

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

10/10/2024

**Water Right 37-352A**  
**WR Report AFTER Ownership Change Split**

**Owner Type**      **Name and Address**  
Current Owner      PICABO LIVESTOCK COMPANY INC  
                                 PO BOX 748  
                                 PICABO, ID 83348-0748  
                                 (208) 788-3530

**Priority Date:** 6/15/1887

**Basis:** Decreed

**Status:** Active

**Source**  
SILVER CREEK  
LOVING CREEK

**Tributary**  
LITTLE WOOD RIVER  
SILVER CREEK

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/15                         | 10/31            | 0.580 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.580 CFS                    |                      |

**Source and Point(s) of Diversion:**

|              |            |                                          |
|--------------|------------|------------------------------------------|
| SILVER CREEK | NESW       | Sec. 20, Twp 01S, Rge 20E, BLAINE County |
| SILVER CREEK | NWSW       | Sec. 26, Twp 01S, Rge 20E, BLAINE County |
| SILVER CREEK | SWNENW     | Sec. 30, Twp 01S, Rge 20E, BLAINE County |
| SILVER CREEK | L1(NENWNW) | Sec. 30, Twp 01S, Rge 20E, BLAINE County |
| LOVING CREEK | NESENW     | Sec. 24, Twp 01S, Rge 19E, BLAINE County |
| SILVER CREEK | SWSWSE     | Sec. 20, Twp 01S, Rge 20E, BLAINE County |

**Place Of Use:**

IRRIGATION within BLAINE County

|     |     |     | NE   |      |      |      | NW   |      |      |      | SW   |      |            |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW         | SE   | NE   | NW   | SW   | SE   |        |
| 01S | 20E | 19  | 40.0 |      |      | 39.0 |      |      |      |      |      |      | 38.0<br>L4 | 39.0 | 26.0 | 32.0 | 35.0 | 37.0 | 286.0  |
| 01S | 20E | 20  |      |      |      |      |      | 40.0 | 40.0 |      | 30.0 | 38.0 | 19.0       | 19.0 | 40.0 | 36.0 | 11.0 | 36.0 | 309.0  |
| 01S | 20E | 21  |      |      | 40.0 | 27.0 |      |      |      |      | 40.0 | 40.0 | 40.0       | 36.0 | 40.0 | 40.0 | 37.0 | 28.0 | 368.0  |
| 01S | 20E | 22  |      |      |      |      |      |      | 23.0 | 19.0 | 6.8  | 36.0 | 37.0       | 27.0 |      |      |      |      | 148.8  |
| 01S | 20E | 26  |      |      |      |      |      |      |      |      |      | 11.1 | 18.1       | 0.9  |      |      |      |      | 30.1   |
| 01S | 20E | 27  |      | 20.0 | 29.0 |      | 36.0 | 18.0 | 32.0 | 22.0 | 15.0 | 24.0 | 0.6        | 7.0  | 23.8 | 16.0 | 25.0 | 33.3 | 301.7  |
| 01S | 20E | 28  | 20.0 | 24.0 | 34.0 | 29.0 | 17.0 | 22.0 | 40.0 | 38.0 | 40.0 | 40.0 | 32.0       | 38.0 | 40.0 | 40.0 | 36.0 | 6.4  | 496.4  |
| 01S | 20E | 29  | 29.0 | 38.0 | 40.0 | 40.0 | 33.0 | 27.0 | 33.0 | 40.0 | 36.0 |      |            |      | 40.0 | 39.0 | 2.8  | 29.0 | 426.8  |

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|-----|-----|----|------|------|------|------|------|-----------|------|------|--|--|--|--|------|------|------|------|-------|
| 01S | 20E | 30 | 30.0 | 35.0 | 40.0 | 31.0 | 18.0 | 2.0<br>L1 |      | 15.0 |  |  |  |  | 37.0 | 40.0 | 35.0 | 40.0 | 323.0 |
| 01S | 20E | 31 | 40.0 | 15.0 |      | 40.0 |      |           |      |      |  |  |  |  |      |      |      |      | 95.0  |
| 01S | 20E | 33 | 4.9  | 19.0 |      |      | 4.4  |           |      |      |  |  |  |  |      |      |      |      | 28.3  |
| 01S | 20E | 34 | 40.0 | 40.0 |      |      | 34.0 | 0.5       |      |      |  |  |  |  |      |      |      |      | 114.5 |
| 01S | 20E | 35 |      |      |      |      |      | 41.0      | 25.0 |      |  |  |  |  |      |      |      |      | 66.0  |

