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ISB #3198
!r\m\idwr\protest\petition to amend_picabo

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

* * * * *

IN RE:	)	
PICABO LIVESTOCK COMPANY	)	<u>PETITION TO ALTER OR</u>
TRANSFER NOS. 5044, 5045 AND 5046.	)	<u>AMEND WATER RIGHTS</u>
	)	<u>TRANSEERS</u>
_____	)	

COMES NOW PICABO LIVESTOCK COMPANY ("Petitioner"), by and through its undersigned counsel of record, and petitions the Idaho Department of Water Resources (the "Department") to alter or amend Transfer Nos. 5044, 5045 and 5046 attached hereto as Exhibits "A", "B", and "C", respectively (hereinafter collectively referred to as the "Approved Transfers").

Petitioner seeks to alter or amend the place of use identified in the Approved Transfers based upon the facts as stated herein, the Affidavits of Leonard "Bud" Purdy, Nick Purdy, and Charles Brockway, Jr.

FACTS

The Approved Transfers were approved, subject to conditions, on March 20, 1998. The permitted place of use for all of the water rights identified in the Approved Transfers for Picabo Livestock Company totaled 2711.3 irrigated acres. Calculations for that acreage were made by (a)

1
2 using prints of Farm Service Administration ("FSA") aerial photographs and (b) making manual
3 calculations in each 40-acre tract based upon those photographs. The Geographic Information
4 Systems ("GIS") technology was not available at the time these transfer applications were
5 proposed.
6

7 During the time that Petitioner was preparing its claims in the Snake River Basin
8 Adjudication ("SRBA"), GIS methods began to be utilized to determine with precision the acreage
9 that had historically been irrigated by Petitioner. Instead of 2711.3 acres as a permitted place of
10 use, the GIS method of analysis showed that the actual historical acreage irrigated by the
11 Petitioner was 2852.8 acres, for a difference of 141.50 acres. See Exhibit "D" hereto showing a
12 comparison of irrigated acreage using the FSA photographs versus the GIS evaluation. At first
13 blush, and without a review of the number of individual 40-acre tracts involved in this calculation,
14 the modification sought for this amount of acreage might seem to be a significantly large number.
15 However, when viewed in the context of the individual 40-acre tracts, and when reviewing the
16 inaccurate value of 2711.3 acres, the disparity is actually only five percent (5%) of the acreage that
17 was determined to have been irrigated as a result of the pre-GIS technology.
18

19
20 Petitioner has filed herewith the Affidavits of Leonard N. "Bud" Purdy and Nick Purdy
21 regarding historical practices of irrigation on the 40-acre tracts of their property. Leonard N.
22 "Bud" Purdy attested to the fact that he had been involved with the irrigation of this property since
23 1939, i.e., a period of sixty-eight (68) years. Nick Purdy, his son, attested to the fact that he was
24 familiar with the irrigation of this property for the previous forty (40) years. Both attested to the
25 fact that the area of land irrigated had remained the same during that period of time. The Affidavit
26 of Charles Brockway, Jr. is indicative of the manner in which the understatement of the acreage

1
2 occurred due to technological shortcomings, and the differences that have been technologically
3 substantiated since the transfers were approved.
4

5 **RELIEF DESIRED**

6 Petitioner respectfully requests that the Department amend the Approved Transfers to
7 appropriately reflect the historical acreage of 2852.8 acres irrigated by the Petitioner. Clearly, the
8 Department's goal in the Snake River Basin Adjudication is to recognize and quantify validly
9 appropriated water rights in Idaho. It is indeed fortunate that the disparity in acreage has been
10 discovered prior to the entry of the court's decree in the SRBA.
11

12 RESPECTFULLY SUBMITTED this 22 day of February, 2007.

13 ROBERTSON & SLETTE, PLLC

14
15 By:  _____
16 GARY D. SLETTE
17
18
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26

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of February, 2007, I served a copy of the foregoing instrument, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Original:

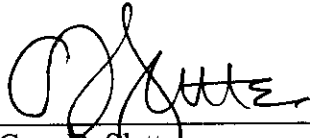
**Idaho Department of Water Resources
Attn: David Tuthill, P.E.
322 East Front St.
P.O. Box 83720
Boise, Idaho 83720-0098
Facsimile 208-287-6700**

