

Kelly, Vicki

From: Kelly, Vicki
Sent: Tuesday, May 28, 2013 4:18 PM
To: 'Scott Campbell'; 'Jo Beeman'; Barker, Albert
Cc: 'Norm Young'; 'Charles E. Brockway'; 'jkmoly@BasicISP.net'; 'Evan Robertson'; 'Jim Speck'; Fredric_Price@blm.gov; Spencer, Nick; Jones, Doug
Subject: 37-891A & 37-892 Upper Wood River Water Users Assn.

Good afternoon

As you recall, SF5s were filed in the 2 Upper Wood River Water Users subcases (March 13, 2013) which allowed Special Master Bilyeu to vacate the trial set for March 20. At that point, Doug was still finishing up the digital boundary shape file, which the court was aware of. In finalizing the shape, Doug discovered micro-slices of the digital boundary overlapped federal land. Rather than risk either the BLM or USFS having an issue with the digital boundary, IDWR involved Fred Price upfront and asked him to review the boundary. Fred asked that Doug trim what federal land slivers he could, but Fred also suggested adding the "Place of use does not include federal public lands" language under the POU elements of both rights to cover any remaining slivers. Unfortunately, the SF5s filed earlier did not contain that language.

In addition, IDWR received a call from the Court shortly after the filing of the SF5s noting that an acres total figure now routinely placed on recommendations of digital boundary rights was missing from both rights (the 7366 acre total).

Special Master Bilyeu is open to addressing both minor POU tweaks in her Special Master's Report and Recommendations on the rights, as long as the parties are in agreement with the additions. The attached recommendations have the changes (noted in bold and underscore) that SM Bilyeu will add. Also attached for your consideration is the finalized shape file map.

Please let me know by close of business on Monday, June 3, should you have a problem with these additions or the map. If these documents are acceptable, you don't need to do anything further. Thanks everyone. Vicki Kelly, Paralegal



37-891A.pdf



37-892.pdf



Digital Boundary
Map.pdf

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05/28/2013

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

RIGHT NUMBER: 37-891A

NAME AND ADDRESS: UPPER WOOD RIVER WATER USERS ASSN INC
153 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER
EAST FORK WOOD RIVER
TRAIL CREEK
WARM SPRINGS CREEK

TRIBUTARY: MALAD RIVER
TRIBUTARY: BIG WOOD RIVER
TRIBUTARY: BIG WOOD RIVER
TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.500 CFS

PRIORITY DATE: 07/24/1924

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 Tom Hughes, et. al., plaintiff vs. Mans H. Coffin, Watermaster, Defendant in the Fourth Judicial District of the State of Idaho in and for the County of Blaine dated 7/18/1941.

POINT OF
DIVERSION:

T01N R18E S1 NENWSW Within BLAINE County
T01N R18E S2 SWNE Lot 1 Within BLAINE County
T01N R18E S12 NENWSW Within BLAINE County
T01N R18E S12 NWSESW Within BLAINE County
T01N R18E S12 NWSESW Within BLAINE County
T01N R18E S25 NWSESW Within BLAINE County
T01N R18E S25 NESWSW Within BLAINE County
T01N R18E S35 SESE Within BLAINE County
T02N R18E S26 NWSW Within BLAINE County
T02N R18E S26 NESWSW Lot 1 Within BLAINE County
T02N R18E S26 SWSE Within BLAINE County
T02N R18E S36 NESWNW Lot 3 Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County
T04N R17E S30 SESE Within BLAINE County
T04N R17E S31 NWNE Within BLAINE County
T04N R18E S5 NENW Lot 3 Within BLAINE County
T04N R18E S7 SWSE Within BLAINE County
T04N R19E S28 NWSW Within BLAINE County
T04N R19E S29 SESE Within BLAINE County
T04N R19E S29 NESE Within BLAINE County
T04N R19E S29 SWSE Within BLAINE County
T05N R18E S32 NESE Within BLAINE County
T01S R18E S2 SWNE Lot 2 Within BLAINE County
T01S R18E S2 NESESE Within BLAINE County
T01S R18E S19 NWNENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	10.500 CFS

PLACE OF USE:

7366 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 7366 acres within the boundary of the Upper Wood River Water Users Assn.

