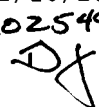


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-895
Date Received: 2/10/2003
Receipt No: 5025499
Received By: 

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BIG WOOD CANAL CO Phone: (208)886-2331

PO BOX C
SHOSHONE ID USA 83352

2. Date of Priority: 09/01/1920

3. Source: BIG WOOD RIVER , BIG WOOD RIVER Trib. to: MALAD RIVER , MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	18E	18		BLAINE	
01N	18E	12	SE SW	BLAINE	

5. Description of diverting works:

BASELINE BYPASS CANAL HEADGATE, CONTINUES INTO THE EXTENSION BYPASS, EMPTIES INTO THE BLACK 61 GAGE THEN RETURNS TO THE BIG WOOD RIVER JUST ABOVE STANTON CROSSING. WATER STORED IN MAGIC RESERVOIR AND DIVERTED FOR BWCC SHAREHOLDERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		191500
DIVERSION TO STORAGE	11/02	03/31	18	

7. Total Quantity Appropriated is:
18 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	18E	18			IRRIGATION STORAGE	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

RIGHT IS FROM THE CHAPMAN DECREE, 1922, FOR THE SAVED WATER FROM THE BYPASS CANAL. RIGHT IS STORED IN MAGIC RESERVOIR FOR USE ON LANDS WITHIN BWCC SERVICE AREA.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am General Manager of
Title

Big Wood Canal Co., that I have signed the foregoing
Organization

document in the space below as General Manager of
Title

Big Wood Canal Co. and that the statements contained in the
Organization

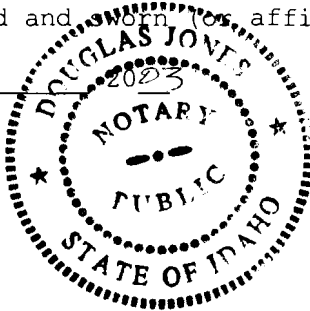
foregoing document are true and correct. [Signature]
Signature of Authorized Agent

General Manager, Big Wood Canal Co.
Title and Organization

2-10-03
Date

State of Idaho)
County of Twin Falls) SS.

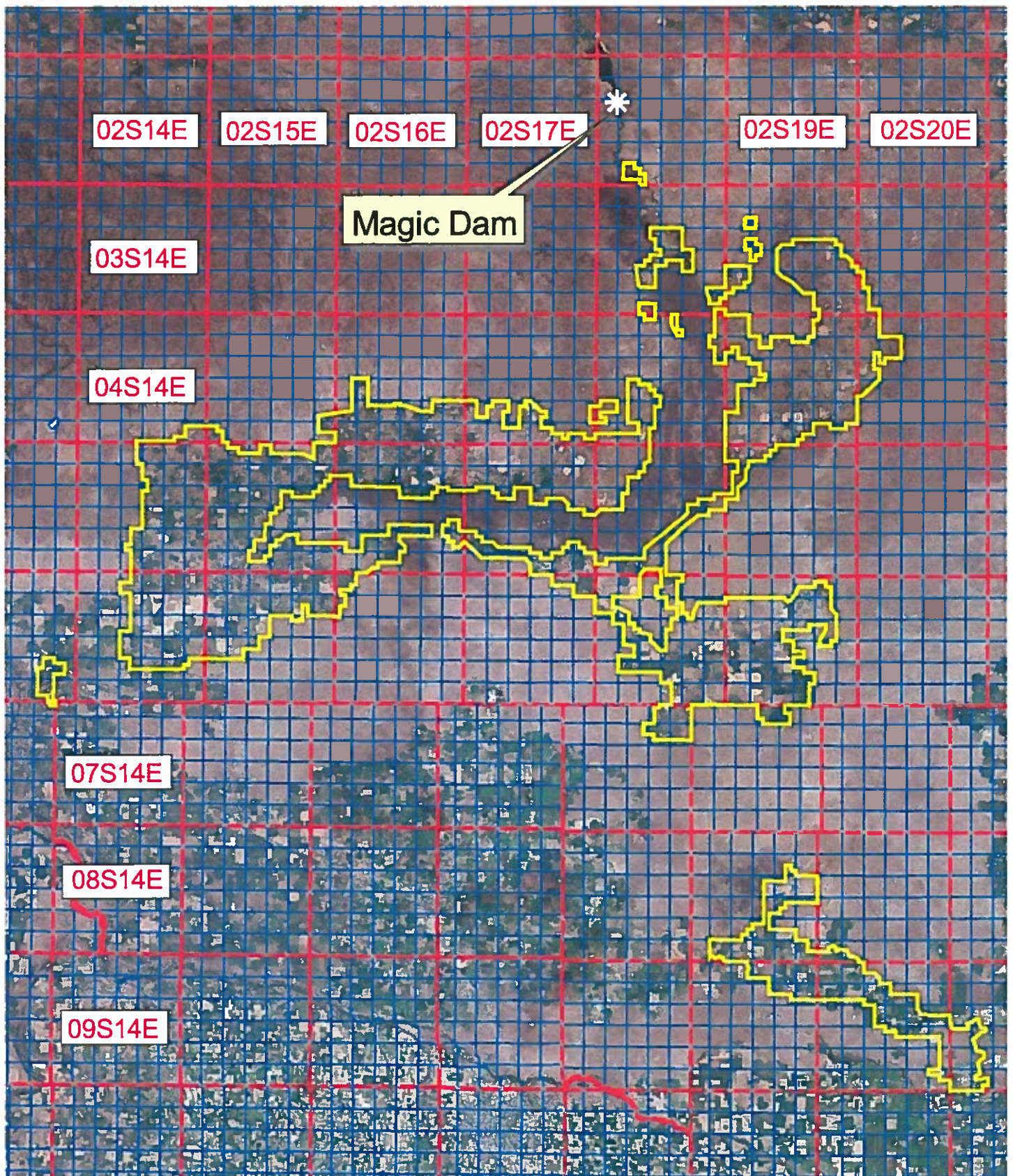
Subscribed and sworn (or affirmed) before me this
of Feb 2003