Copies to:

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard S.
P.O. Box 83720
Boise, ID 83720-0098

Allen D. Merritt
IDWR - Southern Region
1341 Fillmore St - Ste. 200
Twin Falls, ID 83301-3380

Charles E. Brockway PE PHD
Brockway Engineering
2016 N Washington St - Ste 4
Twin Falls, ID 83301



Gary D. Slette

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5044
WATER RIGHT NO(S). 37-02617/37-02620

MAR 26 1998

Department of Water Resource
Southern Region

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>	<u>ANNUAL VOLUME</u>
Right No. 37-02617 :			
IRRIGATION	04/15 to 10/15	3.72 CFS	1190.0 AF
Priority: 06/23/1959			
Right No. 37-02620 :			
IRRIGATION	04/15 to 10/15	2.46 CFS	892.9 AF
Priority: 07/28/1959			
TOTAL:		* 6.18 CFS	* 1190.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 20, Township 01S, Range 20E
SWNE , Sec. 30, Township 01S, Range 20E
NENW , Sec. 30, Township 01S, Range 20E
BLAINE County

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		NESE 1.0	NWSW 11.0	SWSW 35.0	

EXHIBIT

A

TRANSFER NO. 5044
WATER RIGHT NO(S). 37-02617/37-02620

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>
			SESW 10.0			57.0
27			NWNE 21.1	SWNE 25.9	NENW 38.0	
			NWNW 24.0	SWNW 32.0	SESW 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	SESW 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	SESW 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	
			SESW 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

CONDITIONS OF APPROVAL AND REMARKS

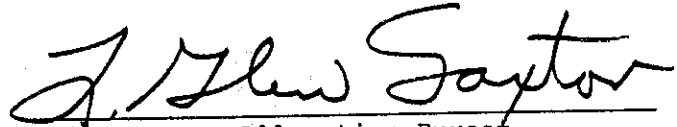
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. 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.

TRANSFER NO. 5044
WATER RIGHT NO(S). 37-02617/37-02620

CONDITIONS OF APPROVAL AND REMARKS

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. 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 the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- ** 10. Right 37-02617 is limited to the irrigation of 340.0 acres in the place of use described above in a single irrigation season.
- ** 11. Right 37-02620 is limited to the irrigation of 340.0 acres in the place of use described above in a single irrigation season.
- * 12. Rights 37-02617 and 37-02620 when combined shall not exceed a total diversion rate of 6.18 cfs, a total annual diversion volume of 1190.0 af at the field headgate, and the irrigation of 340.0 acres.

Dated this 20th day of March, 1998.


Chief, Water Allocation Bureau

Topographic map showing water right transfer application for Picabo Livestock. The map includes contour lines, a grid, and various labels such as "Picabo Livestock Prop. Boundary (Place of Use)", "Point of Diversion", and "Water Right Transfer Application". It also shows "R. 19 E. R. 20 E." and "Picabo Livestock North of Hailey".

Brockway Engineering, PLLC 2/27/97

POINT OF DIVERSION

ACRES TRANSFERRED NORTH OF HAILEY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5045
WATER RIGHT NOS. 37-02627A & 37-02627B

MAR 26 1998

Idaho Department of Water Resources
Southern Region

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.

RIGHT NO. 37-02627A:

Priority: 12/09/1959

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	10.65 CFS	3865.7 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 20, Township 01S, Range 20E
SWNE , Sec. 30, Township 01S, Range 20E
NENW , Sec. 30, Township 01S, Range 20E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 20E 19	NENE 39.0	SENE 40.0	SWSW 36.0	
	SESW 35.0	NESE 29.0	NWSE 32.0	
	SWSE 31.0	SESE 35.0		277.0
20	NWNW 38.0	SWNW 39.0	NESW 29.0	
	NWSW 37.0	SWSW 15.0	SESW 24.0	
	NESE 39.0	NWSE 36.0	SWSE 11.0	
	SESE 32.0			300.0
21	SWNE 40.0	SENE 27.0	NESW 40.0	
	NWSW 40.0	SWSW 40.0	SESW 23.0	
	NESE 39.0	NWSE 40.0	SWSE 33.0	
	SESE 24.0			346.0
22	SWNW 18.0	SENW 19.0	NESW 9.4	
	NWSW 24.0	SWSW 36.0	SESW 32.0	138.4
26	NESW 1.0	NWSW 11.0	SWSW 35.0	
	SESW 10.0			57.0
27	NWNE 21.1	SWNE 25.9	NENW 38.0	
	NWNW 24.0	SWNW 32.0	SENW 26.0	
	NESW 14.0	NWSW 21.0	SWSW 1.0	
	SESW 11.0	NESE 23.5	NWSE 14.0	
	SWSE 32.0	SESE 32.0		315.5
28	NENE 27.0	NWNE 23.0	SWNE 31.0	
	SENE 26.0	NENW 8.3	NWNW 19.4	

