

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

10/11/2024

**Water Right 37-23605**

**Owner Type**      **Name and Address**  
Current Owner      PICABO HILLS SUBDIVISION  
HOMEOWNERS ASSN INC  
PO BOX 624  
PICABO, ID 83348-0624  
(208) 721-8822

**Priority Date:** 6/17/1899

**Basis:** Decreed

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| LOVING CREEK         | SILVER CREEK            |
| SILVER CREEK         | LITTLE WOOD RIVER       |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <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            | 0.010 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.010 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 | 26  |    |    |    |    |    |    |    |    |    | 2.9 | 17.9 | 2.1 |     |    |    |     | 22.9   |
| 01S | 20E | 27  |    |    |    |    |    |    |    |    |    |     |      |     | 6.2 |    |    | 2.7 | 8.9    |

Right Acre Limit: 0.50  
POU Total Acres: 31.8

**Conditions of Approval:**

1.           X27           This right is limited to the irrigation of 0.5 acres within the authorized place of use in a single irrigation season.
2.           X35           Rights 37-23604, 37-23605, 37-23606, 37-23607, 37-23608, 37-23609, 37-23610, 37-23611, 37-23612, 37-23613, 37-23614, 37-23615, 37-23616, 37-23617, 37-23618, 37-23619, 37-23620, 37-23621, 37-23622, 37-23623, 37-

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- 23624, 37-23625, and 37-23626 when combined shall not exceed a total diversion rate of 0.76 cfs, nor a total combined annual volume measured at the points of diversion of 178.9 af. When combined these rights shall not exceed a total annual maximum diversion volume for irrigation purposes of 178.7 af at the point of diversion and the irrigation of 28.4 acres. When combined these rights shall also not exceed a total diversion rate of 0.01 cfs and a total annual maximum diversion volume of 0.2 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 0.01 cfs from the following rights: 37-23604, 37-23605, 37-23606, 37-23607, 37-23608, 37-23609, 37-23610, 37-23611, 37-23612, 37-23613, 37-23614, 37-23615, 37-23616, 37-23617, 37-23618, 37-23620, 37-23621, 37-23622, 37-23623, and 37-23626 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. 26 NWSW is limited to a maximum diversion rate of 0.06 cfs, when diverted under rights 37-23604, 37-23605, 37-23606, 37-23607, 37-23608, 37-23609, 37-23610, 37-23611, 37-23612, 37-23613, 37-23614, 37-23615, 37-23616, 37-23617, 37-23618, 37-23620, 37-23621, 37-23622, 37-23623, and 37-23626.
5. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 20 NESW is limited to a maximum diversion rate of 0.10 cfs, when diverted under rights 37-23604, 37-23605, 37-23606, 37-23607, 37-23608, 37-23609, 37-23610, 37-23611, 37-23612, 37-23613, 37-23614, 37-23615, 37-23616, 37-23617, 37-23618, 37-23620, 37-23621, 37-23622, 37-23623, and 37-23626.
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 works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. When diverted through the points of diversion located at TWP 01S, RNG 20E, Sec. 20, SWSWSE, Sec. 30 SWNENW and Sec. 30 Lot 1 (NENWNW) the water diverted pursuant to this right is saved or developed water having a priority date senior to all rights except other saved or developed water rights having priority dates senior to it. When this right is diverted out of the point of diversion located at TWP 01S, RNG 19E, Sec. 24, NESENW its priority date is June 17, 1899.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. 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.
11. 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

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decree.

**Comments:**

1 jbitzenburg 9/19/2024 Split Right  
This right is the result of split from 37-22.

2 jbitzenburg 10/10/2024 POU  
Updated Shape for WaterUseCode 01

**Dates and Other Information:**

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

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

State of Idaho  
Department of Water Resources

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37-23609, 37-23610, 37-23611, 37-23612, 37-23613, 37-23614,  
37-23615, 37-23616, 37-23617, 37-23618, 37-23619, 37-23620,  
37-23621, 37-23622, 37-23623, 37-23624, 37-23625, and 37-23626**

**Irrigation**



0 0.075 0.15 0.3 Miles

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