10th day
[Signature]
Notary Public

Residing at Buhl ID

My commission Expires 8/8/2007

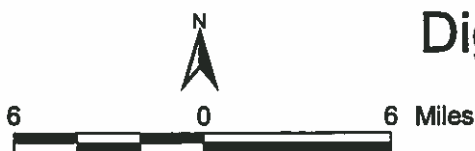


BIG WOOD CANAL COMPANY

Digital Service Area Boundary

37-867 et al

2004 NAIP Photography
D. Jones
2-1-2007



01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-895

NAME AND ADDRESS: BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 18.000 CFS
5,391.000 AFY

PRIORITY DATE: 09/01/1920

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Upper Big Wood River Water Users Assn, et. al., plaintiff vs. S. H. Chapman, Watermaster, Defendant in the District Court of Lincoln County dated 8/28/1922.

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T02S R18E S18 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 10/31	5,391.00 AFY
DIVERSION TO STORAGE	11/01 03/31	18.000 CFS
IRRIGATION STORAGE	01/01 12/31	5,391.00 AFY

PLACE OF USE:

Place of Use is within Blaine County, Gooding County and Lincoln County, and is on land irrigated by shareholders of the Big Wood Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not called for during the irrigation season.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-895

NAME AND ADDRESS: BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.280 CFS
2,375.000 AFY

PRIORITY DATE: 09/01/1920

rights Pursuant to a call in times of scarcity, this right is senior to all other
that did not result from developed/saved water in the Big Wood River, as
established by and subject to the provisions included within In Re Upper
Big Wood River Water Users Assn, et. al., plaintiff vs. S. H. Chapman,
Watermaster, Defendant in the District Court of Lincoln County dated
8/28/1922.

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T02S R18E S18 NENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 10/31	~~2,375.00 AFY~~
DIVERSION TO STORAGE	11/1 3/31 ~~01/01 12/31~~ 151 days	~~3.280 CFS~~ 18 cfs
IRRIGATION STORAGE	01/01 12/31	~~2,375.00 AFY~~

PLACE OF USE:

5391 AF

Place of Use is within Blaine County, Gooding County and Lincoln County,
and is on land irrigated by shareholders of the Big Wood Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

Water under this right is deliverable or may be initiated at the time when
the Big Wood River near the Glendale Bridge is dammed and all flow of
the river can be conveyed into the Bypass canal heading within the
NW1/4SE1/4SW1/4 Section 12, T1N, R18E. The amount of water
deliverable under this right is proportionate to the prorata share of senior
priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and
Extension Bypass system. This right is curtailed when all priority rights
through the Baseline Bypass and Extension Bypass system are futile or
not called for during the irrigation season.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR LINCOLN COUNTY.

Upper Big Wood River Water Users'
Association, a corporation; Mutual
Wood River Water Users' Association,
a corporation; Big Wood Canal Company,
a corporation,

Plaintiff

vs.

S. H. Chapman, Watermaster,

Defendant.

D E C R E E

file w/
37-895
BWCC

This cause came on for hearing before Honorable H. F. Ensign,
Judge of the Above entitled Court, at Chambers, in Hailey, Idaho,
on the 9th day of August, 1922, and the Plaintiffs appeared by Paul E.
Haddock, one of their attorneys, and the defendant appeared not. Thereupon,
proof of service and of publication as required
by statute was made and the default of the defendant was thereupon
duly entered. Thereupon, the plaintiffs introduced testimony, and the
court, having seen and heard the evidence, finds that the allegations
of plaintiffs' complaint are true.