EXHIBIT

B

TRANSFER NO. 5045
WATER RIGHT NOS. 37-02627A & 37-02627B

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>
			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		60.0
Total number of acres irrigated:						* 2711.3

RIGHT NO. 37-02627B:

Priority: 12/09/1959

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.25 CFS	219.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 18, Township 03N, Range 18E
 BLAINE County

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>
03N	18E	7	SESW 12.0	SWSE 38.5	SESE 3.5	54.0
		18	NENW 8.7			8.7
Total number of acres irrigated:						62.7

CONDITIONS OF APPROVAL AND REMARKS

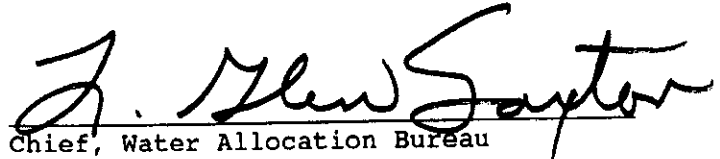
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

TRANSFER NO. 5045
WATER RIGHT NOS. 37-02627A & 37-02627B

CONDITIONS OF APPROVAL AND REMARKS

4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. Prior to diversion of water under Transfer 5045 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.
- * 10. Right 37-02627A is limited to the irrigation of 2496.3 acres in the place of use described above in a single irrigation season.
11. Rights 37-02627A, 37-02617 and 37-02620 when combined shall not exceed a total annual diversion volume of 5055.7 af at the field headgate and the irrigation of 2711.3 acres.
12. Use of water under Right 37-02627B may be affected by an agreement between the protestant and the right holder.
13. The Director maintains jurisdiction of Right 37-02627B 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.
14. Approval of Transfer 5045 does not authorize the irrigation of any new land under Right 37-02627B not previously irrigated under other rights.
15. Rights 37-02627B, 37-02632 and 37-08854 are diverted from the same well located in SWNE, S18, T03N, R18E.

Dated this 20th day of March, 1998


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 37-02627

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER 5045

DATE: February 5, 1998

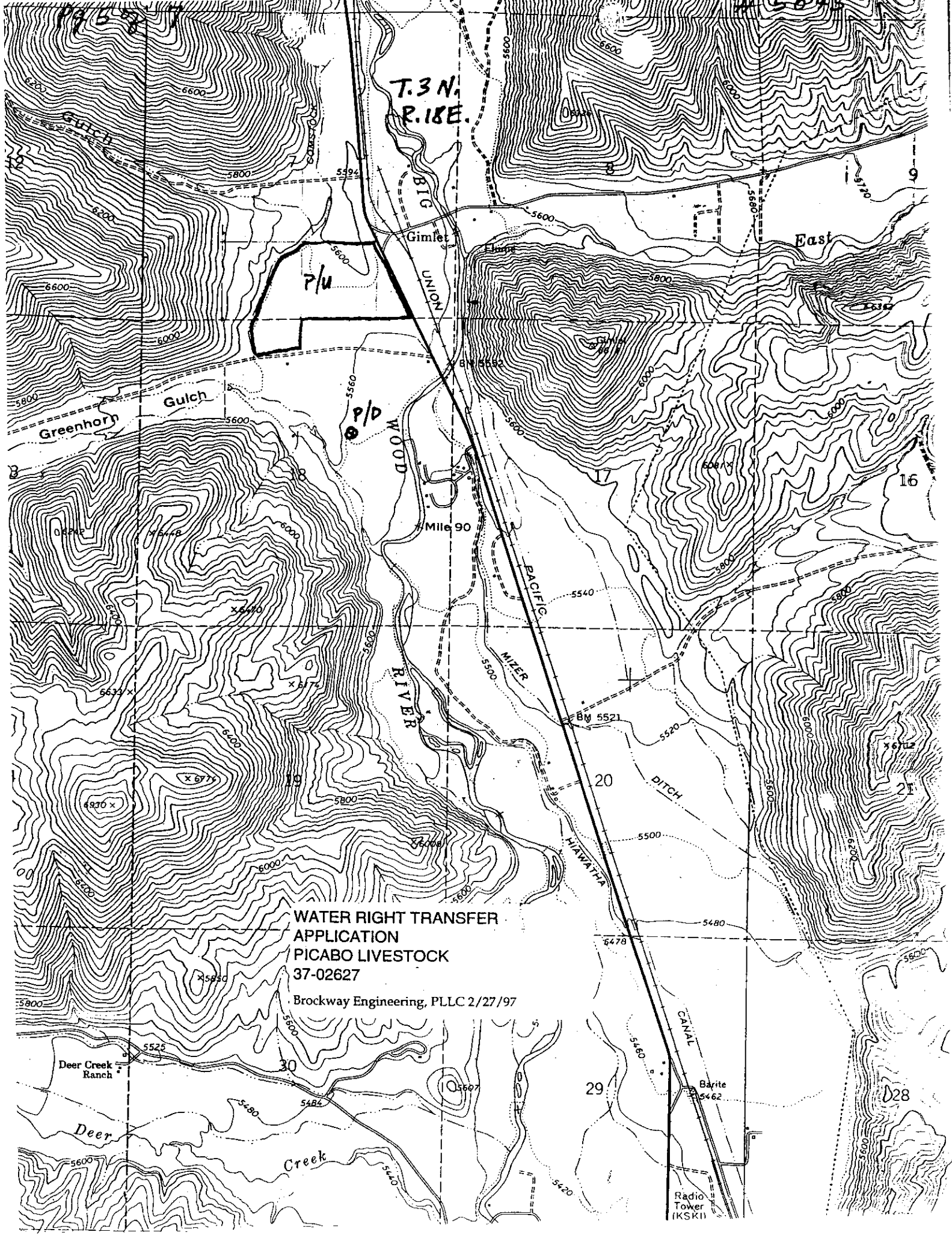
=====

Transfer 5045 is the second of three transfer applications filed to combine rights and identify current use on a large parcel of land. This transfer also splits a portion of Right 37-02627 from the original system to supplement a separate system several miles north. ✓

Under Part A, the transfer adds points of diversion and changes the place of use to create a 2711.3 acre common permissible place of use with groundwater Rights 37-02617 and 37-02620, and multiple surface water rights under Transfer 5046. Under Part B, the transfer changes the point of diversion and place of use to irrigate 62.7 acres not covered by groundwater Right 37-02632. ✓

Recommended conditions include watermaster control, measuring devices/multiple points of diversion, no new well, supplemental groundwater, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions. ✓

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T.3 N.
R.18 E.

