

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2023

- 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 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 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.
11. 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

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priority calls based upon this date.

Comments:

1	djudd	1/26/2023	Split Right
This right is the result of split from 37-215D due to change in ownership.			
2	djudd	1/26/2023	POU
Updated Shape			

Dates and Other Information:

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

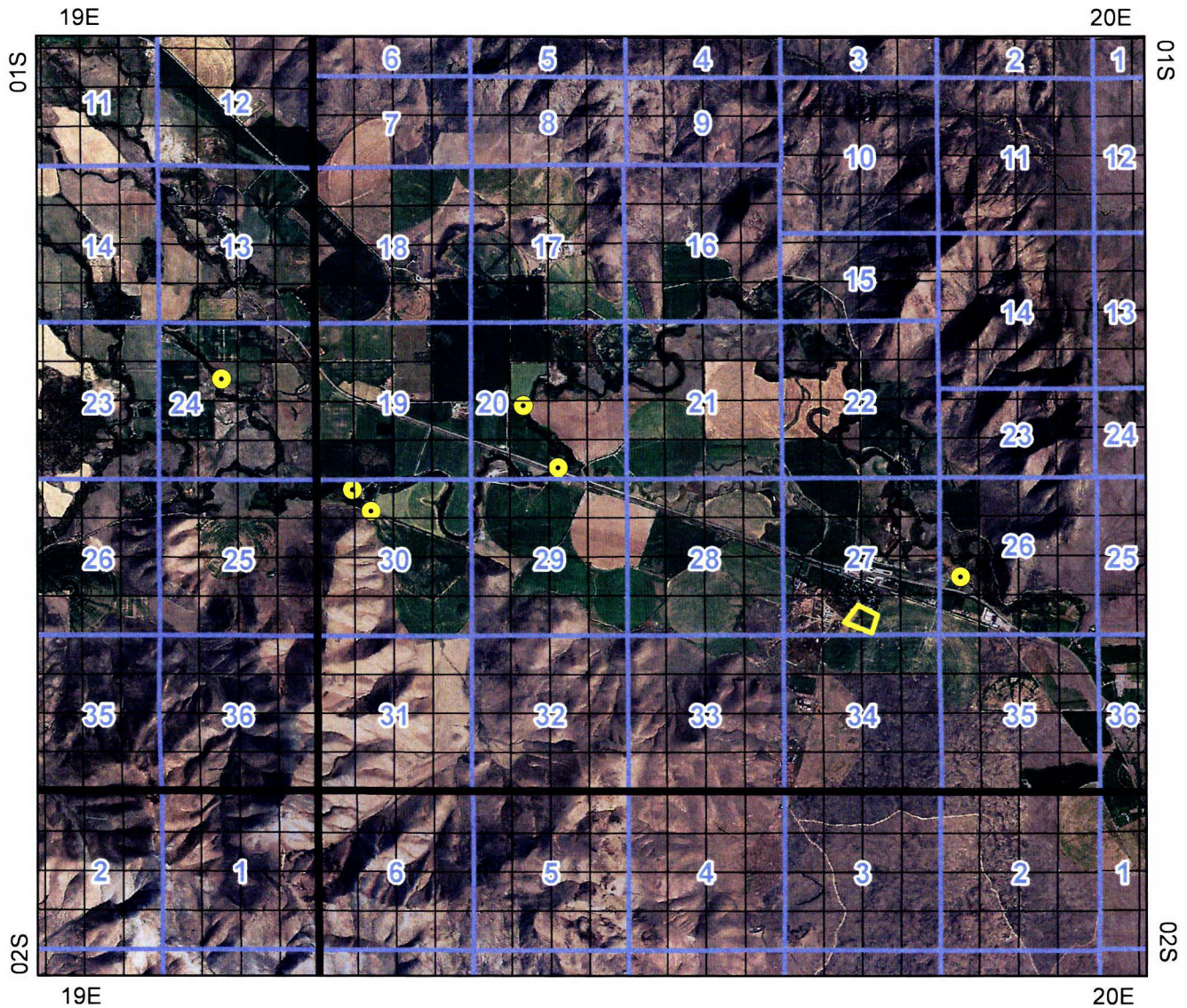
Combined Use Limits:

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

State of Idaho
Department of Water Resources

Water Right

37-23412



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
- PO Box 675 Picabo ID 83348
Mailing address City State Zip
952-334-4502 fctonnemaker@gmail.com
Telephone Email
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