

1564
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 22 2012

By _____

Clerk

Deputy Clerk

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

In Re SRBA

) Subcase No.: 37-8166

) (Uncontested Overlap)

Case No. 39576

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Big Wood Canal Company

Craig D. Hobdey 5-10-12
Date

Craig D. Hobdey
Attorney for Big Wood Canal Company

IDWR CONCURRENCE:

Doug Jones 5/9/12
Date
Doug Jones
Technical Engineer 1

IDWR CONCURRENCE:

Christopher M. Bromley 5/9/12
Date
Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

05/08/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-8166

NAME AND ADDRESS: BIG WOOD CANAL COMPANY
C/O LYNN HARMON
MANAGER
409 N APPLE ST
SHOSHONE ID 83352

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 218,000 CFS
79,994.60 AFY

Rights 37-8166 and 37-8166 when combined shall not exceed a total diversion rate of 232 cfs, a total annual maximum diversion volume of 79994.6 AFY.

PRIORITY DATE: 12/29/1983

The rights for the use of water confirmed in this right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T05S R16E S32 NENW Within GOODING LINCOLN County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

01/01 12/31

218,000 CFS
79,994.60 AFY

Use of water under this right shall be non-consumptive.

Power generation is at the Jim Knight Power Plant.

PLACE OF USE:

POWER in GOODING County

T06S R16E S06 Lot 6 NWSW

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.

The diversion and use of water under this right is subject to review by the Director on December 31, 2013. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this right is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

The issuance of this right does not grant any right-of-way or easement across the land of another.

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

CERTIFICATE OF SERVICE

I certify that on May 22, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey Law Office PLLC
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Don Harris

Signature of person or attorney mailing the form