Gimlet

P/U

P/D

Mile 90

PACIFIC RIVER

NIZER

DITCH

CANAL

Barite

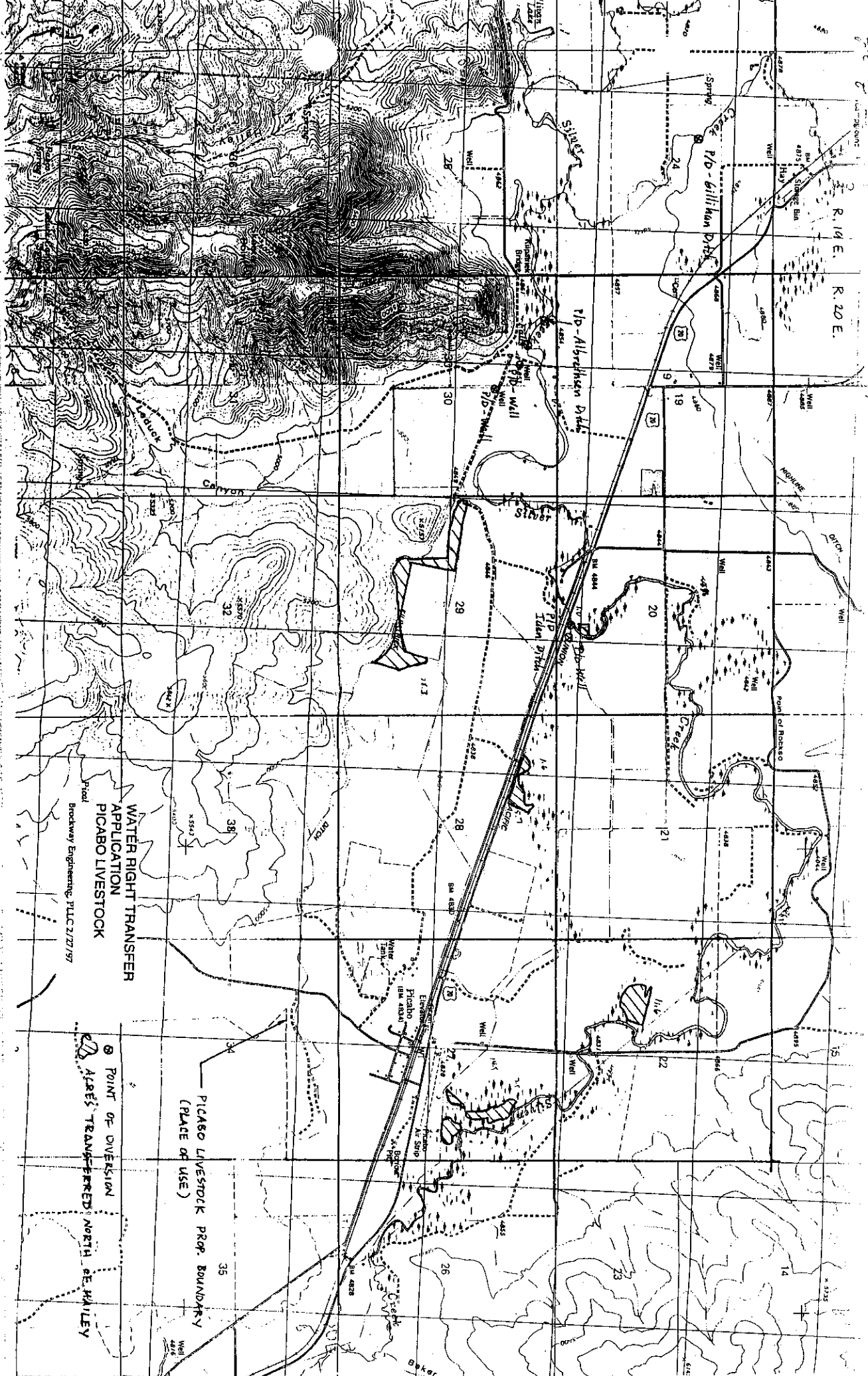
Radio Tower (KSKII)

Deer Creek Ranch

Deer Creek

WATER RIGHT TRANSFER
APPLICATION
PICABO LIVESTOCK
37-02627

Brockway Engineering, PLLC 2/27/97



WATER RIGHT TRANSFER
APPLICATION
PICABO LIVESTOCK

Brookway Engineering, PLLC 2/27/97

- POINT OF DIVERSION
- PICABO LIVESTOCK PROP. BOUNDARY
- PICABO LIVESTOCK PROP. BOUNDARY (PLACE OF USE)
- ALPES TRANSFERRED NORTH OF WAILEY

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

RECEIVED

APR 24 1998

Department of Water Resources
Southern Region

EXHIBIT

C

TRANSFER NO. 5046

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

Right No. 37-00188 :

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

Right No. 37-00189 :

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

Right No. 37-00213A :

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

Right No. 37-00213B :

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

Right No. 37-00214 :

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

Right No. 37-00215E :

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

Right No. 37-00215F :

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

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
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Right No. 37-00376E :

IRRIGATION	04/15 to 10/15	18.27 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 09/01/1883

SUBTOTAL:	18.27 CFS
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Right No. 37-00377 :

IRRIGATION	04/15 to 10/15	0.80 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1888

SUBTOTAL:	0.80 CFS
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Right No. 37-00378 :

IRRIGATION	04/15 to 10/15	2.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 06/15/1888

