

Should questions arise during the processing of this application please contact:
Jo Beeman at the Beeman and Associates, P.C. 208-331-0950

AUG 06 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 37-892

Date Received: _____

Receipt No: _____

Received By: _____

AMENDED - NOTICE OF CLAIM - AMENDED
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Upper Wood River Water Users Association, Inc. Phone () 208-731-5114Mailing Address c/o Bill Sherbine, 153 Baseline Rd. Bellevue, Idaho Zip 83313
Street or Box City State2. Date of Priority (Only one (1) per claim) September 1, 1920 (See Remark No. 1)
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water () or Other () (a) Big Wood Riverwhich is tributary to (b) Malad River4. a. Location of Point of Diversion is: Township 01N, Range 18E, Section 12,
1/4 of SE 1/4 of SW 1/4, Govt. Lot _____, BM., County of BlaineAdditional points of diversion if any: See Remark No. 2.

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is: Not ApplicableTownship _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of
_____, 1/4, Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. This water right is based upon water savings from constructing, maintaining and operating the Baseline Bypass Canal ("Canal") to circumvent a losing reach of the Big Wood River downstream from Bellevue. During the irrigation season, when the Canal can carry the entire flow of the river (up to about 200 cfs), Big Wood River water rights diverting in and downstream of the by-passed losing reach, then in priority without the savings afforded by operating the Canal, are delivered through the Canal. The court has determined that a flow rate of 18 cfs is saved whenever the Canal is operating. The shareholders of Upper Wood River Water Users Association, Inc. ("UWRWUA") take their portions of the 11,232 cfs of this saved water decreed to the UWRWUA from flows delivered through the Canal or from diversions located upstream of Magic Reservoir in the Big Wood River Basin as listed in Remark No. 2.

Last Name Upper Wood River Water Users Ass'n, Inc. Ident. Number 37-892

6. Water is claimed for the following purposes:

For Irrigation purposes from ^(both dates are inclusive MM-DD) April 15 to ^(cfs) October 31 amount ^(acre feet) 11.232 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 11.232 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully. (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) N.A.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. (See Remark No. 3)

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWN	RNG	SEC	NE				NW				SW				SE				Total	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	17E	13																38.0	38.0	✓
01S	17E	24	17.0																17.0	✓
01S	18E	01			19.0 L.2	19.0 L.1				5.0 L.3	20.0		24.0	35.0	40.0	40.0	40.0	39.0	281.0	✓
01S	18E	02												4.0			33.0	39.0	76.0	✓
01S	18E	09				3.8									22.0		35.0	31.0	91.8	✓
01S	18E	10	6.7	26.0	10.0		33.0	29.0	35.0	33.0									172.7	✓
01S	18E	11																21.0	21.0	✓
01S	18E	12	38.0	40.0	39.0		38.0	8.0	13.0	40.0	12.0	35.0	37.0						300.0	✓
01S	18E	18											29.0	26.0			17.0		72.0	✓
01S	18E	19					18.0	26.0 L.1											44.0	✓
01S	19E	01											40.0	40.0					80.0	✓
01S	19E	03							14.0 L.4										14.0	✓
01S	19E	04			16.0 L.2	15.0 L.1			18.0 L.4	17.0 L.3	40.0	40.0	38.0	40.0				40.0	264.0	✓
01S	19E	06				10.2 L.1									26.7			26.7	63.6	✓
01S	19E	07	26.7			26.7													53.4	✓
01S	19E	08					34.0	40.0	40.0	34.0									148.0	✓
01S	19E	09	40.0	40.0	40.0	40.0	40.0	40.0	34.0	40.0	39.0	39.0	40.0	40.0	29.0	34.0	36.0	14.0	585.0	✓
01S	19E	12					40.0	30.0								30.0			100.0	✓
01S	19E	16						22.0											22.0	✓
01S	20E	07							7.0	50.5									57.5	✓
01S	20E	18					16.0			5.0	6.0								27.0	✓
01N	19E	28			14.0	4.0	13.0	36.1	36.4	37.1	36.0	41.2	40.0	33.0	39.0	39.0	36.0	40.0	444.8	✓
01N	19E	31													39.0	37.0	35.0	38.0	149.0	✓
01N	19E	33	40.0	34.0	40.0	34.0	40.0	40.0	40.0	40.0					22.0	40.0	40.0	38.0	448.8	✓
01N	19E	34		2				31.0	15.0			15.0	30.0	1.0					92.2	✓
02N	18E	04						1.0				18.6	2.4						22.0	✓
02N	18E	10					1.3			1.7									3.0	✓
02N	18E	26												19.0			3.2		22.2	✓
02N	18E	35		2.4			2.5												4.9	✓
04N	17E	29							21.0	9.5 L.4		6.8 L.11	8.6						45.9	✓