Right Acre Limit: 29.60  
POU Total Acres: 2,993.6

**Conditions of Approval:**

1. X27 This right is limited to the irrigation of 29.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-2627A, 37-11892, 37-11898, 37-11900, 37-11903, 37-11911, 37-11914, and 37-20609 when combined shall not exceed a total diversion rate of 71.70 cfs, nor a total combined annual volume measured at the points of diversion of 16842.0 af. When combined these rights shall not exceed a total annual maximum diversion volume for irrigation purposes of 16826.70 af at the point of diversion and the irrigation of 2670.9 acres. When combined these rights shall also not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 15.4 af at the point of diversion for stockwater purposes.
3. 192 When water is diverted under this right at the Point of Diversion, located in TWP 01S, RNG 20E, Sec. 20 NESW, the watermaster shall deliver 0.21 cfs from the following rights: 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 into the point of diversion, located in TWP 01S, RNG 19E, Sec. 24 NESENW, locally known as the Gillihan Ditch, to mitigate for injury to other water users which have historically relied on sharing ditch loss with the right owner. Future adjustment to the amount needed for mitigation may be made by IDWR if improved conveyance loss analysis is developed. If water use from the headgate located in TWP 01S, RNG 20E, Sec. 20 NESW is curtailed the mitigation requirement ceases.
4. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 20 NESW is limited to a maximum diversion rate of 9.86 cfs, when diverted under rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609.
5. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 26 NWSW is limited to a maximum diversion rate of 5.91 cfs, when diverted under rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. R43 The right holder shall maintain a measuring device and lockable controlling

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- works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Comments:**

- 1 pskaggs 5/7/2004 Transferred Right  
This is now a approved transfer, transfer number = 69626
- 2 tfawcett 10/14/2009 Updated conditions  
Conditions updated to reflect preliminary order correcting transfer approvals dated 8/12/2009.
- 3 djones 10/8/2013 Water Right  
This water right record was updated by decree record from old RightID 89940 to new RightID 577668
- 4 jcooper 10/9/2013 Updated Shape  
Updated PODShape
- 5 amerritt 11/22/2013 Transferred Right  
This is now an approved transfer. Transfer Number = 78831
- 6 wmills 1/9/2015 Updated Shape  
Updated PODShape
- 7 amerritt 1/27/2015 Transferred Right  
This is now an approved transfer. Transfer Number = 79437
- 8 jbitzenburg 6/7/2023 Split Right  
Split into 37-23443.
- 9 jbitzenburg 6/13/2023 POU  
Updated Shape
- 10 jbitzenburg 9/19/2024 Split Right  
Split into 37-23613.
- 11 jbitzenburg 10/10/2024 POU  
Updated Shape for WaterUseCode 01

**Dates and Other Information:**

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**10/10/2024**

Decreed Date: 11/30/2010  
State or Federal: S  
Water District Number: 37  
Mitigation Plan: False

**Combined Use Limits:**

| <b><u>Rate</u></b> | <b><u>Volume</u></b> | <b><u>Acres</u></b> |
|--------------------|----------------------|---------------------|
| 72.460             | 17,020.9             | 2,699.3             |

**Water Rights**

37-2627A,37-11911 ,37-11914 ,37-21 ,37-22 ,37-186 ,37-187 ,37-189 ,37-213 ,37-215D ,37-333 ,37-351A ,37-352A ,37-377 ,37-378 ,37-695 ,37-942 ,37-2405 ,37-11892 ,37-11898 ,37-11900 ,37-11903 ,37-20609

**SubCase:**

SubCaseNumber: 37-352A  
Class: 1  
SF5 Filed Date:  
Special Master Recom Signed Date:  
Attorney Assigned:  
Adjudication Agent:  
Basis of Claim: Decreed  
Date Filed: 11/14/2007  
Objection Status: Active

