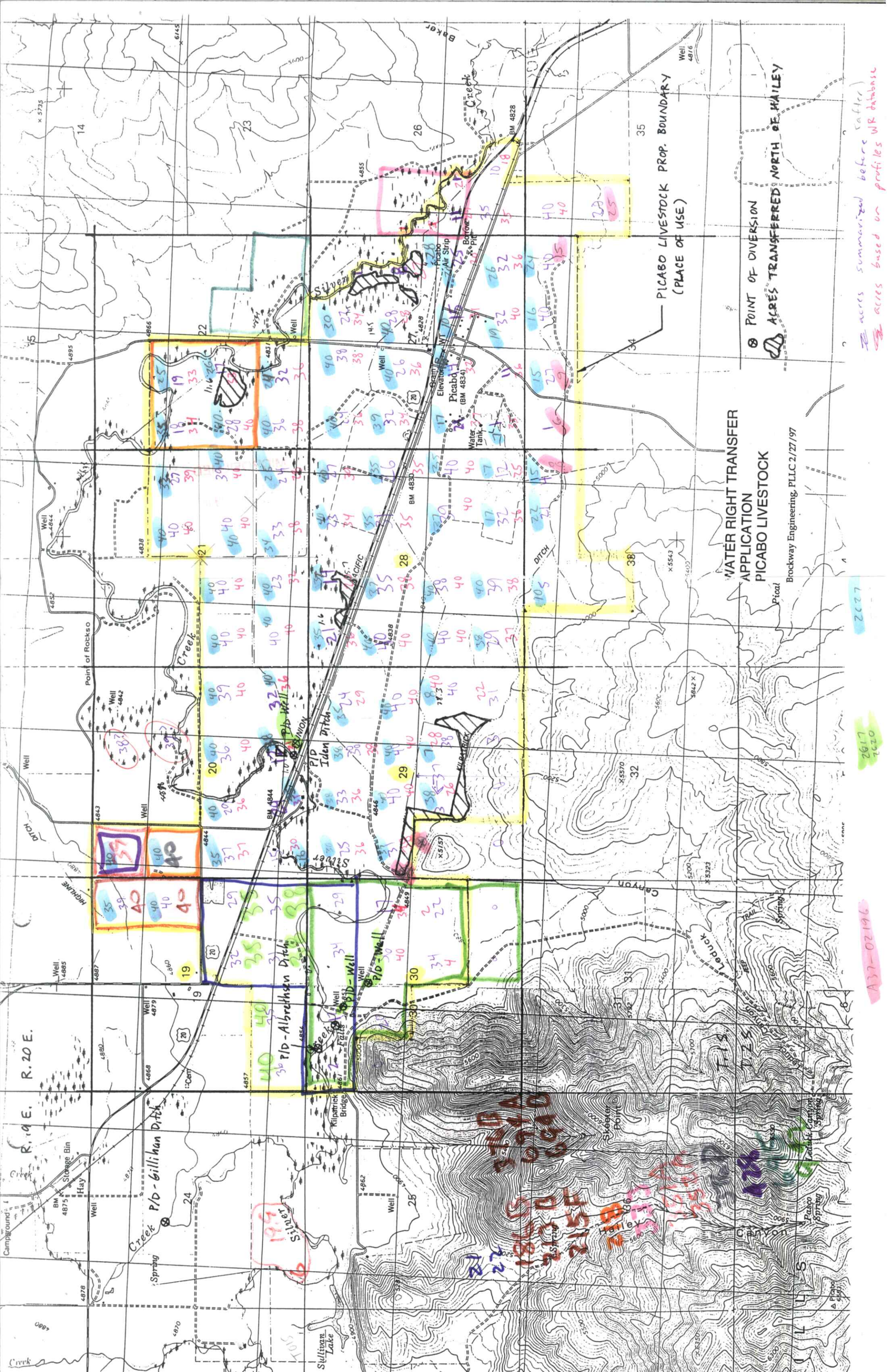
B.1. Rights to be transferred, after the requested change

