

550

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.: 37-870

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

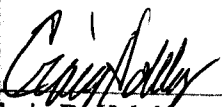
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

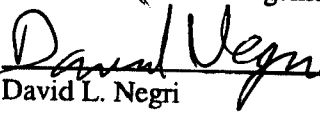
CLAIMANT:

Big Wood Canal Company

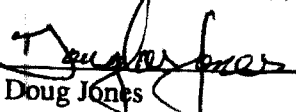
 5-18-12
Craig D. Hobdý Date
Attorney for Big Wood Canal Company

OBJECTOR:

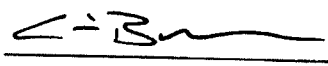
United States on behalf of the
Bureau of Land Management

 5/16/12
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

 5/9/12
Doug Jones Date
Technical Engineer 1

IDWR CONCURRENCE:

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

02/24/2012

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

RIGHT NUMBER: 37-870

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3,000.000 CFS

Rights 37-867 and 37-870 are limited to the Combined storage of 172,000 acre feet in Magic Reservoir.

Right numbers 37-867, 37-870, 37-20733 and 37-895 are limited to a total storage of 191,500 acre feet.

PRIORITY DATE: 05/11/1908

POINT OF
DIVERSION:

T02S R18E S18 NENE Within BLAINE County
T02S R18E S30 SWSENE Within BLAINE County
T03S R18E S9 SENESE Within LINCOLN County
T04S R18E S15 SWNWSE Within LINCOLN County
T04S R19E S25 SENWSE Injection Within LINCOLN County
T04S R19E S25 NESWSE Rediversion Within LINCOLN County
T05S R14E S33 NWNSE Injection Within GOODING County
T05S R14E S35 NESENE Rediversion Within GOODING County
T05S R15E S12 NESESW Within LINCOLN County
T05S R16E S29 SWSESW Rediversion Within LINCOLN County
T05S R19E S5 SWNWSE Rediversion Within LINCOLN County
T06S R14E S30 SENESW Rediversion Within GOODING County
T06S R14E S30 NESESW Rediversion Within GOODING County

CB

DN

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3,000.000 CFS

PLACE OF USE:

~~39683 ACRES TOTAL~~
101903 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

~~This right is limited to the irrigation of 39683 acres within the place of use described above in a single irrigation season.~~

Right nos. 37-867, 37-870, 37-13116, 37-20733 and 37-895 are limited to the irrigation of 74000 acres within the place of use described above in a single irrigation season.

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.

Place of use does not include Federal public lands.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The source of water for this right is the Big Wood River and tributaries including, but not limited to, Camas Creek.

[Handwritten signature]
[Handwritten initials]
[Handwritten initials]

BIG WOOD CANAL COMPANY

Adjudication Recommendations: 37-867, 37-870, 37-895, 37-13043, 37-13112, 37-13113, 37-13114, 37-13116, 37-20733, 37-21401, 37-21402, 37-21403, 37-21404, & 37-21405



Irrigation Service Area Boundary
GIS Place of Use Illustration

- ☐ Service Area
- ☐ State Outline
- ☐ Townships
- ☐ PLS Sections

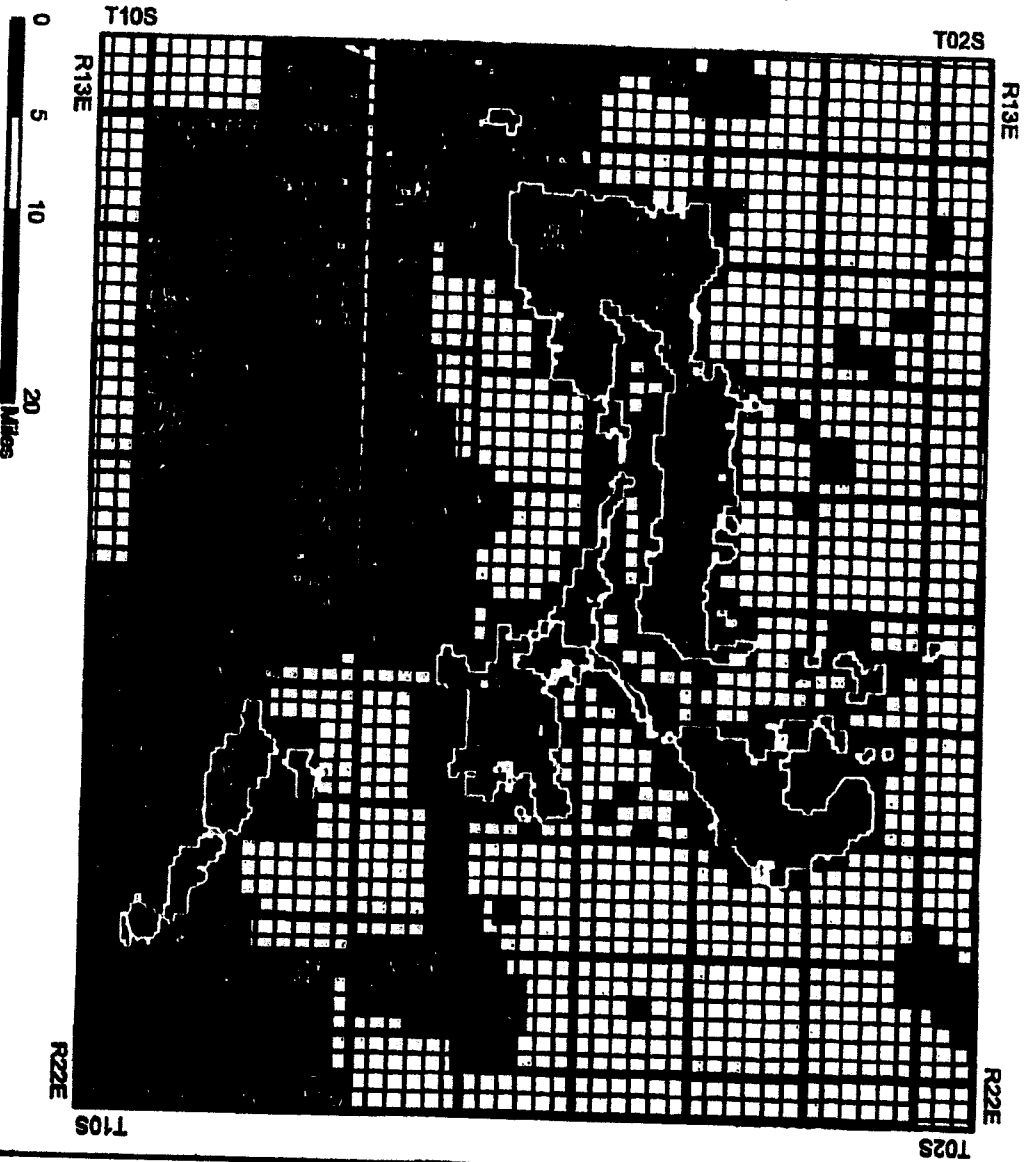
CB
OK
DN



Gooding, Lineoh, Jerome, Blaine Counties

DWR Basin 1

Prepared by Favreau, Danielle
On May 07, 2012



OK

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

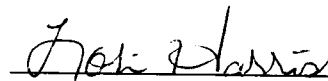
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

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

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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



Signature of person or attorney mailing the form