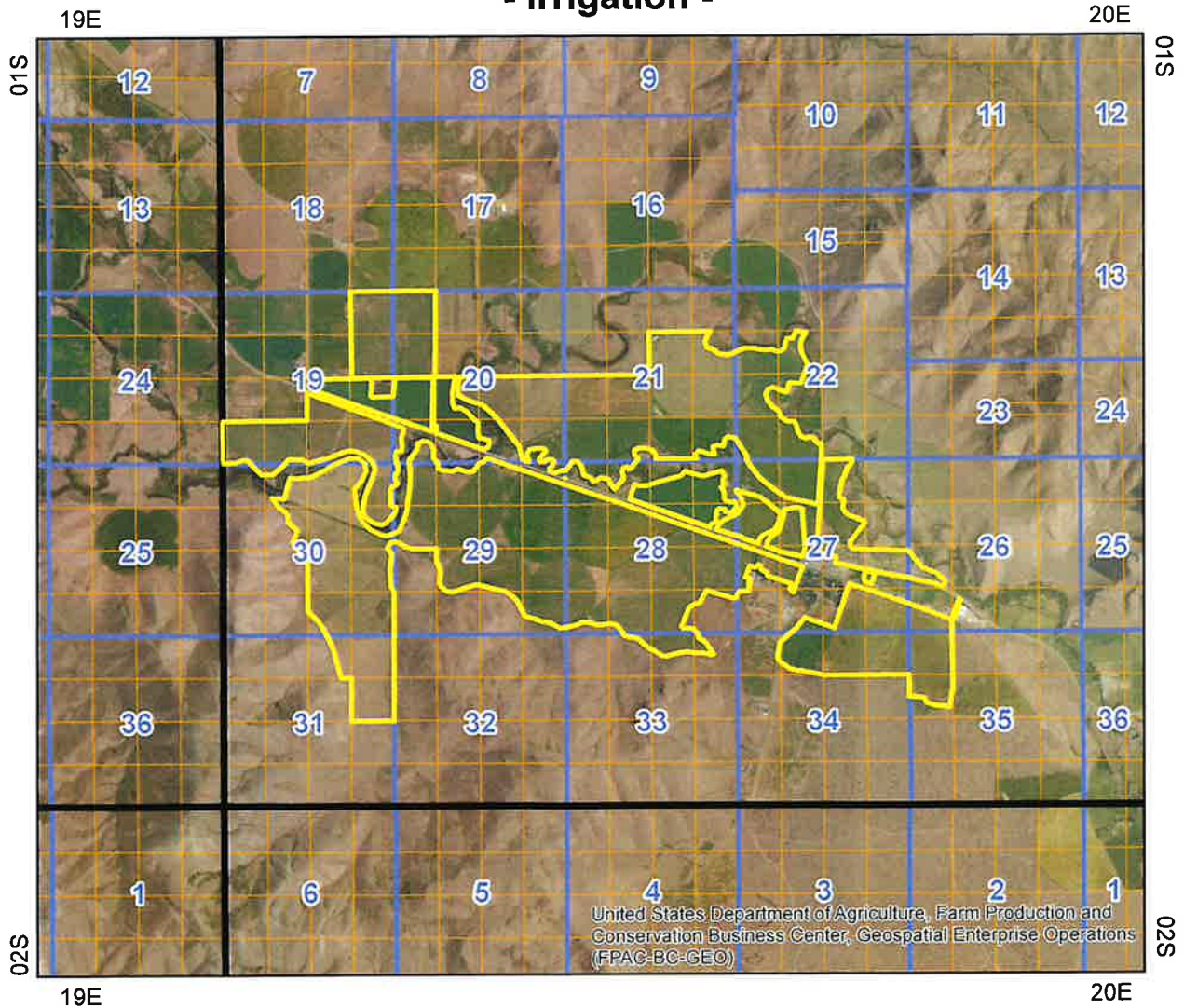
**Water Supply Bank:**

N/A

State of Idaho  
Department of Water Resources

**Water Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213,  
37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695,  
37-942, 37-2405, 37-2627A, 37-11892, 37-11898, 37-11900,  
37-11903, 37-11911, 37-11914, and 37-20609**

**Map AFTER Ownership Change Split  
- Irrigation -**



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



**9/10/2024**

37-352A

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|     |     |    |      |      |      |      |      |           |      |      |  |  |  |  |      |      |      |      |       |
|-----|-----|----|------|------|------|------|------|-----------|------|------|--|--|--|--|------|------|------|------|-------|
| 01S | 20E | 30 | 30.0 | 35.0 | 40.0 | 31.0 | 18.0 | 2.0<br>L1 |      | 15.0 |  |  |  |  | 37.0 | 40.0 | 35.0 | 40.0 | 323.0 |
| 01S | 20E | 31 | 40.0 | 15.0 |      | 40.0 |      |           |      |      |  |  |  |  |      |      |      |      | 95.0  |
| 01S | 20E | 33 | 4.9  | 19.0 |      |      | 4.4  |           |      |      |  |  |  |  |      |      |      |      | 28.3  |
| 01S | 20E | 34 | 40.0 | 40.0 |      |      | 34.0 | 0.5       |      |      |  |  |  |  |      |      |      |      | 114.5 |
| 01S | 20E | 35 |      |      |      |      |      | 41.0      | 25.0 |      |  |  |  |  |      |      |      |      | 66.0  |

Right Acre Limit: 29.90  
POU Total Acres: 3,025.4

**Conditions of Approval:**

1. X27 This right is limited to the irrigation of 29.9 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-2627A, 37-11892, 37-11898, 37-11900, 37-11903, 37-11911, 37-11914, and 37-20609 when combined shall not exceed a total diversion rate of 72.46 cfs, nor a total combined annual volume measured at the points of diversion of 17,020.9 af. When combined these rights shall not exceed a total annual maximum diversion volume for irrigation purposes of 17,005.4 af at the point of diversion and the irrigation of 2699.3 acres. When combined these rights shall also not exceed a total diversion rate of 0.17 cfs and a total annual maximum diversion volume of 15.6 af at the point of diversion for stockwater purposes.
3. 192 When water is diverted under this right at the Point of Diversion, located in TWP 01S, RNG 20E, Sec. 20 NESW, the watermaster shall deliver 0.22 cfs from the following rights: 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 into the point of diversion, located in TWP 01S, RNG 19E, Sec. 24 NESENW, locally known as the Gillihan Ditch, to mitigate for injury to other water users which have historically relied on sharing ditch loss with the right owner. Future adjustment to the amount needed for mitigation may be made by IDWR if improved conveyance loss analysis is developed. If water use from the headgate located in TWP 01S, RNG 20E, Sec. 20 NESW is curtailed the mitigation requirement ceases.
4. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 20 NESW is limited to a maximum diversion rate of 9.96 cfs, when diverted under rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609.
5. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 26 NWSW is limited to a maximum diversion rate of 5.97 cfs, when diverted under rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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- |     |     |                                                                                                                                                                                                                                                                                                                                            |
|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.  | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).                                                                                                                                 |
| 8.  | T07 | The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.                                                                                                                                                                                                                 |
| 9.  | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.                                                                                                                                                                                                  |
| 10. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

**Comments:**

- |                                                                                                   |             |            |                    |
|---------------------------------------------------------------------------------------------------|-------------|------------|--------------------|
| 1                                                                                                 | pskaggs     | 5/7/2004   | Transferred Right  |
| This is now a approved transfer, transfer number = 69626                                          |             |            |                    |
| 2                                                                                                 | tfawcett    | 10/14/2009 | Updated conditions |
| Conditions updated to reflect preliminary order correcting transfer approvals dated 8/12/2009.    |             |            |                    |
| 3                                                                                                 | djones      | 10/8/2013  | Water Right        |
| This water right record was updated by decree record from old RightID 89940 to new RightID 577668 |             |            |                    |
| 4                                                                                                 | jcooper     | 10/9/2013  | Updated Shape      |
| Updated PODShape                                                                                  |             |            |                    |
| 5                                                                                                 | amerritt    | 11/22/2013 | Transferred Right  |
| This is now an approved transfer. Transfer Number = 78831                                         |             |            |                    |
| 6                                                                                                 | wmills      | 1/9/2015   | Updated Shape      |
| Updated PODShape                                                                                  |             |            |                    |
| 7                                                                                                 | amerritt    | 1/27/2015  | Transferred Right  |
| This is now an approved transfer. Transfer Number = 79437                                         |             |            |                    |
| 8                                                                                                 | jbitzenburg | 6/7/2023   | Split Right        |
| Split into 37-23443.                                                                              |             |            |                    |
| 9                                                                                                 | jbitzenburg | 6/13/2023  | POU                |
| Updated Shape                                                                                     |             |            |                    |

**Dates and Other Information:**

Decreed Date: 11/30/2010  
State or Federal: S  
Water District Number: 37  
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

9/10/2024

**Combined Use Limits:**

**Rate**

72.460

**Volume**

17,020.9

**Acres**

2,699.3

**Water Rights**

37-2627A ,37-11911 ,37-  
11914 ,37-21 ,37-22  
,37-186 ,37-187 ,37-189  
,37-213 ,37-215D ,37-  
333 ,37-351A ,37-352A  
,37-377 ,37-378 ,37-695  
,37-942 ,37-2405 ,37-  
11892 ,37-11898 ,37-  
11900 ,37-11903 ,37-  
20609