SUBTOTAL:	2.00 CFS
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Right No. 37-00379 :

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

Priority: 04/01/1890

SUBTOTAL:	1.00 CFS
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Right No. 37-00380 :

IRRIGATION	04/15 to 10/15	3.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1890

SUBTOTAL:	3.00 CFS
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Right No. 37-00381 :

IRRIGATION	04/15 to 10/15	10.00 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

Priority: 04/01/1890

SUBTOTAL:	10.00 CFS
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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. 37-00428 :
 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

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

<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	277.0
			SWSE 31.0	SESE 35.0		
		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	300.0
			SESE 32.0			
		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	346.0
			SESE 24.0			
		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	57.0
			SESW 10.0			
		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	315.5
			SWSE 32.0	SESE 32.0		
		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	478.7
			SESE 12.0			
		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	394.7
			SWSE 1.9	SESE 31.0		
		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	108.0
			NWNW 1.0			60.0
		35	NWNW 40.0	SWNW 20.0		

Total number of acres irrigated: ** 2711.3

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. 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.

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

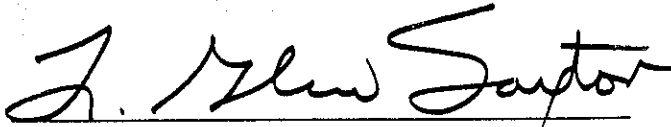
- ** 12. Right 37-00021 is limited to the irrigation of 280.0 acres in the place of use described above in a single irrigation season.
- ** 13. Right 37-00022 is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- ** 14. Right 37-00186A is limited 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.

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

- ** 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

Suttern

REC

MAR 26 1998

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5046

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

This is to certify that: PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-00021 :		
IRRIGATION	04/15 to 10/15	5.60 CFS
DOMESTIC	01/01 to 12/31	
Priority: 09/01/1887		
Right No. 37-00022 :		
IRRIGATION	04/15 to 10/15	1.00 CFS
Priority: 06/17/1899		
Right No. 37-00186A :		
IRRIGATION	04/15 to 10/15	0.39 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 07/01/1886		
SUBTOTAL:		0.39 CFS
Right No. 37-00186B :		
IRRIGATION	04/15 to 10/15	0.01 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS
Priority: 07/01/1886		
SUBTOTAL:		0.01 CFS
Right No. 37-00187 :		
IRRIGATION	04/15 to 10/15	1.60 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS
Priority: 11/01/1892		
SUBTOTAL:		1.60 CFS

57-00021 et al 175046

AP

TRANSFER NO. 5046

WATER RIGHT NO(8). 37-00021/37-00022/37-00186A/37-00186B
 37-00187/37-00188/37-00189/37-00213A/37-00213B/37-00214
 37-00215E/37-00215F/37-00216/37-00217/37-00218/37-00219
 37-00333/37-00351A/37-00352A/37-00376B/37-00376D/37-00376E
 37-00377/37-00378/37-00379/37-00380/37-00381/37-00428
 37-00694A/37-00694B/37-00695/37-00942/37-02405

Right No. 37-00188 :

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

SUBTOTAL:	1.60 CFS
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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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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
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Right No. 37-00376E :

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

SUBTOTAL:	18.27 CFS
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Right No. 37-00377 :

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

SUBTOTAL:	0.80 CFS
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Right No. 37-00378 :

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

SUBTOTAL:	2.00 CFS
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Right No. 37-00379 :

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

SUBTOTAL:	1.00 CFS
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Right No. 37-00380 :

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

SUBTOTAL:	3.00 CFS
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Right No. 37-00381 :

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

SUBTOTAL:	10.00 CFS
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Right No. 37-00428 :

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

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

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	
			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
				NWNE 21.0	NENW 5.0	30.0
		33	NENE 4.0	NWNE 40.0	NENW 27.0	
		34	NENE 40.0			108.0
			NWNW 1.0			60.0
		35	NWNW 40.0	SWNW 20.0		

Total number of acres irrigated: 2711.3

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.