Right No.	Priority	Amount (CFS)	Nature of use	Period of use	
				From	To
✓37-00021	9/1/1887	5.600	Irrigation	4/15	10/15
✓37-00022	6/17/1889	1.000	Irrigation	4/15	10/15
✓37-00186A	7/1/1886	0.388	Irrig./domestic	4/15	10/15
✓37-00186B	7/1/1886	0.012	Irrig./domestic	4/15	10/15
✓37-00187	11/1/1892	1.600	Irrig./domestic	4/15	10/15
✓37-00188	6/1/1893	1.600	Irrig./domestic	4/15	10/15
✓37-00189	4/1/1889	1.800	Irrig./domestic	4/15	10/15
✓37-00213A	4/1/1885	0.750	Irrig./domestic	4/15	10/15
✓37-00213B	4/1/1885	0.050	Irrig./domestic	4/15	10/15
✓37-00214	4/1/1887	1.000	Irrig./domestic	4/15	10/15
✓37-00215E	6/15/1899	3.876	Irrig./domestic	4/15	10/15
✓37-00215E	6/15/1899	0.124	Irrig./domestic	4/15	10/15
✓37-00216	4/1/1885	0.800	Irrig./domestic	4/15	10/15
✓37-00217	4/1/1887	1.000	Irrig./domestic	4/15	10/15
✓37-00218	6/1/1889	0.740	Irrigation	4/15	10/15
✓37-00219	6/1/1893	1.200	Irrig./domestic	4/15	10/15
✓37-00333	11/1/1889	1.600	Irrigation	4/15	10/15
✓37-00351A	6/1/1886	0.250	Irrigation	4/15	10/15
✓37-00352A	6/1/1886	0.600	Irrigation	4/15	10/15
✓37-00376B	9/1/1883	0.624	Irrig./domestic	4/15	10/15
✓37-00376D	9/1/1883	0.800	Irrig./domestic	4/15	10/15
✓37-00376E	9/1/1883	18.270	Irrig./domestic	4/15	10/15
✓37-00377	4/1/1888	0.800	Irrig./domestic	4/15	10/15
✓37-00378	6/15/1888	2.000	Irrig./domestic	4/15	10/15
✓37-00379	4/1/1890	1.000	Irrig./domestic	4/15	10/15
✓37-00380	4/1/1890	3.000	Irrig./domestic	4/15	10/15
✓37-00381	4/1/1890	10.000	Irrig./domestic	4/15	10/15
✓37-00428	6/1/1889	0.800	Irrigation	4/15	10/15
✓37-00694A	4/1/1887	1.000	Irrigation	4/15	10/15
✓37-00694B	4/1/1887	0.300	Irrigation	4/15	10/15
✓37-00695	4/1/1889	1.200	Irrigation	4/15	10/15
✓37-00942	8/1/17	5.000	Irrigation	4/15	10/15
✓37-02405	2/9/20	4.000	Irrig./domestic	4/15	10/15
Total		72.784			

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Department of Water Resources
Southern RegionMICROFILMED
MAR 26 1998



WATER RIGHT TRANSFER
APPLICATION
PICABO LIVESTOCK

Brockway Engineering, PLLC 2/27/97

POINT OF DIVERSION
ACRES TRANSFERRED NORTH OF HAILEY

PICABO LIVESTOCK PROP. BOUNDARY
(PLACE OF USE)

2017
2020
2027

A37-02196

RI G H T N O				NE				NW				SW				SE				
	T W P	R G E	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			19	1			0							4	5	11	8	9	5	43
			20						2	1		11	0	15	11	1	4	26	8	79
			21			0	12					0	0	0	17	1	0	5	4	39
			22							22	21	23	12	4	4					86
			26							1		1	29	0	8					39
			27	-1	12	12	20	2	16	7	14	18	16	34	25	-5	16	8	4	19 8
			28	13	17	4	9	23	14	0	3	2	0	9	1	0	1	4	13	11 3
			29	11	0	0	0	5	11	7	0	1	-3			0	-10	-3	-9	~~43~~ 10
			30	11	6	4	23	28	38	0	20					18	6			~~79~~ 154
			33	4	1			5												~~39~~ 10
			34	-16	-24			-12	5											~~86~~ -47
			35						0	5										~~39~~ 5
																				~~19~~
																				~~8~~
																				~~11~~
																				~~5~~