Right Nos. 37-891A and 37-892 are limited to the irrigation of a combined total of 7366 acres in a single irrigation season.

Place of use does not include federal public lands.

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

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 and when water is delivered into the Extension Bypass canal heading from the Bypass canal within the NW1/4NW1/4NW1/4 Section 36, T1N, R18E and when rights of 6/15/1883 priority are curtailed. This right is curtailed when all priority rights deliverable through the Extension Bypass system are futile or not called for during the irrigation season.

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 water right is used to replace other surface water source rights held by shareholders and curtailed by priority. This right is limited to the terms and conditions related to the places of use described on the share holders water rights.

The points of diversion and place of use of this right overlap points of diversion and places of use of other water rights held by the member shareholders of the corporation that owns this right. Transfers of either this right or the underlying shareholder rights are subject to the provisions and limitations of Idaho Code Secs. 42-108 and 42-222.

05/28/2013

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

RIGHT NUMBER: 37-892

NAME AND ADDRESS: UPPER WOOD RIVER WATER USERS ASSN INC
153 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
TRAIL CREEK TRIBUTARY: BIG WOOD RIVER
WARM SPRINGS CREEK TRIBUTARY: BIG WOOD RIVER
EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 11.232 CFS

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 S1 NENWSW Within BLAINE County
T01N R18E S2 SWNE Lot 1 Within BLAINE County
T01N R18E S12 NENWSW Within BLAINE County
T01N R18E S12 NWSESW Within BLAINE County
T01N R18E S12 NWSESW Within BLAINE County
T01N R18E S25 NWSESW Within BLAINE County
T01N R18E S25 NESWSW Within BLAINE County
T01N R18E S35 SESE Within BLAINE County
T02N R18E S26 NWSW Within BLAINE County
T02N R18E S26 NESWSW Lot 1 Within BLAINE County
T02N R18E S26 SWSE Within BLAINE County
T02N R18E S36 NESWNW Lot 3 Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County
T04N R17E S30 SESE Within BLAINE County
T04N R17E S31 NWNE Within BLAINE County
T04N R18E S5 NENW Lot 3 Within BLAINE County
T04N R18E S7 SWSE Within BLAINE County
T04N R19E S28 NWSW Within BLAINE County
T04N R19E S29 SESW Within BLAINE County
T04N R19E S29 NESE Within BLAINE County
T04N R19E S29 SWSE Within BLAINE County
T05N R18E S32 NESE Within BLAINE County
T01S R18E S2 SWNE Lot 2 Within BLAINE County
T01S R18E S2 NESESE Within BLAINE County
T01S R18E S19 NWNENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	11.232 CFS

PLACE OF USE:

7366 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.

Right Nos. 37-891A and 37-892 are limited to the irrigation of a combined total of 7366 acres in a single irrigation season.

This right is limited to the irrigation of 7366 acres within the boundary of the Upper Wood River Water Users Association.

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

The points of diversion and place of use of this right overlap points of diversion and places of use of other water rights held by the member shareholders of the corporation that owns this right. Transfers of either this right or the underlying shareholder rights are subject to the provisions and limitations of Idaho Code Secs. 42-108 and 42-222.

This water right is used to replace other surface water source rights held by shareholders and curtailed by priority. This right is limited to the terms and conditions related to the places of use described on the share holders water rights.

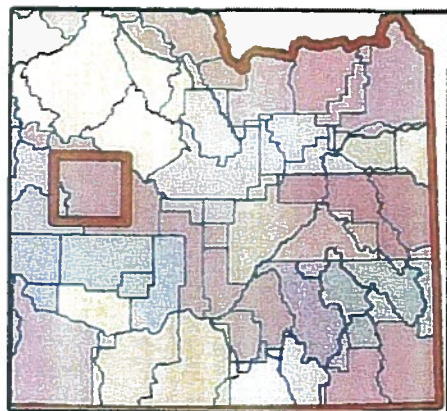


Upper Wood River Water Users Assn. Inc.

Adjudication Recommendations: 37-891A, 37-892

Irrigation Service Area Boundary
GIS Place of Use Illustration

-  Service Area
-  Township/Range
-  State Outline



Blaine County
IDWR Basin 37

Prepared by Favreau, Danielle
On May 24, 2013

