

751

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.: 37-21402

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

OBJECTOR:

United States on behalf of the
Bureau of Land Management

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

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

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

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

05/02/2012

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

RIGHT NUMBER: 37-21402

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: 3.550 CFS

PRIORITY DATE: 04/06/1883

POINT OF
DIVERSION:

~~T04S R19E S25 SENWSE Within LINCOLN County~~
~~T04S R19E S25 NESWSE Within LINCOLN County~~
~~T05S R14E S35 NESENE Within GOODING County~~
~~T05S R14E S33 NWNESE Injection Within GOODING County~~
~~T05S R16E S29 SWSSEW Within LINCOLN County~~
~~T05S R19E S5 SWNWSE Within LINCOLN County~~
~~T06S R14E S30 SESESW Rediversion Within GOODING County~~
~~T06S R14E S30 NESESW Rediversion Within GOODING County~~
~~T06S R15E S3 SWNW Within GOODING County~~

Handwritten initials: A, CB, DN

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.550 CFS

PLACE OF USE:

~~39683 ACRES TOTAL~~
~~101903 ACRES TOTAL~~

Handwritten initials: CB

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 does not include federal public lands.

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

This right, in combination with all Little Wood River irrigation rights held by the Big Wood Canal Company, is limited to the irrigation of 39683 acres within the digital boundary of the Big Wood Canal Company's service area in a single irrigation season.

This right, in combination with all Big Wood River and Little Wood River irrigation rights held by the Big Wood Canal Company, is limited to the irrigation of 74000 acres within the digital boundary of the Big Wood Canal Company's service area 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.

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

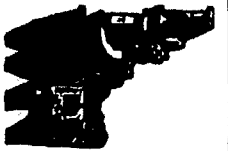
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a combination of old right numbers 37-271, 37-344, 37-709 and 37-960.

BIG WOOD CANAL COMPANY

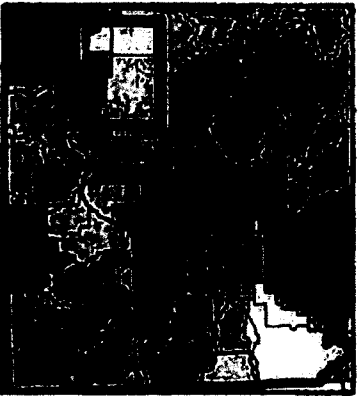
Adjudication Recommendations: 37-867,37-870,37-895,37-13043,37-13112,37-13113,37-13114,37-13116,37-20733,37-21401,37-21402,37-21403,37-21404, & 37-21405



Irrigation Service Area Boundary
GIS Place of Use Illustration

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

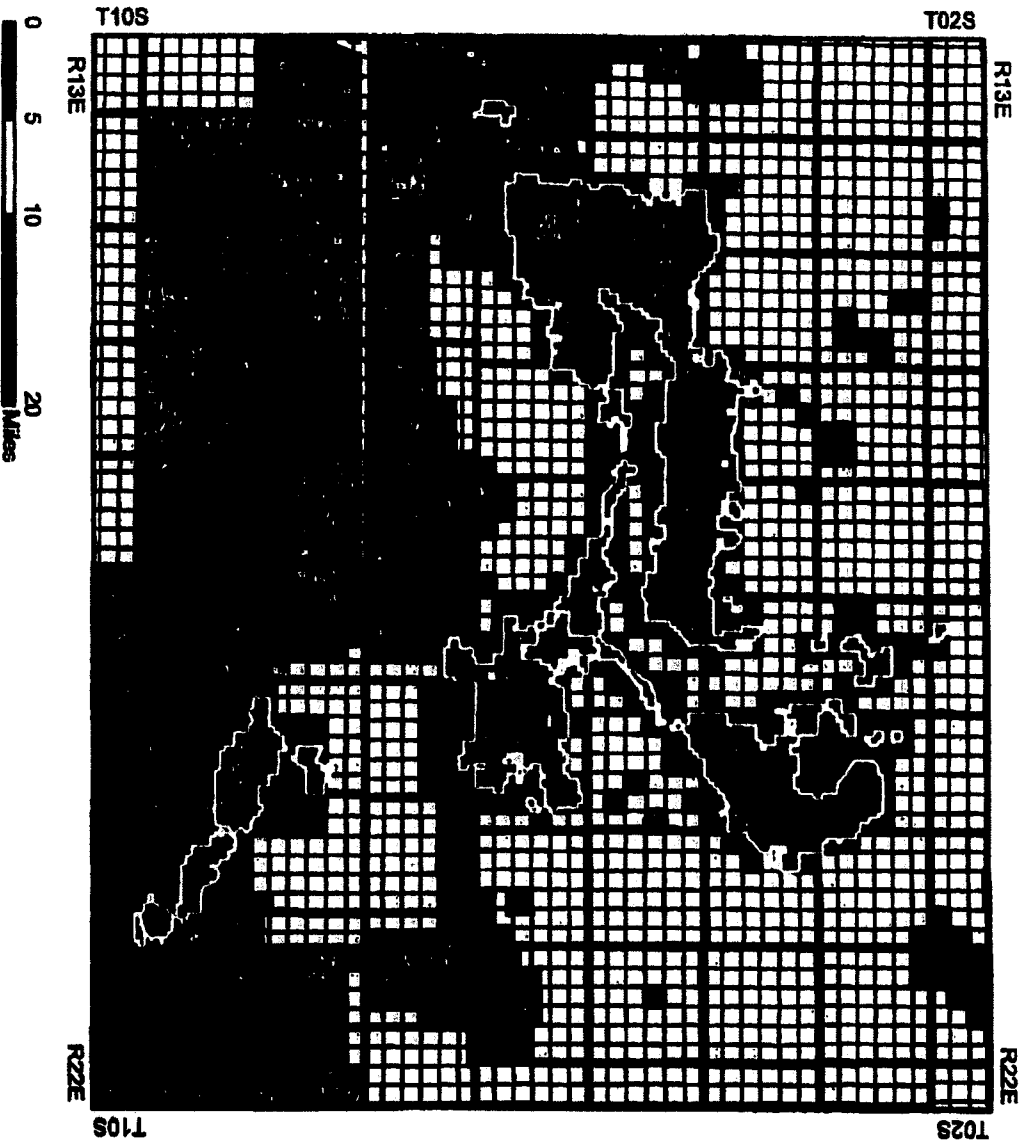
CB
OK
ON



Gooding, Lincoln, Jerome, Blaine Counties

DWR 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
☐ 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

Jeri Harris
Signature of person or attorney mailing the form