729 paper acres
beyond acres listed
as actually irrigated

TOTAL + 729

MICROFILMED

MAR 26 1998

AJ5809NP
No. A37-02196

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/13/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PICABO LIVESTOCK CO INC	10/19/1910	IRRIGATION STOCKWATER	04-01 11-01 03-01 12-01	1.25 CFS 0.07 CFS	
TOTAL DIVERSION:					1.25 CFS	187.50 AFA
CONSUMPTIVE USE:						187.50 AFA

Water Source: SPRINGS (LEDUC SPRINGS) Tributary to: SINKS Stage: LICENSE
Point(s) of Diversion: T01S R20E S29 SWSWNW NENWSW BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	20E	33	:	08																8.0
01S	20E	34	:	15						09	06									30.0
01S	20E	35	:								25									25.0
TOTAL ACRES																			63.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BLAINE

Non-Irrigation Uses: LIVESTOCK/UP TO 300 COWS & CALVES

Other Rights: DECREED STREAM RIGHTS, GROUNDWATER RIGHTS

Remarks: GEN AC. IRR. = 62.5.
ORIGINAL DOMESTIC USE NO LONGER EXISTS. STOCK DRINK FROM THE
KILPATRICK DITCH. SPRINGS ENTER THE SIDE OF THE DITCH ABOUT A
MILE BELOW ITS UPPER END. FOR CONVENIENCE SAKE, THE LAND COVERED
BY THIS LICENSE HAS NOT BEEN CHANGED. IN ACTUAL PRACTICE, THE
SPRING WATER IS USED ON ANY OF THE LAND SERVED BY THE LOWER 3
MILES OF THE KILPATRICK DITCH. THIS SYSTEM HAS EXISTED SINCE
ABOUT 1885.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED
MAR 26 1998

SD-0601-2 Last Name: PICABO LIVESTOCK

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
PICABO LIVESTOCK CO INC							
		C	A37-11631	06/01/1959	GROUNDWATER	0.060	04 STOCK 43 DOMEST
		C	A37-11633	04/01/1963	GROUNDWATER	0.020	04 STOCK
		C	A37-11892	04/01/1887	SILVER CREE	3.300	01 IRR
					LOVING CREE		04 STOCK
		C	A37-11898	06/01/1889	SILVER CREE	1.540	01 IRR
					LOVING CREE		04 STOCK
		C	A37-11900	04/01/1890	SILVER CREE	14.000	01 IRR
					LOVING CREE		04 STOCK
		C	A37-11914	05/01/1972	GROUNDWATER	6.180	01 IRR
		C	A37-11916	05/01/1971	GROUNDWATER	1.340	01 IRR
		C	A37-00942	08/01/1917	UNNAMED STR	5.000	01 IRR
					SILVER CREE		04 STOCK
					LOVING CREE		
		C	A37-02627B	12/09/1959	GROUNDWATER	5.000	01 IRR

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MAR 26 1998

SD-0601-2 Last Name: PICABO LIVESTOCK

STATE

SE L	First Name	OW N	Water Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
	PICABO LIVESTOCK CO INC							
		C A37-00187	✓	11/01/1892	LOVING CREE	1.600	04	STOCK
		C A37-00189	✓	04/01/1899	SILVER CREE	1.800	01	IRR
					LOVING CREE		04	STOCK
		C A37-00213	✓	04/01/1885	SILVER CREE	1.600	01	IRR
					LOVING CREE		04	STOCK
		C A37-00215D	✓	06/15/1899	SILVER CREE	4.000	01	IRR
					LOVING CREE		04	STOCK
		C A37-00333	✓	11/01/1889	SILVER CREE	1.600	01	IRR
					LOVING CREE		04	STOCK
		C A37-00351A	✓	06/01/1886	BUTTE CREEK	0.250	01	IRR
					LOVING CREE		04	STOCK
					SILVER CREE			
		C A37-00378	✓	06/15/1888	SILVER CREE	2.000	01	IRR
					LOVING CREE		04	STOCK
		C A37-00695	✓	04/01/1889	SILVER CREE	1.200	01	IRR