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

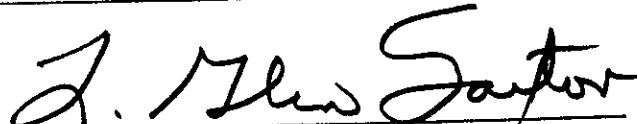
11. Approval of Transfer 5046 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
12. Approval of Transfer 5046 does not authorize the construction of any new diversion headgates.
- ** 13. Right 37-00021 is limited to the irrigation 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.

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

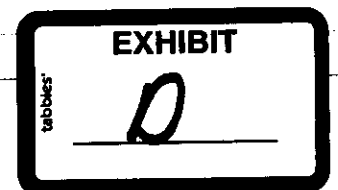
Picabo Livestock Acreage Reconciliation - 2004

Irrigated acreage calculation was made by hand for 1997 Transfer Nos. 5044, 5045, and 5046

ArcView GIS used to make irrigated acreage calculation for 2004 transfer

5/24/2004

Sec	QQ	Q		1997 acreage calculation	2004 GIS calculation	Difference	
19	NE	NE	19NENE	39	39.6	0.6	
19	SE	NE	19SENE	40	39.0	-1.0	
19	SW	SW	19SWSW	36	37.7	1.7	
19	SE	SW	19SESW	35	38.7	3.7	
19	NE	SE	19NESE	29	26.1	-2.9	
19	NW	SE	19NWSE	32	32.5	0.5	
19	SW	SE	19SWSE	31	35.3	4.3	
19	SE	SE	19SESE	35	36.8	1.8	
20	NW	NW	20NWNW	38	39.9	1.9	
20	SW	NW	20SWNW	39	39.6	0.6	
20	NE	SW	20NESW	29	30.5	1.5	
20	NW	SW	20NWSW	37	38.2	1.2	
20	SW	SW	20SWSW	15	19.1	4.1	
20	SE	SW	20SESW	24	19.0	-5.0	
20	NE	SE	20NESE	39	40.2	1.2	
20	NW	SE	20NWSE	36	36.5	0.5	
20	SW	SE	20SWSE	12	10.9	-1.1	To GE
20	SE	SE	20SESE	32	35.6	3.6	
21	SW	NE	21SWNE	40	40.3	0.3	
21	SE	NE	21SENE	27	27.5	0.5	
21	NE	SW	21NESW	40	40.3	0.3	
21	NW	SW	21NWSW	40	40.3	0.3	
21	SW	SW	21SWSW	40	40.4	0.4	
21	SE	SW	21SESW	23	36.4	13.4	
21	NE	SE	21NESE	39	40.3	1.3	
21	NW	SE	21NWSE	40	40.3	0.3	
21	SW	SE	21SWSE	33	37.5	4.5	
21	SE	SE	21SESE	24	28.1	4.1	
22	SW	NW	22SWNW	18	23.1	5.1	
22	SE	NW	22SENW	19	19.1	0.1	
22	NE	SW	22NESW	17	6.8	-10.2	To GE
22	NW	SW	22NWSW	28	36.0	8.0	
22	SW	SW	22SWSW	36	37.4	1.4	
22	SE	SW	22SESW	32	26.7	-5.3	
22	NW	SE	22NWSE	0	0.0	0.0	
22	SW	SE	22SWSE	0	0.0	0.0	
22	SE	SE	22SESE	0	0.0	0.0	
26	SW	NW	26SWNW	0	0.0	0.0	
26	NE	SW	26NESW	1	0.0	-1.0	
26	NW	SW	26NWSW	11	14.4	3.4	
26	SW	SW	26SWSW	35	36.4	1.4	
26	SE	SW	26SESW	10	3.0	-7.0	
27	NE	NE	27NENE	1	0.0	-1.0	To GE



