

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

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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

CIVIL CASE NUMBER: 39576

Ident. Number 37-892

Date Received: _____

Receipt No: _____

Received By: _____

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho OCT - 3 2012 By _____ _____ Clerk _____ Deputy Clerk
--

Please type or print clearly

- Name of Claimant(s) Upper Wood River Water Users Association, Inc. Phone () 208-731-5114
Mailing Address c/o Bill Sherbine, 153 Baseline Rd. Bellevue, Idaho Zip 83313
Street or Box City State
- Date of Priority (Only one (1) per claim) September 1, 1920 (See Remark No. 1)
Month Day Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other ☒ (a) Big Wood River
which is tributary to (b) Malad River
- a. Location of Point of Diversion is: Township 01N, Range 18E, Section 12,
¼ of SE ¼ of SW ¼, Govt. Lot _____, BM., County of Blaine
Additional 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 Applicable
Township _____, Range _____, Section _____, _____, ¼ of _____, ¼ of
_____, ¼, Govt. Lot _____, BM., County of _____
- 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.

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

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6. Water is claimed for the following purposes:

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

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

4704.9

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 NWSENW Re-diversion (Baseline Canal).
- T01N R18E S35 NESESE Re-diversion (Brown 57F Canal).
- T02N R18E S26 NWSW.

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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.

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ATTACHMENT "I"

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

(PRELIMINARY LIST)

**UWRWUA SHAREHOLDERS AND THEIR ASSOCIATED
PRIMARY RIGHTS
IDENTIFYING PLACES OF USE AND POINTS OF DIVERSION
USED FOR "SAVED WATER" IN 2007**

Shareholder (2007 Active List)	Claims Numbers for Primary Rights¹ (All are in Basin 37)
Barker, Patrick	21341, 21581, 21583 (Benson) ² , 21585 (Miller)
Beck, Thomas	11566
Board, Mill and Sunset Ranch (Decreed to Sun Valley Long Term Holding LLC)	2055
Cropper, David	577BS, 21956
Eakin, Grace (Estate of James Ivan Eakin)	111
Eccles, Spencer	158A, 20936 (Window Rock Ranch)
Gardner, Robert	115B, 665H, 666F, 667K, 11671
Idaho Foundation for Parks and Land, Inc.	457B
John Brown, Inc.	203
Knight, Mary Ann	4D
Lewis, Leroy	311
Molyneux, John	20570
MV Properties LLC (JRJ)	26
O'Connor, Gerry (Robbins Trust & O'Conner Trust)	21793, 21794
Redstone (Cove Ranch) (Redstone Partners LP)	481B
Rinker, Harry	113K
Rosekrans, Kate (Duininck)	21124
Sherbine, Rocky	11773
Sherbine, William	468
Silver Springs Ranch (Thomas M. O'Gara Family Trust)	20641
Spring of Gladness Ranch, Inc.	104
Sun Valley Co. (Decreed to Sinclair Oil Corp.)	415
The Meadows LLC	48A
Van der Muelen, Pete (Glendale Farms LLC)	29
Weyyakin Partners	289
Wise, George & Kathleen	579
Wood River Ranch (Decreed to Lakeside Industries)	11811, 11821
Yanke, Sheldon (Y 3 Ranch)	51, 663

1. The claims listed for each shareholder includes the points of diversion and places of use for use of "saved water." Other claims filed by a shareholder duplicating the points of diversion and place of use are not listed.

2. The name of persons other than the shareholder holding claims having a place of use identified by the shareholder for use of "saved water" are listed in parentheses.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR LINCOLN COUNTY.

Upper Big Wood River Water Users'
Association, a corporation; Mutual
Wood River Water Users' Association,
a corporation; Big Wood Canal Company,
a corporation,

Plaintiff

vs.

S. H. Chapman, Watermaster,

Defendant.