Court further finds that during the year 1920, the plaintiffs
constructed certain ditches, dams and other devices for the purpose of
diverting all of the waters of the Big Wood River by and around that
portion of Big Wood River located in Blaine County, Idaho, known
as "the dry beds", where great and continuous loss of the waters of
said Big Wood River continually occurred by reason of the same sinking
and disappearing through gravel beds and subterranean outlets. That
the canal so diverting the waters of Big Wood River, hereinafter called
the "By-pass", has a capacity of from one hundred fifty (150) to two
hundred (200) second feet and is sufficient in size to divert all of
the waters of Big Wood River during its normal flow. The point of
diversion of said "By-pass" is at a point in the Southeast Quarter of the
Southwest quarter of Section ¹² 13, Township 1 North, Range 18 East, B. M., in
Blaine County, Idaho, about one thousand (1,000) feet north of the Section

line between sections 13 and 24, of said Township and Range. The "By-pass" follows old Canal #55 in a Southerly direction about six thousand seven hundred (6,700) feet, thence through an enlargement of the Black ditch to the section line between Sections 25 and 36 of said Township and Range, thence west through a new constructed section to an old slough, a distance of about two thousand seven hundred (2,700) feet, thence in a southerly direction for about two thousand seven hundred (2,700) feet, where it empties into the main channel of Big Wood River.

That from and after the 1st day of September 1920, the plaintiffs have diverted the waters of Big Wood River through said "By-pass", and that by reason of so diverting said waters through said "By-pass", the plaintiffs have saved and developed a continuous flow of eighteen (18) second feet of the water of said Big Wood River, being the waters which formerly sank, disappeared and were wasted in and through the river beds known as the "dry beds".

It is therefore ordered, adjudged and decreed that the plaintiffs are the owners of sand entitled to the use of said eighteen (18) second feet of water of Big Wood River, being water saved and developed by said plaintiffs during the irrigation season of each year when the aforesaid "By-pass" is operated and that the various plaintiffs are entitled to the possession and use of the following proportions of said eighteen (18) second feet of water so saved and

37 0892 developed, to wit: The plaintiff, Upper Big Wood River Water Users' Association is the owner of and entitled to the use of five hundred

37 0893 ^{11.23 cfs} sixty-one and six-tenths (561.6) inches thereof; that the plaintiff

37 0894 Mutual Wood River Users' Association is the owner of and entitled to the use ^{3.49 cfs} of one hundred seventy-four and six-tenths (174.6) inches thereof; that

the plaintiff Big Wood River Canal Company is the owner of and entitled to ^{3.28 cfs} the use of one hundred sixty-three and eight-tenths (163.8) inches thereof.

37 0895 That the said waters so saved and developed as aforesaid is, during the winter months, stored for irrigation in the Magic Reservoir in Blaine County, Idaho, the said reservoir being part of the said Big Wood Canal Company's irrigation system, and that said waters, so saved and developed during that portion of the year other than the irrigation season is hereby decreed to be the property of said Big Wood Canal Company.

That the waters decreed to the plaintiffs herein are the sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation. That the date of appropriation and priority in and to said waters is the 1st day of September, 1920.

Dated this 28th day of August, 1922

H. F. Ensign,

District Judge

Judgment rendered August 9, 1922.

Filed: August 30, 1922

E. A. Bowler, Clerk

By Buelah Guymon, Deputy

State of Idaho)
County of Lincoln } ss

I, E. A. Bowler, Clerk of the District Court, and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the decree now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho, in Book 5 of Judgments at page 292.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 7th day of June, A. D. 1922.

E. A. Bowler, Clerk, Ex-Officio Recorder

By /s/ Venetta Albert, Deputy

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-895

WATER RIGHT NUMBER: 37-895

Owner TypeName and Address

Current Owner

BIG WOOD CANAL CO

, ZZ

Priority Date: 09/01/1920

Basis: Decreed

Status: Active

SourceTributary

BIG WOOD RIVER

MALAD RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

DIVERSION TO STORAGE

11/02 to 3/31

18.000 CFS

Total Diversion:

18.000 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

Sec. 18, Twp 02S, Rge 18E, B.M.

BLAINE County

Place of UseConditions of Approval:Remarks:

1. General

RT. IS SOLE & EXCLUSIVE REGARDLESS OF PRIORTIY, BEING WATER SAVED FROM
 SINKING BY CONSTRUCTION OF BASELINE BYPASS CANAL.
 RT. IS FOR WINTER STORAGE IN MAGIC RESERVOIR.
 P/U NOT DECREED, BUT WOULD BE LANDS OF BIG WOOD CANAL CO.
 P/D IS DESCRIPTION OF MAGIC DAM.

Comments:Dates and Other Information: