

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 37-20733
Date Received 6/19/2002
Receipt Number 5025004

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Big Wood Canal Co Phone (208) 886-2331
Mailing Address P.O. Box C Shoshone ID Zip 83352

2. Date of Priority (Only one (1) per claim) April 1, 1916

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of existing point of diversion is: Township 2S Range 18E Section 18,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., 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. 5' vertical enlargement of
the Magic Dam

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation Storage purposes from 1/1 to 12/31 amount 7 or 19,500

For Irr. From Storage purposes from 3/15 to 11/15 amount or 19,500

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) (cfs) and/or (b) 19,500 (acre feet)

8. Total consumptive use claimed is acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated

11. In which county (ies) are lands listed above as place of use located? Blaine, Lincoln, Gooding

12. Do you own the property listed above as place of use? Yes No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
37-867, 37-870, or None ()

14. Remarks: Place of use within Big Wood Canal Co Service
Area. Water is stored in Magic Reservoir

Last Name Ident No.

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Manager _____
Title

of Big Wood Canal Co _____, that I have signed the foregoing
Organization

document in the space below as Manager _____ of Big Wood Canal Co _____
Title Organization

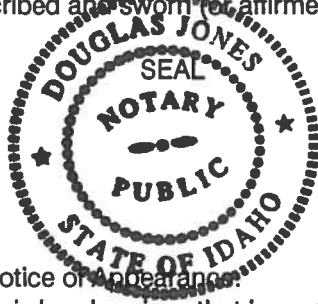
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____

Title and Organization Big Wood Canal Co _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn to (or affirmed) before me this 19th day of June, 2002 19 _____



Notary Public [Signature] _____

Residing at Buhl ID _____

My Commission Expires 8/8/2007 _____

Please Print Name

17. Notice of Appearance.
Notice is hereby given that I, Craig Abbdiey _____ 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 Craig Abbdiey _____

Address P.O. Box 176 Gooding, ID 83330 _____

Date 6-19-02 _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

02/24/2012

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

RIGHT NUMBER: 37-20733

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: 19,500.00 AFY

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

PRIORITY DATE: 04/01/1916

POINT OF
DIVERSION:

T02S R18E S18 NENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	19,500.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	19,500.00 AFY

PLACE OF USE:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20733

NAME AND ADDRESS: BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 19,500.000 AFY

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION:

T02S R18E S18 NENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	19,500.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	19,500.00 AFY

PLACE OF USE:

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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20733

WATER RIGHT NUMBER: 37-20733

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG WOOD CANAL CO PO BOX C SHOSHONE, ID 83352 (208)886-2331

Priority Date: 04/01/1916
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31		19,500.00 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		19,500.00 AF
	<u>Total Diversion:</u>		19,500.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4NE1/4	Sec. 18, Twp 02S, Rge 18E, B.M.
LINCOLN County		

Place of UseConditions of Approval:Remarks:

1. General PLACE OF USE WITHIN BIG WOOD IRRIGATION COMPANY SERVICE AREA. WATER IS STORED IN MAGIC RESERVOIR.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20733

Dates and Other Information:

Claim Received Date: 6/19/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

May 8, 2002

Regarding:

Customer:

Claims of Big Wood Canal Co.

Lynn Harmon, Mgr

Mr. Harmon came into the office and met with Allen Merritt, Doug Jones and myself on May 6th. He was concerned about there being no storage right for Magic Reservoir filed in the SRBA. A cursory review of the Adjudication claims and of the water rights confirmed that there were no existing claims or water rights for irrigation storage at Magic, with the exception of decreed right 37-895 for 18 cfs that was not claimed in the Adjudication. Allen Merritt pointed out that the licensing field exam for 37-2116, which was the partial basis of decreed right 37-870, specifically mentions the reservoir and that there probably should have been some storage right associated with the first license issued, 37-2033 priority 1905.

The history of the reservoir was discussed briefly. According to Mr. Harmon, the reservoir originally had a capacity of 172,000 AF and was modified several years later to increase the capacity to it's current 191,500 AF. He thought that he heard 1910 as the year it was modified. It was decided by the claimant that an amendment to claim 37-867 (original basis 37-2033 priority 1905) to include irrigation storage and irrigation from storage in the amount of 172,000 would be appropriate. Options for claiming the balance of 19,500 AF were addressed. They included the filing of a new beneficial use claim with a 1910 priority date, or amending claim 37-870 (priority 1920) to add irrigation storage and irrigation from storage. It was pointed out to Mr. Harmon that he should probably discuss the options with the BWCC board and possibly their legal counsel, and that in his discussion with the BWCC board, he should point out that the claimed priority date of 1908 for claim 37-870 would most probably be modified to 1920 in the SRBA to agree with the 1925 decree findings in BWCC v Chapman. It was suggested that he find some records to confirm the year the capacity of the reservoir was increased.

Mr. Harmon also inquired as to whether they had stock water use covered in the SRBA. There was some inconclusive discussion as to whether the remarks about non-irrigation use for stock water included in the claim were adequate, whether the decree language would allow the inclusion of stock water as a purpose of use on the existing claims, or whether a separate beneficial use claim would need to be filed. A more detailed review of the decrees pertaining to the BWCC water rights needs to be undertaken as a step in resolving this issue.

In regard to the Big Wood's right to water from American Falls Reservoir, research conducted by Allen found that neither the BOR nor BWCC had filed

claims on the storage right associated with their diversion right from that source. Mr. Harmon was going to contact the BOR to get more information on which to base a decision of whether an additional SRBA claim needed to be filed.

A quick review of the SRBA claims filed by BWCC with Mr. Harmon showed some indiscrepancies and elements confusing to him as well as to us. Most had already been uncovered earlier and mentioned in a memo found in claim 37-13116. I advised Mr. Harmon that when he eventually sat down with an AJ agent that had had time to really delve into our records and compare them with BWCC records he might expect that there would be some changes needed in the claims as they were currently configured, and possibly some additional claims filed.