Last Name Upper Wood River Water Users Ass'n, Inc. Ident. Number 37-892

TWN	RNG	SEC	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	30				4.1									11.0			19.0	34.1
04N	18E	05		13.0 L.2			12.0 L.3		1.8	31.0	22.0	31.0	39.0	20.0					169.8
04N	18E	06													2.2			32.0	34.2
04N	18E	07	37.0	6.0	35.0	39.0				2.0	9.2			17.0	37.0	40.0	35.0	15.0	272.2
04N	18E	08					16.0	39.0	36.0	1.1		8.0							100.1
04N	18E	18		8.4			19.0 L.1												27.4
04N	18E	19		0.3	27.0	3.0	25.0			27.5					9.7	15.0			107.5
04N	18E	31														40.0	40.0		80.0
04N	19E	29											11.0	28.0		10.4	37.0		86.4
04N	19E	32					8.3												8.3
05N	18E	32													1.9		12.0 L.2	11.0 L.1	24.9

Total number of acres irrigated 7646.7

4705.7

10. In which county (ies) are lands listed above as place of use located? Blaine County
11. Do you own the property listed above as place of use? Yes No (See Remark No. 3)
If your answer is No, describe in Remarks below the authority you have to claim this water right.
12. Describe any other water rights used at the same place and for the same purposes as described above.
(See Remark No. 3) or None ()
13. Remarks:

1. The court determined in the matter of "Upper Big Wood River Water Users' Association et al/ v. S. H Chapman, dated August 28, 1922, that the water saved under this right has a priority of September 1, 1920, but the water is the "sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation." Diversion and use of water under this right is not subject to regulation according to priority of rights in Big Wood River and Tributaries.

2. The point of diversion listed on Page 1 is for the Glendale Diversion. The Baseline Bypass Canal diverts to the east side of the river and the Glendale Canal diverts to the west side of the river at this point. Several canals re-divert saved water from the Baseline Bypass Canal and Extension Bypass Canal. Water is accounted as delivered at the point of re-diversion. The following is a list of the legal descriptions for the points of diversion from Big Wood River and tributaries used by shareholders and of the legal descriptions for the points of re-diversion used by the shareholders.

- T01S R18E S2 NESESE Re-diversion (Black 61 Canal)
- T01S R18E S2 SWSWNE Lot 2.
- T01S R18E S19 NWNENE.
- T01N R18E S1 NENWSW.
- T01N R18E S2 SWNENE
- T01N R18E S12 NENWSW.
- T01N R18E S12 NWSESW (Glendale Canal and Baseline Bypass Canal).
- T01N R18E S25 NESWSW Re-diversion (Dittoe Canal).
- T01N R18E S25 NWSSENW Re-diversion (Baseline Canal).
- T01N R18E S35 NESESE Re-diversion (Brown 57F Canal).
- T02N R18E S26 NWSW.

