

1263

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.: 37-895

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. Hobday 5/18/12
Craig D. Hobday Date
Attorney for Big Wood Canal Company

OBJECTOR:

United States on behalf of the
Bureau of Land Management

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

IDWR CONCURRENCE:

Doug Jones 5/4/12
Doug Jones Date
Technical Engineer 1

IDWR CONCURRENCE:

Christopher M. Bromley 5/7/12
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: 37-895

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: 18,000 CFS
5,391.00 AFY

The actual volume of water authorized under this right is limited to the volume of water saved during the non-irrigation season based on the number of days water is diverted into the Bypass Canal.

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

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
T01N R18E S35 NWNWNE Injection Within BLAINE County

CB
DN

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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:

101903 ACRES TOTAL

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.

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.

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.

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

CB

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

DN
CH



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

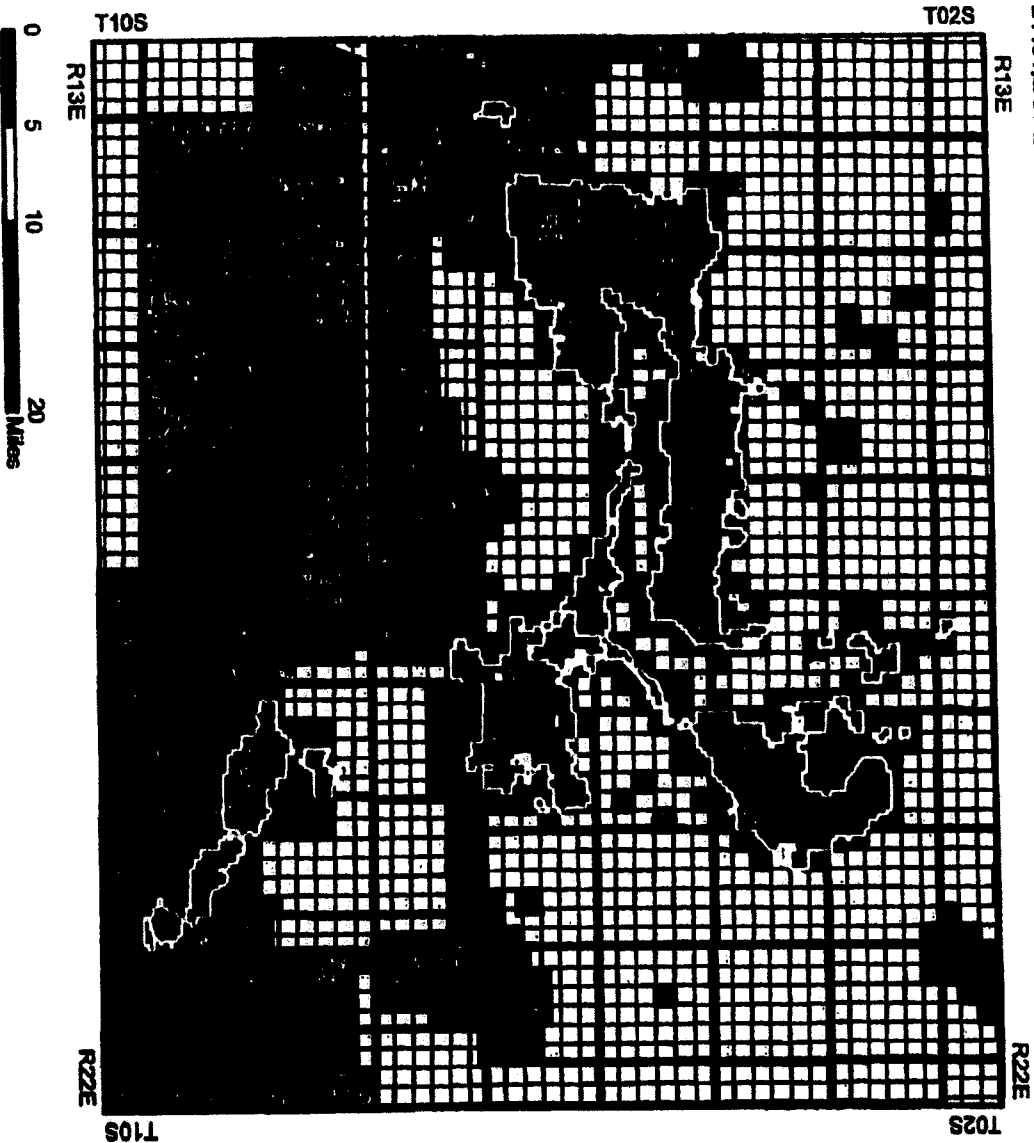
- ☐ Service Area
- ☐ State Outline
- ☐ Townships
- ☐ PLS Sections

CB
OK
ON



Gooding, Lincoln, Jerome, Blaine Counties
IDWR Basin 1

Prepared by Favreau, Danielle
On May 07, 2012



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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

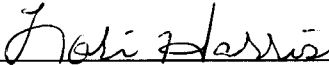
☐ Overnight Mail
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☒ Hand-Delivered
☐ Facsimile

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