**SubCase:**

SubCaseNumber: 37-352A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 11/14/2007

Objection Status: Active

**Water Supply Bank:**

N/A

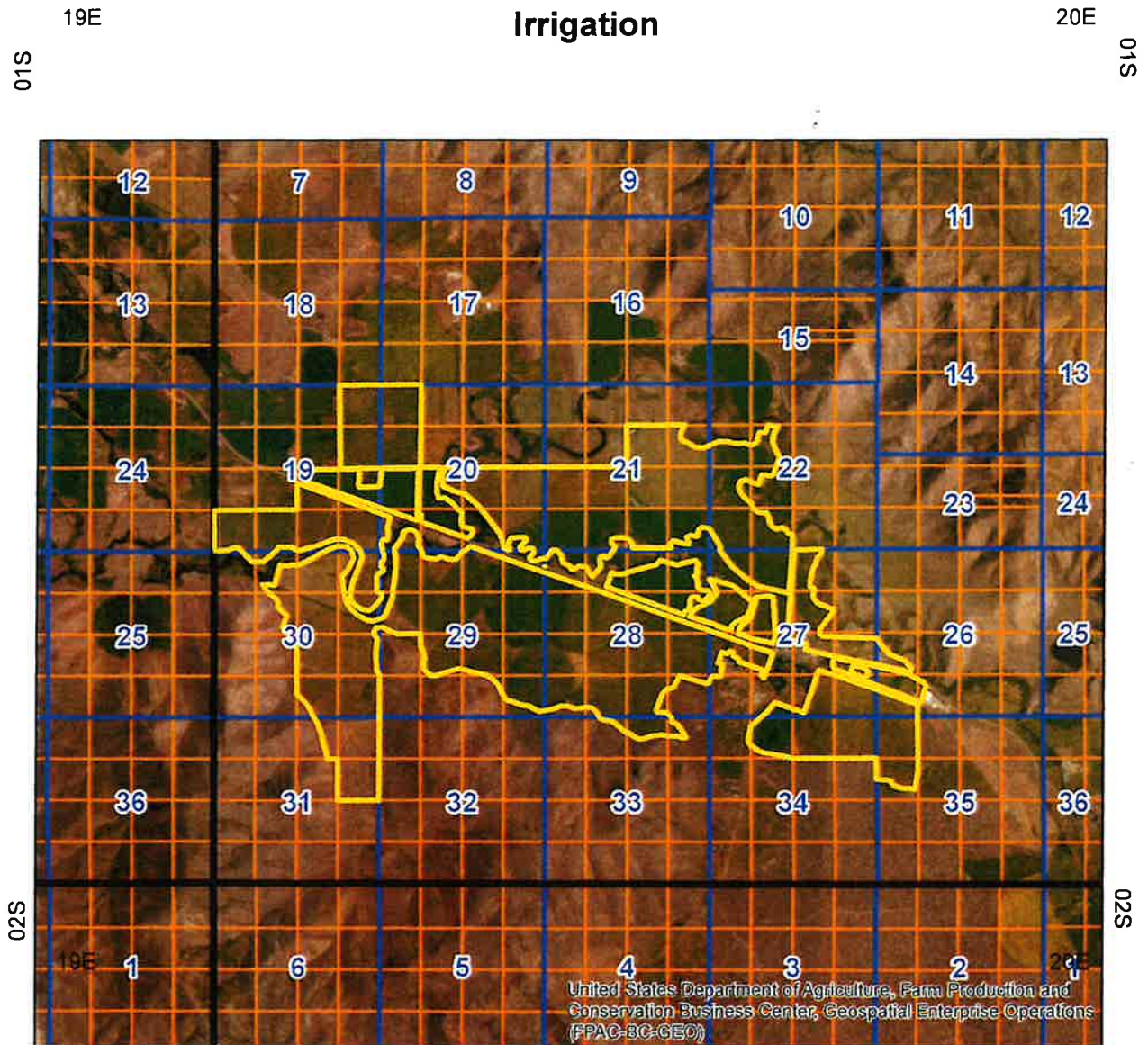
**State of Idaho**

**Department of Water Resources**

**Water Rights 37-21, 37-22, 37-333, 37-351A, 37-352A, 37-695,  
37-942, 37-2627A, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-11898,  
37-11911, 37-11914, 37-377, 37-378, 37-2405, 37-11892, 37-11900, 37-11903 & 37-20609**

**Map BEFORE Ownership Change Split**

**Irrigation**



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 Miles