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

D E C R E E

This cause came on for hearing before Honorable H. F. Ensign,
Judge of the Above entitled Court, at Chambers, in Hailey, Idaho,
on the 9th day of August, 1922, and the Plaintiffs appeared by Paul S.
Haddock, one of their attorneys, and the defendant appeared not. Thereupon,
proof of service and of publication as required
by statute was made and the default of the defendant was thereupon
duly entered. Thereupon, the plaintiffs introduced testimony, and the
court, having seen and heard the evidence, finds that the allegations
of plaintiffs' complaint are true.

Court further finds that during the year 1920, the plaintiffs
constructed certain ditches, dams and other devices for the purpose of
diverting all of the waters of the Big Wood River by and around that
portion of Big Wood River located in Blaine County, Idaho, known
as "the dry beds", where great and continuous loss of the waters of
said Big Wood River continually occurred by reason of the same sinking
and disappearing through gravel beds and subterranean outlets. That
the canal so diverting the waters of Big Wood River, hereinafter called
the "By-pass", has a capacity of from one hundred fifty (150) to two
hundred (200) second feet and is sufficient in size to divert all of
the waters of Big Wood River during its normal flow. The point of
diversion of said "By-pass" is at a point in the Southeast Quarter of the
Southwest quarter of Section 13, Township 1 North, Range 18 East, B. M., in
Blaine County, Idaho, about one thousand (1,000) feet north of the Section

PROFILED
DATE 2-27-03

line between sections 13 and 24, of said Township and Range. The "By-pass" follows old Canal #55 in a Southerly direction about six thousand seven hundred (6,700) feet, thence through an enlargement of the Black ditch to the section line between Sections 25 and 36 of said Township and Range, thence west through a new constructed section to an old slough, a distance of about two thousand seven hundred (2,700) feet, thence in a southerly direction for about two thousand seven hundred (2,700) feet, where it empties into the main channel of Big Wood River.

That from and after the 1st day of September 1920, the plaintiffs have diverted the waters of Big Wood River through said "By-pass", and that by reason of so diverting said waters through said "By-pass", the plaintiffs have saved and developed a continuous flow of eighteen (18) second feet of the water of said Big Wood River, being the waters which formerly sank, disappeared and were wasted in and through the river beds known as the "dry beds".

It is therefore ordered, adjudged and decreed that the plaintiffs are the owners of ^{land} sand entitled to the use of said eighteen (18) second feet of water of Big Wood River, being water saved and developed by said plaintiffs during the irrigation season of each year when the aforesaid "By-pass" is operated and that the various plaintiffs are entitled to the possession and use of the following proportions of said eighteen (18) second feet of water so saved and developed, to wit: The plaintiff, Upper Big Wood River Water Users' Association is the owner of and entitled to the use of five hundred ^{11.232 cfs} sixty-one and six-tenths (561.6) inches thereof; that the plaintiff ^{3.492 cfs} Mutual Wood River Users' Association is the owner of and entitled to the use of one hundred seventy-four and six-tenths (174.6) inches thereof; that ^{3.276 cfs} the plaintiff Big Wood River Canal Company is the owner of and entitled to the use of one hundred sixty-three and eight-tenths (163.8) inches thereof.

³⁷⁻⁰⁸⁹² That the said waters so saved and developed as aforesaid is, during the winter months, stored for irrigation in the Magic Reservoir in Blaine County, Idaho, the said reservoir being part of the said Big Wood Canal Company's irrigation system, and that said waters, so saved and developed during that portion of the year other than the irrigation season is hereby decreed to be the property of said Big Wood Canal Company.

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That the waters decreed to the plaintiffs herein are the sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation. That the date of appropriation and priority in and to said waters is the 1st day of September, 1920.

Dated this 28th day of August, 1922

H. F. Ensign,

District Judge

Judgment rendered August 9, 1922.

Filed: August 30, 1922

E. A. Bowler, Clerk

By Buelah Guymon, Deputy

State of Idaho)
County of Lincoln } ss

I, E. A. Bowler, Clerk of the District Court, and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the decree now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho, in Book 5 of Judgments at page 292.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 7th day of June, A. D. 1922.