27	NW	NE	27NWNE	22	20.3	-1.7	To GE
27	SW	NE	27SWNE	28	28.9	0.9	
27	SE	NE	27SENE	8	0.0	-8.0	To GE
27	NE	NW	27NENW	38	36.5	-1.5	
27	NW	NW	27NWNW	24	18.0	-6.0	
27	SW	NW	27SWNW	32	31.8	-0.2	
27	SE	NW	27SENW	26	22.2	-3.8	
27	NE	SW	27NESW	14	14.6	0.6	
27	NW	SW	27NWSW	21	24.5	3.5	
27	SW	SW	27SWSW	1	0.6	-0.4	
27	SE	SW	27SESW	11	12.0	1.0	
27	NE	SE	27NESE	25	30.5	5.5	
27	NW	SE	27NWSE	15	16.2	1.2	
27	SW	SE	27SWSE	32	32.3	0.3	
27	SE	SE	27SESE	32	36.0	4.0	
28	NE	NE	28NENE	27	20.0	-7.0	
28	NW	NE	28NWNE	23	24.2	1.2	
28	SW	NE	28SWNE	31	33.7	2.7	
28	SE	NE	28SENE	26	28.7	2.7	
28	NE	NW	28NENW	14	17.3	3.3	To GE
28	NW	NW	28NWNW	21	22.5	1.5	To GE
28	SW	NW	28SWNW	40	40.4	0.4	
28	SE	NW	28SENW	35	37.7	2.7	
28	NE	SW	28NESW	38	40.4	2.4	
28	NW	SW	28NWSW	40	40.4	0.4	
28	SW	SW	28SWSW	29	31.7	2.7	
28	SE	SW	28SESW	39	38.0	-1.0	
28	NE	SE	28NESE	40	40.4	0.4	
28	NW	SE	28NWSE	39	40.4	1.4	
28	SW	SE	28SWSE	32	36.3	4.3	
28	SE	SE	28SESE	12	6.4	-5.6	
29	NE	NE	29NENE	24	28.9	4.9	
29	NW	NE	29NWNE	38	38.4	0.4	
29	SW	NE	29SWNE	40	40.3	0.3	
29	SE	NE	29SENE	40	40.3	0.3	
29	NE	NW	29NENW	33	33.5	0.5	
29	NW	NW	29NWNW	25	27.0	2.0	
29	SW	NW	29SWNW	31	33.2	2.2	To GE
29	SE	NW	29SENW	40	40.3	0.3	To GE
29	NE	SW	29NESW	37	35.6	-1.4	To GE
29	NW	SW	29NWSW	3	0.0	-3.0	
29	SE	SW	29SESW	0	0.0	0.0	
29	NE	SE	29NESE	40	40.3	0.3	To GE
29	NW	SE	29NWSE	38	38.6	0.6	To GE
29	SW	SE	29SWSE	3	2.8	-0.2	To GE
29	SE	SE	29SESE	31	28.9	-2.1	To GE
30	NE	NE	30NENE	29	30.1	1.1	
30	NW	NE	30NWNE	34	35.4	1.4	
30	SW	NE	30SWNE	36	40.3	4.3	
30	SE	NE	30SENE	17	31.1	14.1	

30	NE	NW	30NENW	12	18.2	6.2	
30	NW	NW	30NWNW	2	2.0	0.0	
30	SE	NW	30SENW	20	15.3	-4.7	
30	NE	SE	30NESE	22	37.5	15.5	
30	NW	SE	30NWSE	34	40.4	6.4	
30	SW	SE	30SWSE	0	34.7	34.7	Red = Leduc new area
30	SE	SE	30SESE	0	40.4	40.4	
30	SE	SE	30SESE	0	40.2	40.2	
31	NE	NE	31NENE	0	15.4	15.4	
31	NW	NE	31NWNW	0	40.2	40.2	
31	SE	NE	31SENE	0	4.9	0.9	
33	NE	NE	33NENE	4	19.0	-2.0	
33	NW	NE	33NWNW	21	4.4	-0.6	
33	NE	NW	33NENW	5	0.0	0.0	
33	SE	NW	33SENW	0	40.3	0.3	
34	NE	NE	34NENE	40	40.3	0.3	
34	NW	NE	34NWNW	40	34.5	7.5	
34	NE	NW	34NENW	27	0.5	-0.5	
34	NW	NW	34NWNW	1	41.0	1.0	
35	NW	NW	35NWNW	40	25.4	5.4	
35	SW	NW	35SWNW	20			
Total acreage:				2774	3052		
					2881.1	w/o Leduc	

Irrigated area calculation after
moving acres to Golden Eagle: 2711.3 2852.8

Note:

$$2774 - 62.7 = 2711.3$$

$$2881.1 - 28.3 = 2852.8 \text{ (only 28.3 acres of the 62.7 transferred are in the 2881.1 number)}$$

Difference in irrigated acreage, accounting for move to Golden Eagle: 141.5 acres