

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/11/2024

Water Right 37-23610

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: 3/31/1877

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	0.040 CFS	
STOCKWATER	01/01	12/31	0.010 CFS	
	<u>Total Diversion</u>		0.040 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:

STOCKWATER 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										X	X	X					
01S	20E	27													X			X	

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: 2.10
POU Total Acres: 31.8

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Conditions of Approval:

1. X27 This right is limited to the irrigation of 2.1 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, 37-23624, 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. 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.
6. 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.
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. N05 The quantity of water under this right for stockwater use shall not exceed 136.6 gallons per day.
9. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause

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12. T19 for the Director to rescind approval of the transfer.
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.
13. As long as the dike situated in the SE1/4SE1/4NE1/4, Section 27, T.1S., R.20E., B.M., Blaine County, Idaho, located approximately at Latitude N 43° 18.586' and Longitude W 114° 03.483', is maintained so as to prevent the waters of Silver Creek from wasting through sink holes, Water Rights 37-215G and 37-215D, and all splits therefrom, are for saved or salvaged water and shall therefore have the prior and exclusive right to the delivery of 6.4 cfs of the waters of Silver Creek, as established by, controlled by, and subject to the provisions within the Frost v. Alturas Water Company decree (Lincoln County District Court, December 13, 1909). Accordingly, they shall not be subject to the priority system during calls in times of scarcity. The above described dike was first constructed on 6-1-1899. This date is listed solely for purpose of documenting when the saved and salvaged water was first put to beneficial use, and not for purpose of subjecting this right (or any splits therefrom) to priority calls based upon this date.

Comments:

- | | | | |
|---|-------------|------------|-------------|
| 1 | jbitzenburg | 9/19/2024 | Split Right |
| This right is the result of split from 37-215D. | | | |
| 2 | jbitzenburg | 10/10/2024 | POU |
| Updated Shape for WaterUseCode 01 | | | |
| 3 | jbitzenburg | 10/10/2024 | POU |
| Updated Shape for WaterUseCode 04 | | | |

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:

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N/A

State of Idaho
Department of Water Resources

**Water 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, 37-23624, 37-23625, and 37-23626**

Irrigation



0 0.075 0.15 0.3 Miles

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



State of Idaho
Department of Water Resources

**Water Rights 37-23606, 37-23607, 37-23608, 37-23609, 37-23610,
37-23614, 37-23615, 37-23618, 37-23620, 37-23622,
37-23623, and 37-23626**

Stockwater



0 0.075 0.15 0.3 Miles

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