E. A. Bowler, Clerk, Ex-Officio Recorder

By /s/ Venetta Albert, Deputy

FILED
DATE 2-27-03

ARTICLES OF INCORPORATION

UPPER WOOD RIVER WATER USERS ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, bona fide resident citizens of the State of Idaho, have this day voluntarily associated ourselves, and do hereby and by these articles of incorporation unite and associate ourselves for the purpose of forming a corporation under the laws of the said State of Idaho.

I

The name of this corporate association shall be "UPPER WOOD RIVER WATER USERS ASSOCIATION, Inc."

II

The period of the existence of this corporation shall be perpetual.

III

The location and postoffice address of said corporation's registered office in this state shall be in the city of Hailey, Blaine County, Idaho, and at such office therein as shall from time to time be fixed by its board of directors.

IV

The purposes for which this corporation is formed are as follows:

(1) To take over and carry on the suspended business and activities of a former corporation of similar name, The Upper Wood River Water Users' Association, whose charter has heretofore been forfeited, and of the voluntary association which succeeded it.

(2) To promote and protect the general welfare and rights and interests of the water users out of Big Wood River and

particularly of the stockholders of this corporation, with respect to the rights, use, delivery and distribution of water for irrigation and domestic purposes from Big Wood River and its tributaries, more especially that section of said river above Magic Dam; and to those ends to raise funds, employ counsel and other assistance, prosecute and defend suits, actions and proceedings and generally to operate and maintain a reclamation organization for the mutual protection and benefit of the Upper Big Wood River Valley.

(3) To study and survey various methods of reclaiming arid lands, of preventing waste of water, of distributing the same, and of beneficially applying water to such lands in the Big Wood River Valley; and by itself or in cooperation with other individuals, organizations, corporations, associations, municipal corporations, and governmental agencies to promote, construct, own and use irrigation works and services in, and for the benefit of the water users of, said valley.

(4) To own, hold, sell, lease, and transfer, either in its own name or in trust for its stockholders or Big Wood River water users generally, water rights, canal, ditch and lateral rights, reclamation works, and any form of real or personal property necessary or incidental to the carrying out of the corporate purposes.

(5) This corporation is not organized and shall not be conducted for profit. Any excess of income over expense, incident to its operations, shall be devoted to the promotion of the reclamation needs of the water users and particularly the stockholders.

(6) For the purpose of financing the association's needs, stock herein shall be subject to assessments.

V

The business and prudential affairs of this corporation shall be managed by a board of nine (9) directors, who shall be elected by the stockholders in such manner, at such times and for such terms as shall be provided by the by-laws.

VI

The amount of the authorized capital stock of this corporation shall be seventy-five thousand (\$75,000.00) Dollars, divided into seventy-five thousand (75,000) shares of the par value of One (\$1.00) Dollar each.

So far as practicable, each share of stock shall represent the equivalent of one miner's inch of water owned or controlled by a stockholder who is a user of water from upper Big Wood River valley.

VII

The following named persons, with the postoffice address of each, are the incorporators hereof, and each has subscribed to the amount of capital stock of this corporation set opposite his name, respectively:

<u>Incorporators and Subscribers</u>	<u>Postoffice Address</u>	<u>Shares Subscribed</u>
James A. Wheeler	Gannett, Idaho	1
Dorothy L. Justus	Hailey, Idaho	1
Irvin E. Rockwell	Bellevue, Idaho	1

In addition the following persons, acting as a committee and as trustees, have subscribed for 42,990 shares of the capital stock of this corporation for the use and benefit of other shareholders in the former corporation of similar name hereinbefore referred to:

<u>Name</u>	<u>Postoffice Address</u>
James A. Wheeler	Gannett, Idaho
Dorothy L. Justus	Hailey, Idaho
Irvin E. Rockwell	Bellevue, Idaho

Witness our hands this 27th day of August, 1942.