Last Name Upper Wood River Water Users Ass'n, Inc. Ident. Number 37-892

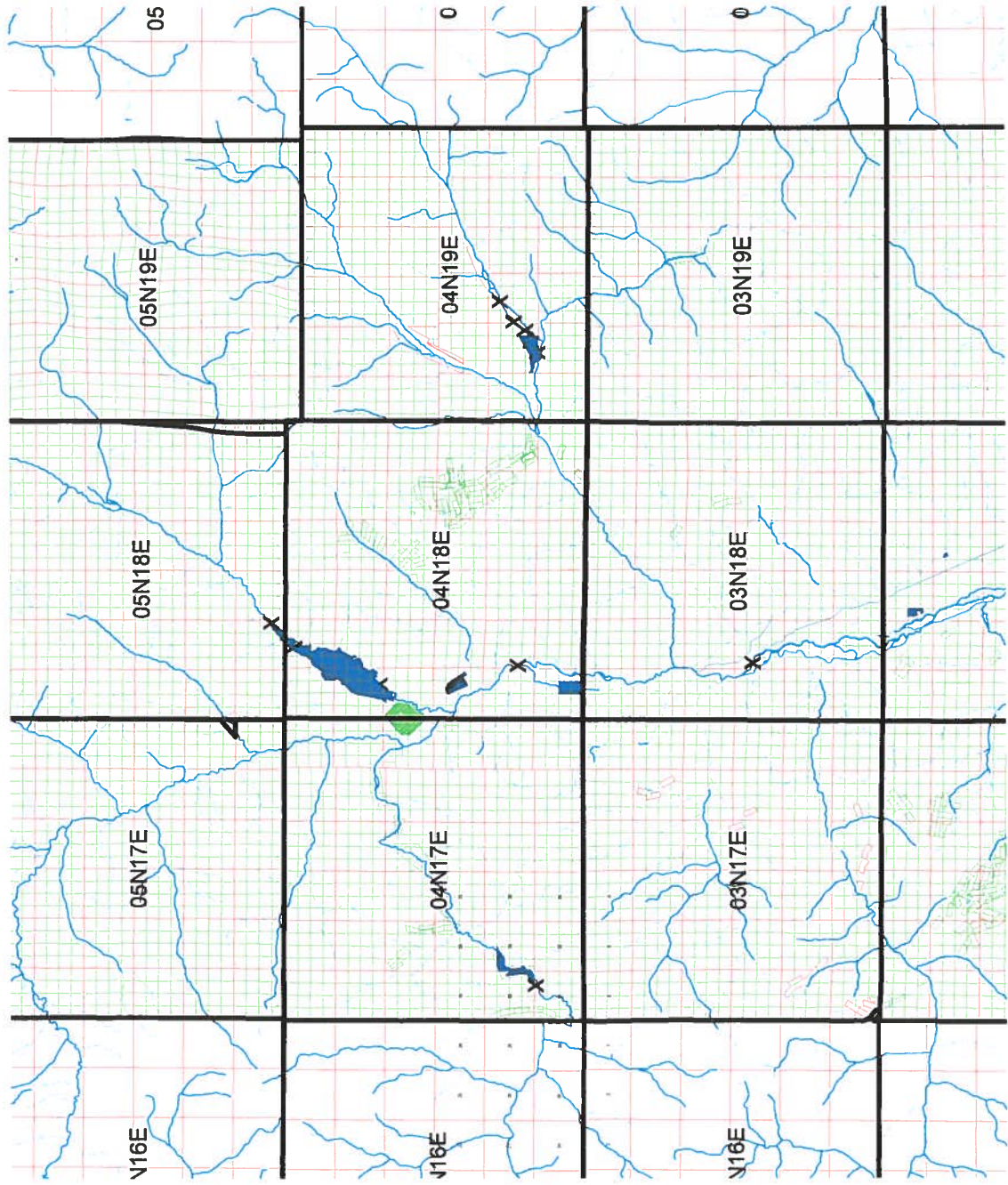
- T02N R18E S26 SWSE.
- T02N R18E S26 NESWSW Lot 1.
- T02N R18E S36 NESWNW Lot 3 (Head gate #45, District Canal).
- T03N R18E S20 SWNW .
- T04N R17E S31 NENWNE (Warm Springs Creek).
- T04N R18E S5 NENW (Trail Creek).
- T04N R18E S7 SESWSE (Trail Creek).
- T04N R19E S28 SENENW (East Fork Big Wood River).
- T04N R18E S29 SWNWSW.
- T05N R18E S32 NESE (Trail Creek)

3. The place of use for the saved water under this right is land owned by the shareholders of UWRWUA (Ref. Certificate of Approval for Transfer No. 184. All of the land receiving saved water under this right are covered by claims filed in the SRBA for natural flow rights from Big Wood River and tributaries. The UWRWUA operates under the provisions of § 42-219(6), Idaho Code, allowing a generally described place of use covering the places of use listed (Ref: Attached affidavit of William L. Sherbine). Primary rights held by the shareholders identifying the places of use are listed in Attachment No."I".

4. Copies of the following documents are attached:

- A. "Upper Big Wood River Water Users' Association, et al v. S.H. Chapman" decree, dated August 28, 1922, Fourth District Court of Idaho.
- B. Articles of Incorporation for UWRWUA.
- C. Certificate approving Transfer No. 184.
- D. "Saved Water in Bypass Area," spreadsheet 7/31/2002 by ADM.
- E. Memorandum prepared by Allen D. Merritt, IDWR, dated July 31, 2002.
- F. Affidavit of William L. Sherbine.
- G. NAIP photograph of the Baseline Bypass Canal Diversion location.
- H. Water District 37 records.
- I. List of Shareholders and primary rights identifying place of use for saved water.

