

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/10/2024

Water Right 37-695
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: 4/1/1889

Basis: Decreed

Status: Active

Source
LOVING CREEK
SILVER CREEK

Tributary
SILVER CREEK
LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.180 CFS	
	<u>Total Diversion</u>		1.180 CFS	

Source and Point(s) of Diversion:

LOVING CREEK	NESENW	Sec. 24, Twp 01S, Rge 19E, BLAINE County
SILVER CREEK	SWSWSE	Sec. 20, Twp 01S, Rge 20E, BLAINE County
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

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 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0 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: 59.10
POU Total Acres: 2,993.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 59.1 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/10/2024

- 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 | jjones | 8/7/2008 | POD |
| Updated Shape | | | |
| 3 | tfawcett | 10/14/2009 | Updated conditions |
| Conditions updated to reflect preliminary order correcting transfer approvals dated 8/12/2009. | | | |
| 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 37-23446. | | | |
| 9 | jbitzenburg | 6/13/2023 | POU |
| Updated Shape | | | |
| 10 | jbitzenburg | 9/19/2024 | Split Right |
| Split into 37-23616. | | | |
| 11 | jbitzenburg | 10/10/2024 | POU |
| Updated Shape for WaterUseCode 01 | | | |

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/10/2024

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

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: 37-695
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

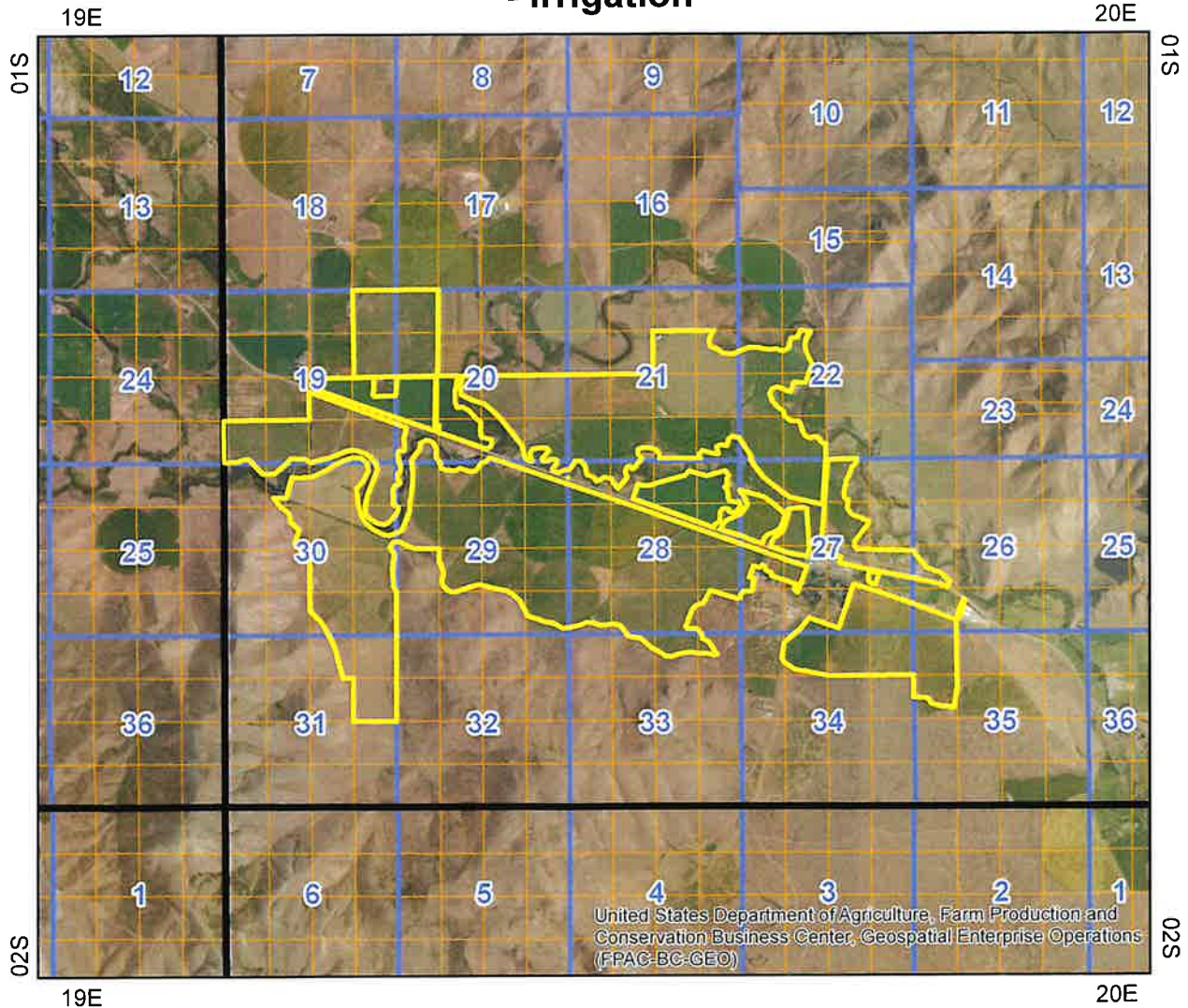
Water Supply Bank:

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



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Water Right 37-695
Water Right Report BEFORE Ownership Change Split

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

Priority Date: 4/1/1889

Basis: Decreed

Status: Active

Source
LOVING CREEK
SILVER CREEK

Tributary
SILVER CREEK
LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.190 CFS	
	<u>Total Diversion</u>		1.190 CFS	

Source and Point(s) of Diversion:

LOVING CREEK	NESENW	Sec. 24, Twp 01S, Rge 19E, BLAINE County
SILVER CREEK	SWSWSE	Sec. 20, Twp 01S, Rge 20E, BLAINE County
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

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 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										14.0	36.0	3.0					53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	0.6	7.0	30.0	16.0	25.0	36.0	310.6
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	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: 59.70
POU Total Acres: 3,025.4

Conditions of Approval:

1. X27 This right is limited to the irrigation of 59.7 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:

- | | | | |
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| 1 | pskaggs | 5/7/2004 | Transferred Right |
| This is now a approved transfer, transfer number = 69626 | | | |
| 2 | jjones | 8/7/2008 | POD |
| Updated Shape | | | |
| 3 | tfawcett | 10/14/2009 | Updated conditions |
| Conditions updated to reflect preliminary order correcting transfer approvals dated 8/12/2009. | | | |
| 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 37-23446. | | | |
| 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: 37-695

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

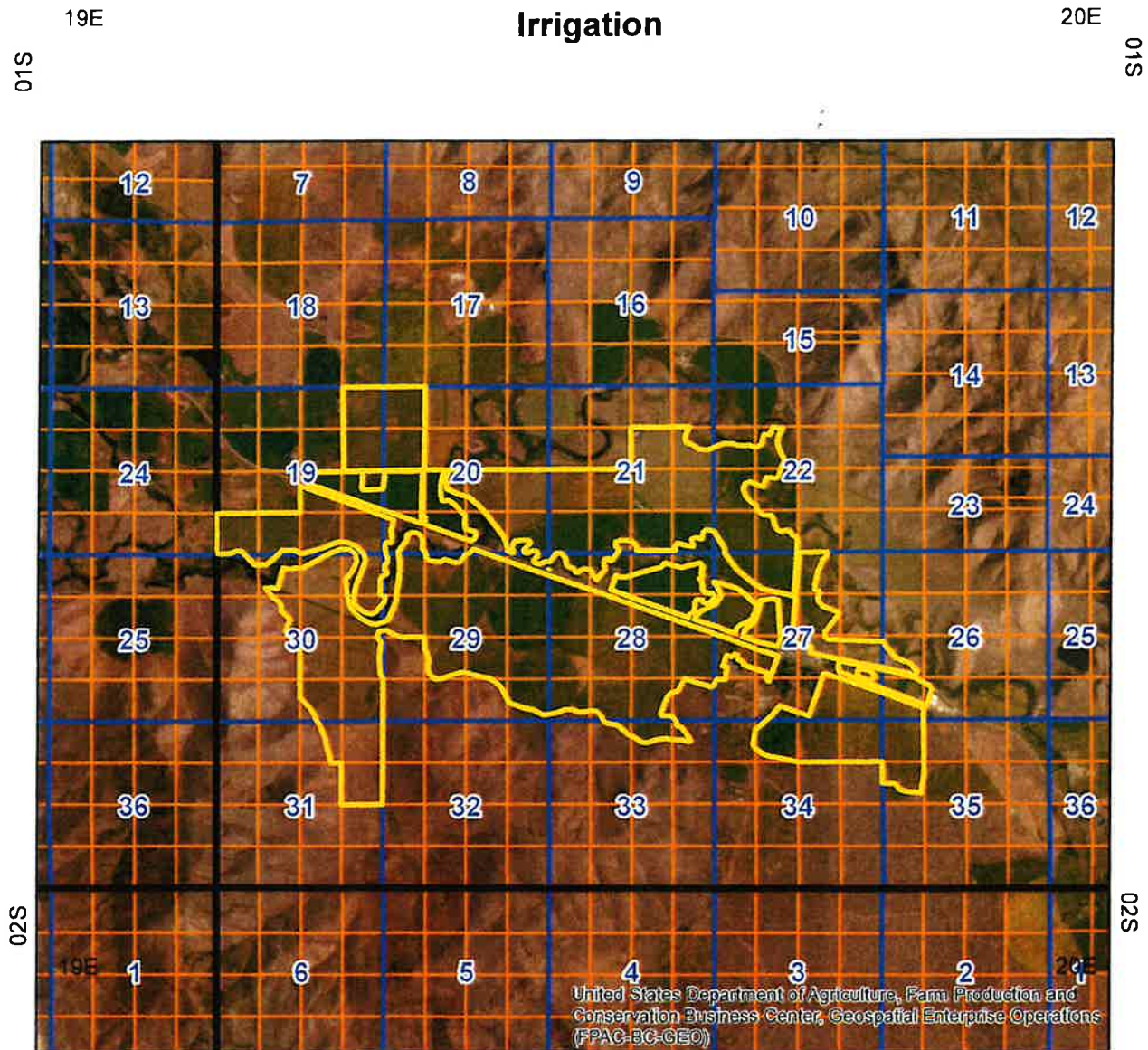
State of Idaho

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