James A. Wheeler
Dorothy L. Justus
Irvin E. Rockwell

James A. Wheeler
Dorothy L. Justus
Irvin E. Rockwell

ACKNOWLEDGMENT

State of Idaho, }
County of Blaine, } ss.

On this 27th day of August, 1942, before me B.W. Oppenheim, a notary public in and for said state, personally appeared James A. Wheeler, Dorothy L. Justus, Irvin E. Rockwell

known to me to be the persons whose names are subscribed to the foregoing Articles of Incorporation of Upper Big Wood River Water Users Association, Inc., and acknowledged to me that they executed the same.

Witness my hand and notarial seal.

B.W. Oppenheim

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

21137

**ARTICLES OF
INCORPORATION OF
UPPER WOOD RIVER WATER
USERS ASSOCIATION, INC.**

STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho

Approved, filed, and admitted to
the records of Articles of Incorpor-
ation of the State of Idaho and
certificate issued.

this 31st day of
August, 1942
at 11 o'clock A.M.

FEES PAID

Filing \$40.00
License Tax exempt
Recording 2.00
Certificate 3.00

TOTAL \$45.00

Geo. H. Curtis

Secretary of State

By Ross A. Haworth
Assistant Secretary

Card mailed 9-8-42

No. 84693

#####

ARTICLES OF INCORPORATION

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UPPER WOOD RIVER WATER USERS

ASSOCIATION, INC.

#####

State of Idaho, County of Blaine, ss.
I hereby certify that the foregoing articles
were filed for record in my office at

the request of

Willie Oppebush

at 1:40 P. M. Sept. 17, 1942.

Subscribed and sworn to before me at

Blaine, Idaho, this 17th day of September, 1942.

and duly filed in the office of the

County Clerk of Blaine, Idaho.

By Donald E. Justice

Recorder of Blaine, Idaho.

Witness my hand and the seal of my office at

Entered ☒ Entered on Return ☐
Recorded ☐ Indexed 1st Party ☒
Compared ☐ Attached 2nd Party ☐

C O P Y

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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MAY 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

MICROFILMED

In the Matter of the Application of

UPPER WOOD RIVER WATER-USER'S ASSOCIATION
Hailey, Idaho

ORDER GRANTING CHANGE

For a Change of Point of Diversion on Big Wood
River, in Water District No. 7-AB, Blaine County,
Idaho

No. 184

WHEREAS, On the 20th day of December, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Upper Wood River Water-Users Association, of Hailey, Idaho, for a change of point of diversion on Big Wood River, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other decreed water right or water user will be injured thereby; and,

WHEREAS, The said change in point of diversion has been approved by the Watermaster of Water District No. 7-AB, Big Wood River; and,

WHEREAS, The proposed change in point of diversion is a more satisfactory arrangement, and will allow a more economical use of the water;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change in Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of March, A. D. 1946.

MARK R. KULP
State Reclamation Engineer

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DATE 2-27-03

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE ON POINT OF DIVERSION OF DECREED WATER RIGHT
No. 184

THIS IS TO CERTIFY THAT UPPER WOOD RIVER WATER-USERS ASSOCIATION, of Halley, Idaho, is the owner of and using a certain water right, bearing date of priority of September 1, 1920, for 18 cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to said Upper Wood River Water-Users Association, by decree of Judge H. F. Ensign, of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

UPPER BIG WOOD RIVER WATER-USERS ASSOCIATION, et al.,

Plaintiffs,

vs.

S. H. CHAPMAN, WATERMASTER,

Defendant

said decree bearing date of August 29, 1928, and being appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 282.

That now, upon the application of the Upper Big Wood River Water-Users Association for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

18 cubic feet per second of the waters of Big Wood River, with priority of September 1, 1920.

That said water right is appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the water right above described has heretofore been diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

That the water right above described will hereafter be diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

MARK R. KULP

State Reclamation Engineer

FILED

DATE 2-27-53

RECEIVED

AUG 8 2 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 184

THIS IS TO CERTIFY THAT UPPER WOOD RIVER WATER-USERS ASSOCIATION, of Malley, Idaho, is the owner of and using a certain water right, bearing date of priority of September 1, 1920, for 18 cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to said Upper Wood River Water-Users Association, by decree of Judge H. F. Ensign, of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

UPPER BIG WOOD RIVER WATER-USERS ASSOCIATION, et al.,

Plaintiffs,

vs,

S. H. CHAPMAN, WATERMASTER,

Defendant

said decree bearing date of August 28, 1922, and being appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 282.

That now, upon the application of the Upper Big Wood River Water-Users Association for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

18 cubic feet per second of the waters of Big Wood River, with priority of September 1, 1920.

That said water right is appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the water right above described has heretofore been diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, E.M.

That the water right above described will hereafter be diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 1 North, Range 18 East, E.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

MARK H. KULP

PROFILED

DATE 2-27-03

State Reclamation Engineer

Saved Water in Bypass Area

7/31/2002 by ADM

Water Right Records

SRBA Records

Chapman Decree 8/28/1922 (Bypass)

	Inches	cfs		Inches	cfs
37-892	561.6	11.232 UBWRWUA	NOT CLAIMED	561.6	11.232 UBWRWUA
37-894B	159.2	3.184 Sprenger Land Inv Inc	37-892A	159.2	3.184 David Sellgren
37-894A	179.2	3.584 Big Wood Canal Co	37-11394	84.6	1.692 Spring of Gladness Ranch
			37-893A	84.6	1.692 William Serbine
			NOT CLAIMED	10	0.2 Koenig & Grabher
	<u>900</u>	<u>18</u>		<u>900</u>	<u>18</u>
37-895	900	18 Big Wood Canal Co. (Winter Water)	NOT CLAIMED	900	18

Coffin Decree 7/18/1941 (Extension Bypass)

37-891A	525	10.5 UBWRWUA	NOT CLAIMED	525	10.5 UBWRWUA
37-891B	75	1.5 George Allred	NOT CLAIMED	75	1.5 JRJ Inc
37-891C	300	6 Baseline Canal Co	37-891B	300	6 Baseline Canal Co
	<u>900</u>	<u>18</u>		<u>900</u>	<u>18</u>

Coffin Decree 12/31/942 (Dragline Ditch)

37-890	300	6 UBWRWUA	NOT CLAIMED	300	6 UBWRWUA
	<u>300</u>	<u>6</u>		<u>300</u>	<u>6</u>

***7/16/2002 Watermaster indicates Dragline ditch has been filled in so no developed water delivered.

RECEIVED

JAN 16 1986

Department of Water Resources

Memorandum

Date: 1/14/86

From: Allen Merritt

To: File 37-0892

RECEIVED

JAN 20 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Subject: Review of rts 37-0892, 37-0893, 37-0894, 37-0895 & 37-0876 for verification of data base.

In reviewing the Upper Big Wood River Water Users' Assn. et. al. vs. Chapman dated 8/28/1922 it appears that by the construction of the "Baseline By-pass" canal 18 cfs of saved water was awarded to the plaintiffs as follows:

During Irrig. Season

37-0892	11,232 cfs	Upper Big Wood River Water Users'
37-0893	3,492 cfs	Mutual Wood River Users' Assn.
37-0894	<u>3,276 cfs</u>	Big Wood River Canal Co.
	18,000 cfs	

During Non-Irrig. Season

37-0895	18,000 cfs	Big Wood Canal Co. for storage in Magic Res.
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PROFILED

MICROFILMED

DATE 2-27-03 APR 6 200

On 6/27/1925 in decree of Big Wood Canal Co., Chapman 37-0893 was recommended for 37-0876.

In 1946, Trans 184 was granted in the Name of the Upper Wood River Water Users Assn. to change P/D for 18 cfs (37-0892, 37-0893, 37-0894). In a phone conversation with Reid Newby the watermaster on 1/13/86 Reid indicated that the 18 cfs is presently being delivered to various users above Magic. Reid indicated that he recalls the Big Wood Canal Co. rt. (37-0894) was traded to the UBWRWUA for maintenance of the by-pass which would allow the continued use of the winter right (37-0895). He indicated that the Mutual Wood River Users' Assn is no longer in existence with their rt. (37-089) being used by the UBWRWUA.

In 1971 Trans. 1750 was granted on 37-0892 allowing Sprenger Land Invest. Co. to move 3,184 cfs upstream. ~~A review of 1985 watermaster records indicate that the 18 cfs w~~ 37-0892 (37-0893 & 37-0894 not listed) are delivered as follows:

River Rock Ltd.	3,184 cfs	3,184
Owen Simpson	0.200 cfs	
William Sharbine	1,692 cfs	MICROFILM
Spring of Gladness	1,692 cfs	1980 05 21
U.B.W.R.W.U.A	11,232	37-089
	<u>18,000 cfs</u>	

PROFILED
DATE 2-27-03

It appears that Jim Stanton's memo regarding Trans. 184 dated 9/16/83 is incorrect.

I propose to code the entire 18 cts in 37-0892 and have 37-0893, 37-0894, and 37-0876 refer to 37-0892. Rt. 37-0895 will remain unchanged.

PROFILED
DATE 2-27-03

MICROFILMED

ADD -

RECEIVED

AUG 9 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

AFFIDAVIT OF WILLIAM SHERBINE

STATE OF IDAHO)
) ss:
COUNTY OF BLAINE)

I, William Sherbine, after first being duly sworn upon oath, states as follows:

1. I have lived in the Bellevue area and been acquainted with the existence and operation of the Baseline Bypass and Extension Bypass Canals since 1950, have been a shareholder in the Upper Wood River Water Users Association (UWRWUA) for 40 years, and have been the chairman of UWRWUA for 15 years.

2. The UWRWUA holds rights No. 37-891A, 37-891C and 37-892 for the benefit of its shareholders. Shareholders use saved water to "firm up" water supplies for land receiving water under natural flow water rights from Big Wood River and tributaries.

3. Some of the shareholders receive their portion of the saved water through the Baseline Bypass Canal and/or the Extension Bypass Canal. Other shareholders divert their portion of the saved water through other diversions from Big Wood River and tributaries above Magic Reservoir. Some of the saved water is used at and upstream from Ketchum.

4. The Baseline Bypass Canal and Extension Bypass Canals were operated in 1987 and every year prior to 1987 of which the affiant has knowledge and saved water has been used by shareholders during those years. Water is diverted into the Baseline Bypass Canal each summer when the flow of the river drops so that the entire flow can be carried in the canal. Diversions continue in the canal for the remainder of the irrigation season as long as the canal can carry the entire flow of the river.

5. The operation of the Baseline Bypass and Extension Bypass Canals and the diversion of saved water is coordinated with the Water District 37 Watermaster. UWRWUA shareholders have been allowed to rotate saved water with other shareholders and to move the point of diversion and place of use as they determine necessary within the Big Wood River basin upstream from Magic Reservoir without the requirement of processing a transfer under Section 42-222, Idaho Code.

6. The UWRWUA maintains and operates the Baseline Bypass Canal and Extension Bypass Canal to carry Big Wood River flows to achieve water savings as provided in "Upper Big Wood River Water Users' Association, et al v. S. H. Chapman," August 28, 1922 and "Tom Hughes, et al v Mans H. Coffin," July 18, 1941. Shareholders are assessed each year for the cost of maintenance of the canals and water district assessments.

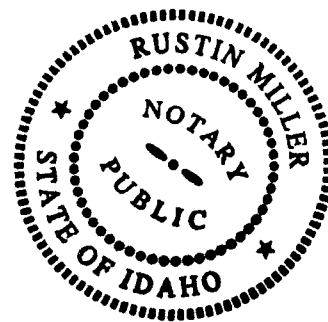
FURTHER YOUR AFFIANT SAYETH NAUGHT.