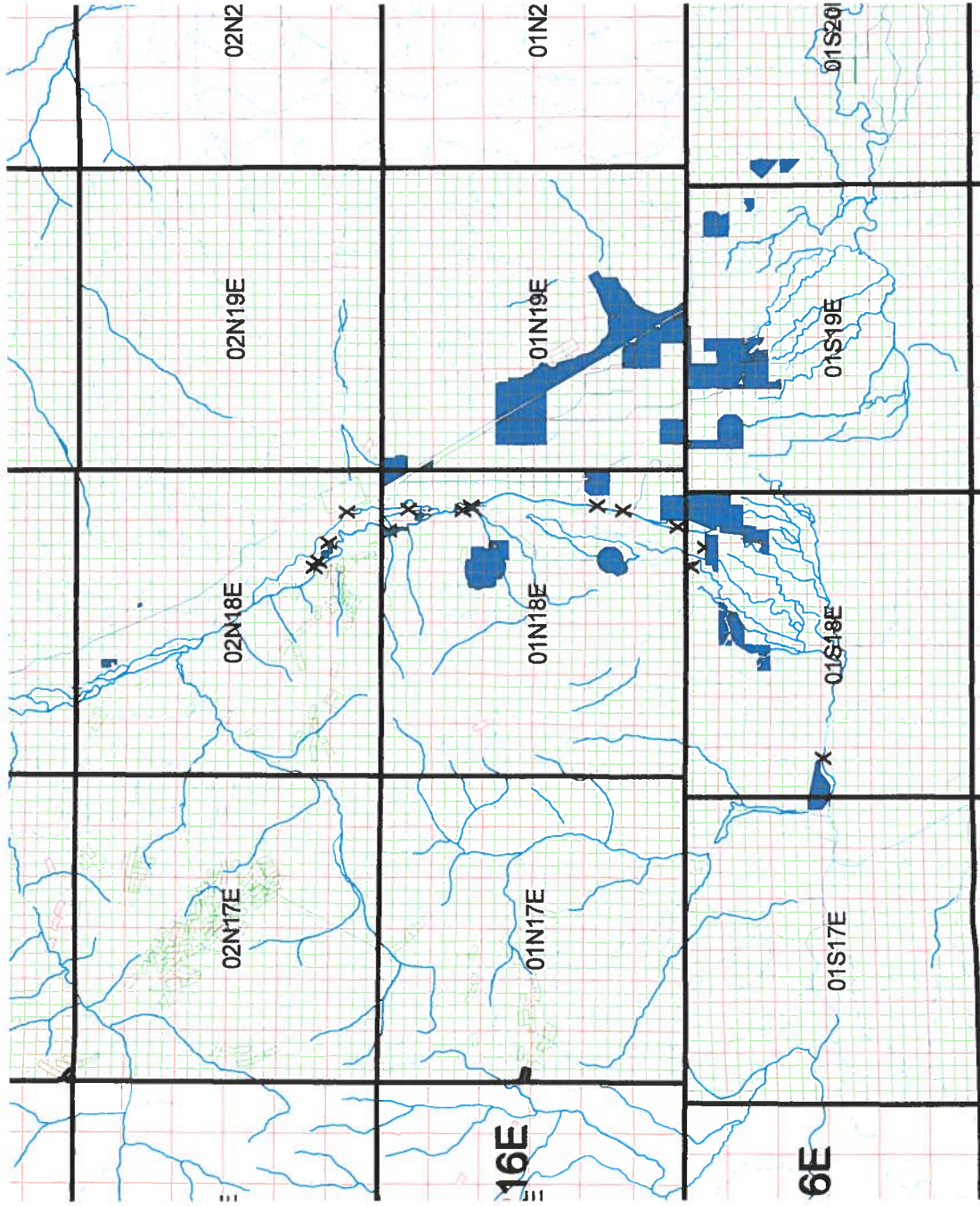
Map to Accompany Claim No. 37-892
(Northern Part)



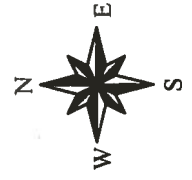
- Stream
- Place of Use
- Point of Diversion



MAP TO ACCOMPANY AMENDED CLAIM 37-892
(Southern Part of Basin)



- Stream
- Place of Use
- Point of Diversion



14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____ Decree X
 Court Fourth District Court Decree Date August 28, 1922 Plaintiff vs Defendant Upper Big Wood River Water Users' Association, et al v. S.H. Chapman.

If applicable provide IDWR Water Right Number 37-892

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments: ^{Nine (9)}
~~Eight (8)~~

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am
President of Upper Wood River Water Users Association, Inc.
 Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
 Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William L. Sherbine Date 8-1-07

William L. Sherbine
 Title and Organization President, Upper Wood River Water Users Association, Inc.

Please Print Name

16. Notice of Appearance:
 Notice is hereby given that I, Josephine P. Beeman, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Josephine P. Beeman
 Address Beeman and Associates, P.C.; 409 W. Jefferson St., Boise, Idaho 83702

Date

August 3, 2007

Last Name Upper Wood River Water Users Ass'n, Inc. Ident. Number 37-892