

1/26/2023

37-20609

1/26/2023

[illegible]

IRRIGATION within BLAINE County

[illegible]

Right Acre Limit: 980.60
POU Total Acres: 3,025.4

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | X27 | This right is limited to the irrigation of 984.5 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, 37-20609, 37-23408, 37-23412, 37-23414, 37-23415, & 37-23416 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,096.6 af. |
| 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, 37-20609, 37-23408, 37-23412, 37-23415, & 37-23416 into the point of diversion, located in TWP 01S, RNG 19E, Sec. 24 NESENE, locally known as the Gillihan Ditch, to mitigate for injury to |

IDAHO DEPARTMENT OF WATER RESOURCES
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- 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 10 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, 37-20609, 37-23408, 37-23412, 37-23415, & 37-23416.
 5. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 26 NWSW is limited to a maximum diversion rate of 6 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, 37-20609, 37-23408, 37-23412, 37-23415, & 37-23416.
 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. 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 | mvanbussum | 2/12/2007 | Conditions |
| Moved R05 to explanatory. | | | |
| 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 |

IDAHO DEPARTMENT OF WATER RESOURCES
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Updated PODShape

7 amerritt 1/27/2015 Transferred Right
This is now an approved transfer. Transfer Number = 79437

8 djudd 1/26/2023 Split Right
Split into 37-20609 and 37-23416 due to change in ownership.

9 djudd 1/26/2023 POU
Updated Shape

Dates and Other Information:

Decreed Date: 11/30/2010

Water District Number: 37

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
72.780	9,489.6	2,711.3

72.780	9,489.6	2,711.3
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72.780	9,505.2
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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 ,37-23408 ,37-23412 ,37-23414 ,37-23415 ,37-23416 ,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 ,37-23408 ,37-23412 ,37-23415 ,37-23416 ,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 ,37-

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2023

23408 ,37-23412 ,37-
23415 ,37-23416

SubCase:

SubCaseNumber: 37-20609

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 11/9/2007

Objection Status: Active

Water Supply Bank:

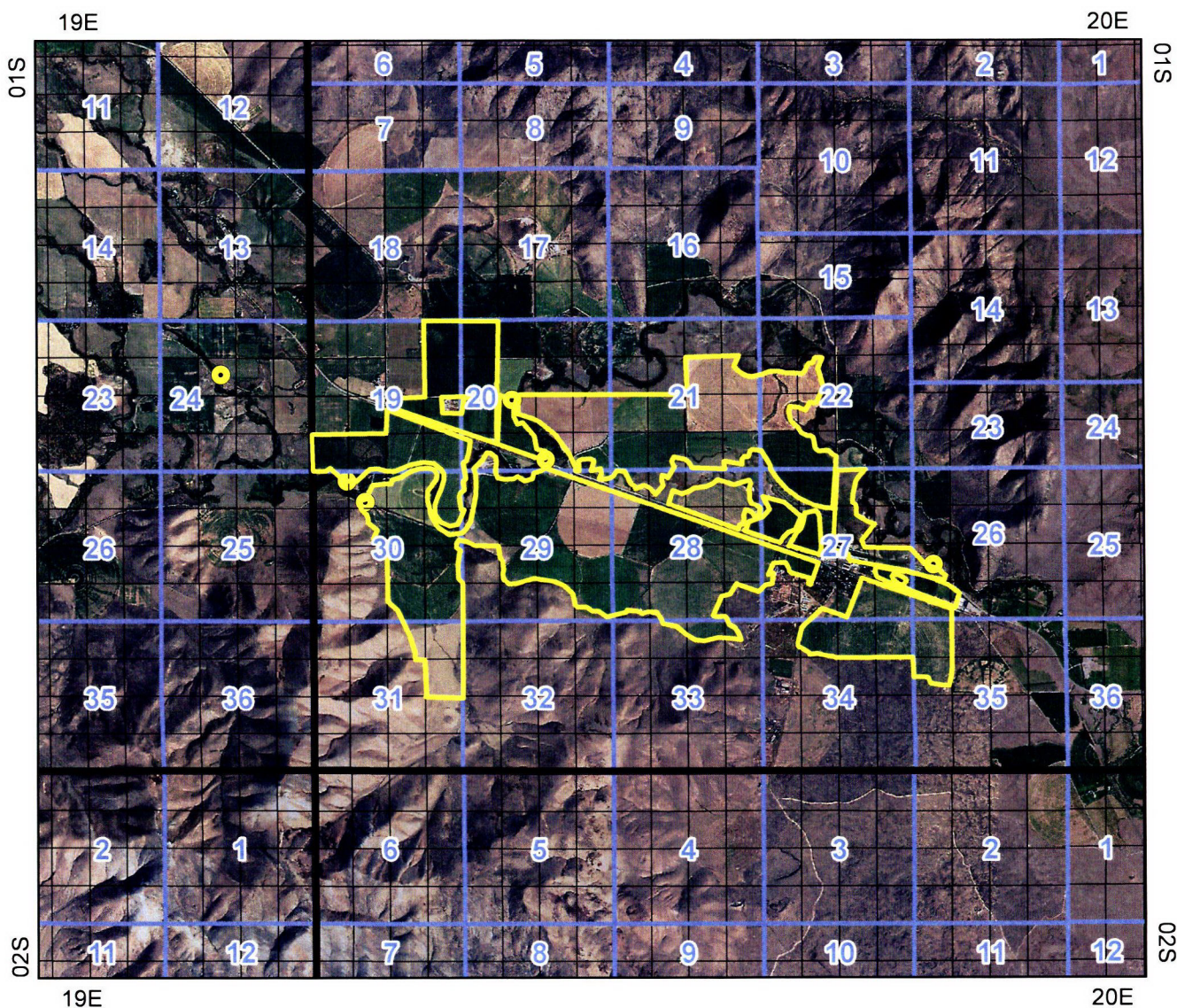
N/A

State of Idaho
Department of Water Resources

Water Right

37-20609

After Split



0 0.75 1.5 3 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

SCANNED
JAN 31 2023



1/25/2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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01S	20E	30	X	X	X	X	X	X	X							X	X	X	X	
01S	20E	31	X	X		X														
01S	20E	33	X	X				X												
01S	20E	34	X	X				X	X											
01S	20E	35							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	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	12.0	30.0	16.0	32.0	36.0	322.6
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
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: 984.50
POU Total Acres: 3,037.4

Conditions of Approval:

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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 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,096.6 af. When combined these rights shall not exceed a total annual maximum diversion volume for irrigation purposes of 17,081 af at the point of diversion and the irrigation of 2711.3 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-

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- 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.
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Comments:

- 1 pskaggs 5/7/2004 Transferred Right
This is now a approved transfer, transfer number = 69626
- 2 mvanbussum 2/12/2007 Conditions
Moved R05 to explanatory.
- 3 tfawcett 10/14/2009 Updated conditions
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- 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/25/2023

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

Dates and Other Information:

Decreed Date: 11/30/2010

Water District Number: 37

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
72.780	9,489.6	2,711.3
72.780	9,489.6	2,711.3
72.780	9,505.2	

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 ,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 ,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: 37-20609

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/25/2023

Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 11/9/2007
Objection Status: Active

Water Supply Bank:

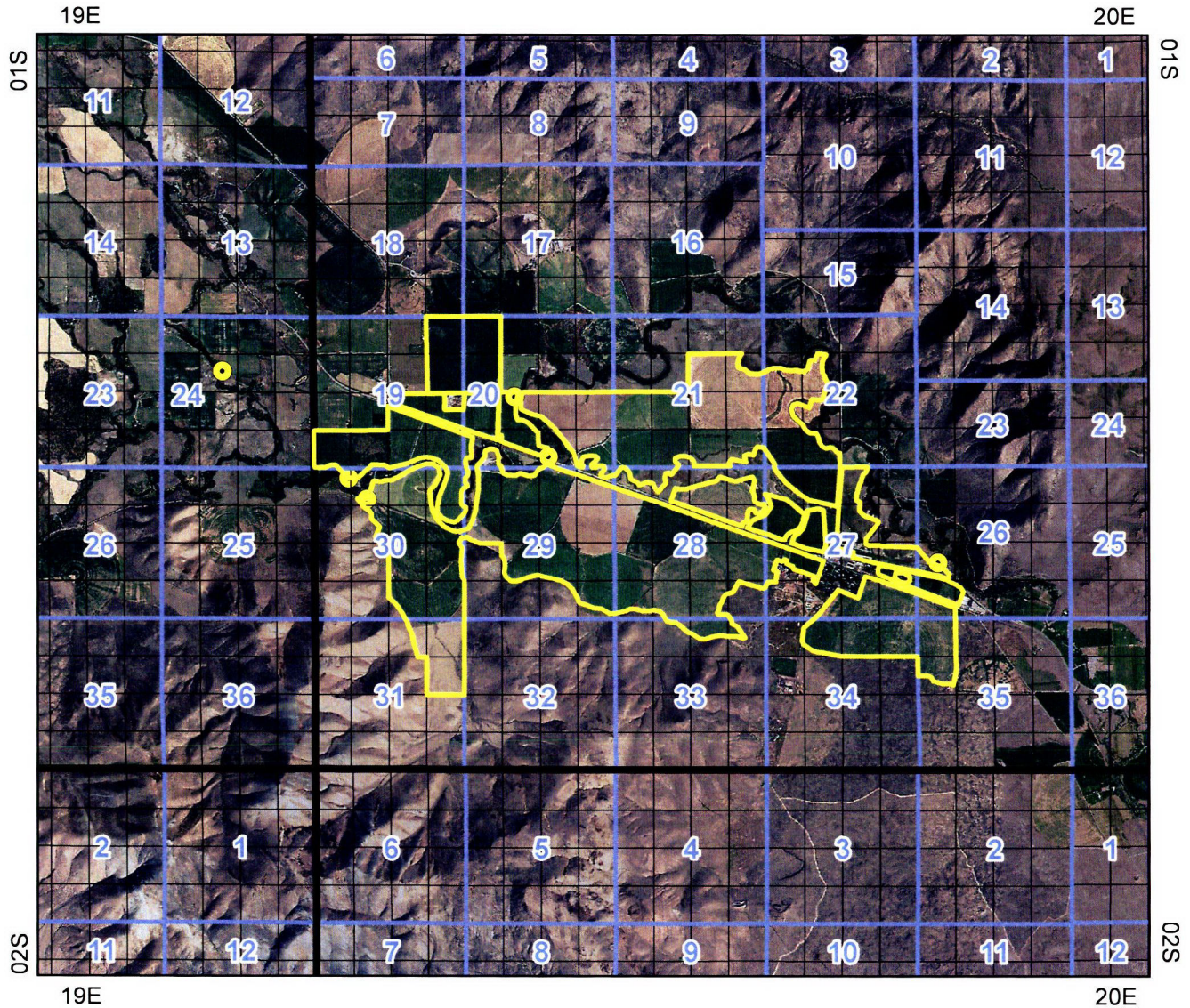
N/A

State of Idaho
Department of Water Resources

Water Right

37-20609

Before Split



0 0.75 1.5 3 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

SCANNED
JAN 31 2023



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
JAN 04 2023
DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-2627A	Yes ☒	Yes ☐	+ 37-23414	Yes ☐	Yes ☐
37-20609	Yes ☒	Yes ☐	+ 37-23416	Yes ☐	Yes ☐
37-11900	Yes ☒	Yes ☐	+ 37-23415	Yes ☐	Yes ☐
37-21	Yes ☒	Yes ☐	+ 37-23408	Yes ☐	Yes ☐
37-215D	Yes ☒	Yes ☐	+ 37-23412	Yes ☐	Yes ☐

2. Previous Owner's Name: Picabo Livestock Company Inc
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Picabo Brewing Company LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- | | | | |
|------------------------|-------------------------------|--------------|--------------|
| <u>PO Box 675</u> | <u>Picabo</u> | <u>ID</u> | <u>83348</u> |
| <u>Mailing address</u> | <u>City</u> | <u>State</u> | <u>Zip</u> |
| <u>952-334-4502</u> | <u>fctonnemaker@gmail.com</u> | | |
| <u>Telephone</u> | <u>Email</u> | | |
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: April 24, 2018
6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:  President 12.24.22
 Signature of new owner/claimant Title, if applicable Date
Frank C. Tonnemaker
 Print name

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

Received by: KU Date: 1.4.23 **For IDWR Office Use Only:** Receipt No. C115031 Receipt Amt. 500

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒
 Name on W-9 _____ Approved by _____ Processed by dj Date 1/26/23

SCANNED
JAN 31 2023