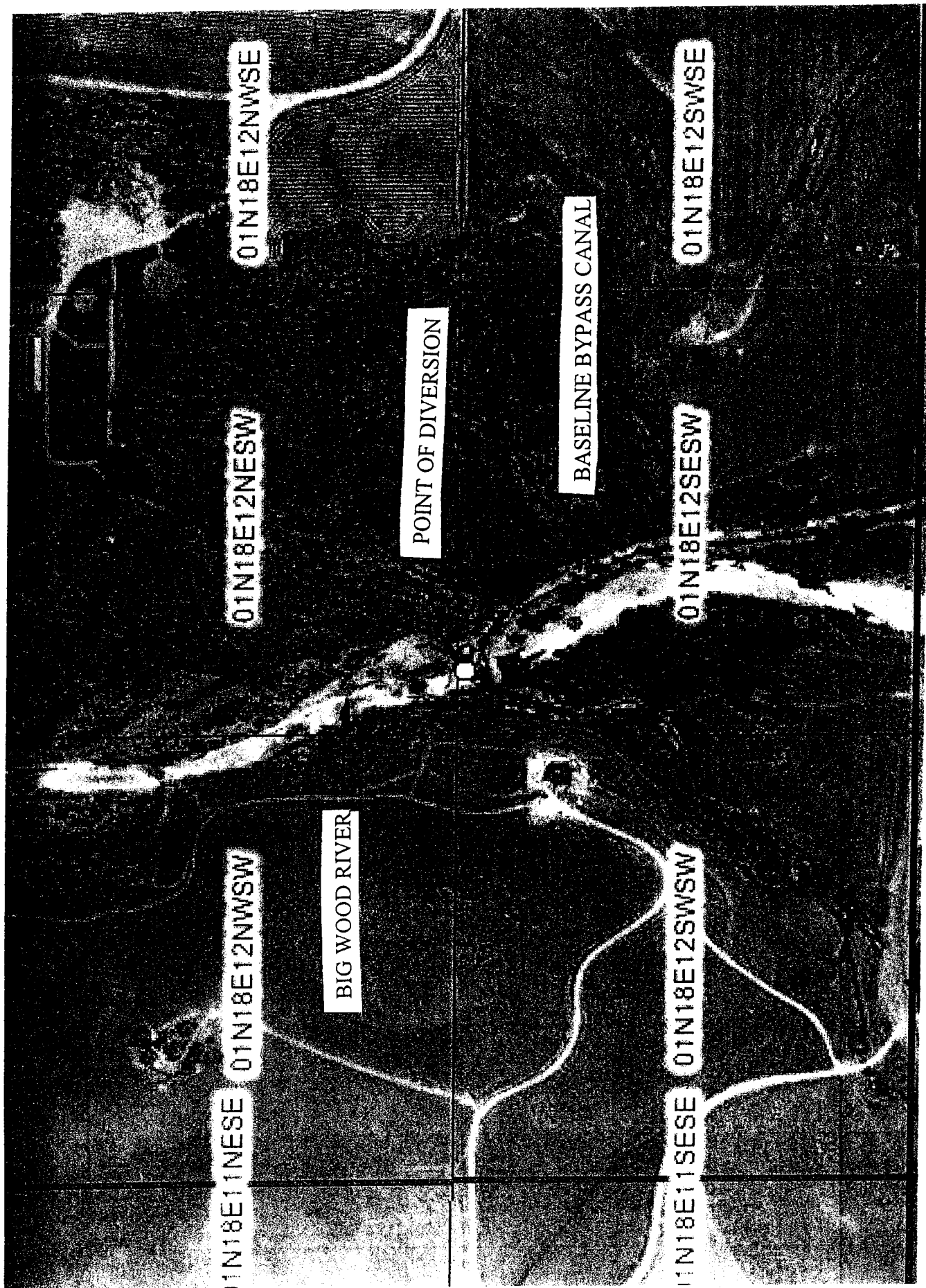
DATED this 20th day of November 2006.