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MAR 26 1998

SD-0601-2 Last Name: PICABO LIVESTOCK

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	PICABO LIVESTOCK CO						
-	<i>Post 2.</i>	C	A37-02045	07/28/1916	COTTONWOOD	1.600	01 IRR
-	PICABO LIVESTOCK CO INC						
-		C	R37-11628	09/01/1930	GROUNDWATER	0.060	04 STOCK
-							04 STOCK
-		C	R37-11631	06/01/1959	GROUNDWATER	0.060	04 STOCK
-							43 DOMEST
-		C	R37-11633	04/01/1963	GROUNDWATER	0.020	04 STOCK
-		C	R37-12014	05/01/1935	SPRING	0.010	04 STOCK
-		C	A37-00376	09/01/1883	SILVER CREE	20.000	01 IRR
-					LOVING CREE		04 STOCK
-		C	R37-00376	09/01/1883	SILVER CREE	20.000	01 IRR
-					LOVING CREE		04 STOCK
-	PICABO LIVESTOCK CO						
-	<i>Post 2.</i>	C	A37-02799	05/07/1948	COTTONWOOD	0.700	01 IRR

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SD-0601-2 Last Name: PICABO LIVESTOCK

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	PICABO LIVESTOCK CO INC						
		C	A37-00695	04/01/1889	LOVING CREE	1.200	04 STOCK
		C	A37-02405	02/09/1920	UNNAMED STR	4.000	01 IRR
					LOVING CREE		04 STOCK
					SILVER CREE		
		C	A37-02545A	05/29/1953	COPPER CREE	5.140	01 IRR
		C	A37-02545B	05/29/1953	SPRINGS	1.000	01 IRR
							43 DOMEST
		C	A37-02627A	12/09/1959	GROUNDWATER	6.900	01 IRR
		C	A37-02715	09/30/1965	PAYNE CREEK	1.100	01 IRR
		C	A37-07600	05/31/1977	GROUNDWATER	2.650	01 IRR
		C	A37-10047	01/01/1910	PICABO TOWN	0.020	43 DOMEST
							04 STOCK
							10 COMMER
		C	A37-11628	09/01/1930	GROUNDWATER	0.060	04 STOCK
							04 STOCK

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SD-0601-2 Last Name: PICABO LIVESTOCK

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
PICABO LIVESTOCK CO INC							
		C	A37-02196	10/19/1910	SPRINGS (LE	1.250	01 IRR 04 STOCK
		C	A37-02688	05/17/1963	LAVA LAKE	3.300	01 IRR
		C	A37-07072	06/23/1970	GROUNDWATER	1.340	01 IRR
		C	A37-07455	09/02/1975	GROUNDWATER	0.060	43 DOMEST
		C	A37-00352A	06/15/1887	BUTTE CREEK LOVING CREE SILVER CREE	0.600	01 IRR 04 STOCK
PICABO LIVESTOCK COMPANY							
		O	A37-02444	10/26/1931	GROUNDWATER	2.540	01 IRR
		O	R37-02444	10/26/1931	GROUNDWATER	2.540	01 IRR
PICABO LIVESTOCK CO INC							
		C	A37-00022	06/17/1899	SILVER CREE LOVING CREE	1.000	01 IRR 04 STOCK
		C	A37-00187	11/01/1892	SILVER CREE	1.600	01 IRR

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SD-0601-2 Last Name: PICABO LIVESTOCK