William Sherbine
WILLIAM SHERBINE

2006. SUBSCRIBED AND SWORN to before me this 20 day of November

Rustin Miller
Notary Public in and for the State of Idaho
Residing at: Hayley ID
My Commission Expires: 12/26/06





WATER DISTRICT #37 & 37-1/2
 DAILY DISCHARGE IN SECOND FEET OF BASELINE CANAL #55-C FOR THE YEAR ENDING SEPTEMBER 30, 1987

DAY	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
1		52	97	48	24	6
2		52	88	46	21	6
3		42	89	51	20	6
4		35	86	46	19	7
5		48	85	42	16	7
6		61	89	41	15	7
7	35	72	89	33	13	6
8	42	82	50	30	11	6
9	40	78	109	28	10	6
10	39	80	97	30	10	6
11	46	79	89	33	12	6
12	48	78	80	28	16	6
13	45	76	64	26	20	6
14	45	83	118	27	22	6
15	48	85	111	34	21	6
16	54	83	104	30	10	7
17	57	65	72	37	6	7
18	50	59	63	68	6	7
19	38	61	53	73	6	7
20	31	72	56	60	6	7
21	38	72	55	56	6	7
22	41	50	51	71	6	7
23	38	74	45	73	6	6
24	35	98	35	61	7	6
25	38	121	33	50	8	6
26	44	126	33	42	7	6
27	50	123	34	35	7	8
28	56	124	38	35	7	9
29	59	121	45	37	6	9
30	55	114	48	34	6	9
31		109		30	6	
24 HOUR CFS	1072	2474	2106	1335	356	201
MEAN	44.7	79.8	70.2	43.0	11.0	7.0
ACRE FEET	2144	4948	4212	2670	712	402
TOTAL 24 HOUR CFS	7,544.0					43.0
TOTAL ACRE FEET	177					

13140955

WATER DISTRICT 37 & 37-M

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CANAL NAME	BASELINE	STATION NUMBER	55-C	YEAR	1988
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DAILY DISCHARGE IN SECOND FEET

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DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1		47.00	67.00	30.00			1
2		42.00	68.00	24.00			2
3		29.00	63.00	20.00	9.00		3
4		23.00	91.00	30.00	8.00		4
5	25.00	19.00	142.00	25.00	7.50		5
6	25.00	37.00	128.00	23.00	7.00		6
7	29.00	44.00	91.00	23.00	8.00		7
8	33.00	36.00	74.00	23.00	8.50		8
9	32.00	34.00	66.00	24.00	8.50		9
10	31.00	31.00	79.00	23.00	5.20		10
11	32.00	30.00	78.00	24.00	4.90		11
12	38.00	42.00	75.00	19.00	5.60		12
13	70.00	76.00	70.00	16.00	6.00		13
14	61.00	83.00	69.00	13.00	4.90		14
15	68.00	82.00	70.00	16.00	2.80		15
16	69.00	42.00	72.00	14.00	1.40		16
17	72.00	37.00	69.00	6.00	DRY		17
18	70.00	30.00	68.00	4.00			18
19	49.00	35.00	66.00	12.00			19
20	61.00	42.00	63.00	12.00			20
21	60.00	56.00	58.00	12.00			21
22	40.00	73.00	54.00	10.00		6.00	22
23	33.00	77.00	44.00	8.00		6.00	23
24	26.00	73.00	40.00	7.00		8.00	24
25	28.00	80.00	47.00	5.00		9.00	25
26	42.00	75.00	44.00	3.00		9.00	26
27	37.00	75.00	40.00	3.00		10.00	27
28	34.00	66.00	31.00	3.00		12.00	28
29	35.00	75.00	44.00	2.00		12.00	29
30	24.00	75.00	40.00	1.00		9.00	30
31		71.00		1.00			31

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TOTAL	1124.00	1637.00	2011.00	436.00	87.30	81.00
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YEARLY C.F.S. 5376.30

YEARLY ACRE FEET 10663.35

TOTAL NUMBER OF DAYS 143.00

YEARLY MEAN 37.60