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
PICABO LIVESTOCK CO INC							
		C	A37-11903 ✓	06/01/1893	SILVER CREE	2.800	01 IRR
					LOVING CREE		04 STOCK
		C	A37-11911 ✓	07/28/1959	GROUNDWATER	6.180	01 IRR
		C	A37-11936	05/01/1971	PAYNE CREEK	2.130	01 IRR
		C	A37-12014	05/01/1935	SPRING	0.010	04 STOCK
		C	A37-00021 ✓	09/01/1887	SILVER CREE	5.600	01 IRR
					LOVING CREE		04 STOCK
		C	A37-00186 ✓	07/01/1886	SILVER CREE	0.400	01 IRR
					LOVING CREE		04 STOCK
		C	A37-00377 ✓	04/01/1888	SILVER CREE	0.800	01 IRR
					LOVING CREE		04 STOCK
		C	A37-11950	05/01/1964	LAVA LAKE	2.000	01 IRR
		C	R37-07455	09/02/1975	GROUNDWATER	0.060	43 DOMEST

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Page _____ of _____

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT ADDITIONAL DOCUMENTATION

PART 2

2/28/97 Meeting with Chuck Brodman, Jr.
Nick Purdy
Jim Stanton
Abe Hewitt

ATTACHED (Required)

1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).

✓ - Need info. from applicant.

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

2. Describe any other water rights used for the same purposes described in Part 2, item 1. Done
3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
 - a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
 - b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
 - c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.
6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
7. Comments from county planning and zoning organization for county in which proposed water use will occur.
8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

N/A

N/A

Amendici
SRBA

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MAR 26 1998

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

- ✓ a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- ✓ b) pump power records
- In file c) water master records and/or comments if use is within a water district
- N/A d) irrigation crop reports
- ? ✓ e) reports from other government agencies and/or qualified consultants
- ? f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- ? g) describe any defenses to forfeiture - CRP, extension of time, etc
- ? h) other....list other verification documentation for the water right below:

N/A 10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

? 11. Identify any other documentation that clarifies the transfer application:

Excess flow for more than
1"/acre if required.

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MAR 26 1998

Shoshone, Idaho 83352
June 21, 1988

L. N. Purdy
Picabo, Idaho 83348

Re: Decreed Water Rights from Silver Creek

Dear Bud:

Listed below are the water rights that I find in Silver Creek listed in the records of the Watermaster's office in Shoshone Idaho.

State WR #	Decreed To	Prior Date	Inches

Gillihan #11 Diversion			

~ 37-0351	H.P. Johnson and Christina Nelson	06-01-1886	12.50
~ 37-0352	Same	06-15-1887	30.00

Albrethsen #17 Diversion			

~ 37-0021	Martin Albrethsen	09-01-1887	280.00
~ 37-0942	Martin Albrethsen	08-01-1917	250.00
~ 37-0022	Martin Albrethsen	Perp	50.00

Kilpatrick #18 and Iden #19 Diversions			

~ 37-0376	Kilpatrick Bros.	09-01-1883	1000.00
~ 37-0213	Charles & Fred Fator	04-01-1885	40 50.00
~ 37-0186	P.H. Donahue	07-01-1886	20.00
~ 37-0494	Andrew White	04-01-1887	65.00
~ 37-0217	John A. Fator	04-01-1887	50.00
~ 37-0214	Charles Fator	04-01-1887	50.00
~ 37-0377	Kilpatrick Bros.	04-01-1888	40.00
~ 37-0378	Kilpatrick Bros.	06-15-1888	100.00
~ 37-0695	H.C. White	01-01-1889	60.00
~ 37-0218	Fred A. Fator	06-01-1889	37.00
~ 37-0428	Henry Loving	06-01-1889	40.00
~ 37-0333	C.H. Iden	11-01-1889	80.00
~ 37-0381	Kilpatrick Bros.	04-01-1890	500.00
~ 37-0379	Kilpatrick Bros	04-01-1890	50.00
~ 37-0380	Kilpatrick Bros.	04-01-1890	150.00
~ 37-0187	P.H. Donahue	11-01-1892	80.00
~ 37-0188	P.H. Donahue	06-01-1893	80.00
~ 37-0219	John Fator	06-01-1893	60.00
~ 37-0189	P.H. Donahue	04-01-1899	90.00
~ Perp. 215	Fred Fator and Adam Ifland	06-01-1899	200.00
"0" Drain up to 200"			200.00

2405

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