

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: A37-08169
Date Received: 10/17/1989
Receipt No: S010207
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BIG WOOD CANAL COMPANY 208-886-2331
Address: P.O. BOX C
SHOSHONE, ID 83352

2. Date of Priority: APR 02, 1984

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	16E	32	NW	NE	NW		GOODING
			NE	SW	NW	R	GOODING

5. Description of diverting works:
GATES, PIPES, POWERHOUSE; CONCRETE CHECK DAM AND SLIDE GATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	232.000		

7. Total Quantity Appropriated is:
232.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
P/580 HP AT 24' HEAD
GENERATING CAPACITY 315.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	16E	32	SW	NW		POWER	

A37-08169

Page 1

Date: 10/17/89

MICROFILMED
FEB 24 1993

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A37-08169

14. Remarks:

FEET OF HEAD = 24 HORSEPOWER = 580

USE OF WATER UNDER THIS PERMIT SHALL BE NON-CONSUMPTIVE.

APPROVAL OF THIS PERMIT IN NO WAY GRANTS ANY RIGHT-OF-WAY OR
EASEMENT ACROSS THE LAND OF ANOTHER.

|
CLAIMANT DOES NOT OWN P/U BUT HAS CANAL RIGHT OF WAY.

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Title and that the statements contained in the
_____,
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A37-08169

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5010207

see

(A/R 5000047)

RECEIVED

SEP 11 1989

Department of Water Resources
Southern Region Office

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) 886-2331Mailing Address Box C, Shoshone, Idaho Zip 833522. Date of Priority (Only one (1) per claim) ~~12/29/1983~~ 4/2/1984 *RMD*3. Source of water supply (a) Little Wood River
which is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 5S Range 16E Section 32,
RMD Re-Diversion:NW 1/4 of NF 1/4 of NW 1/4, Govt. Lot, B.M., County of GoodingAdditional points of diversion if any: NW-NE-NW (original) *RMD*

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.Concrete check dam and slide gates

COPY

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FEB 24 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Power purposes from 01/01 to 12/32 amount 232 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 232 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Power generation 580 H. P. at 24ft. of head Name plate kw 315

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	
5S	16E	32										P							

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? 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.
None or None ()

14. Remarks:

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Last Name Big Wood Canal Co. Ident No. _____

Copies: Feb 24 1993 State of Idaho

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 137-08169
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) Richard McNeils

Date 10/3/89

Date _____

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

Manager

Title

of Big Wood Canal Company

Organization

, that I have signed the foregoing

document in the space below as Manager

Title

of Big Wood Canal Company

Organization

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

Signature of Authorized Agent Richard McNeils

Title and Organization Manager Big Wood Canal Co

Date 10/3/89

08-18-89

State of Idaho/or _____)

) SS.

County of Lincoln)

Subscribed and sworn (or affirmed) before me this 18th day of August 19 89

SEAL

Notary Public Colleen Bishop

Residing at Gooding, Idaho

My Commission Expires Life

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, CECIL D. HOBDEY 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 Cecil D. Hobdey

Address Box 176, Gooding, Id

Date 8/22/89

COPY

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FEB 24 1993

Copies White-State, Yellow-Claimant

Last Name BigWood Canal CO. Ident. Number _____

DRAFT

LWR

1.	A37-13111	\$ 50
2.	A37-13112	50
3.	A37-13043 (Ref. Rt.)	50
4.	A37-13113	50
5.	A3-13114	<u>50</u>
		\$250

REC.
S010205
A/R S000046

* all acres covered by Big Wood claim
A37-00867 Z0, Z1, Z2

Amer. Falls

A01-00006

\$ 50

REC. S010207
~~S010206~~ VOID
AR S000047

$$27,058.8 - 2105.9 = \frac{\$24,952.9}{\$25,003.0} \text{ (Rounded)}$$

paid on BWR overlap Acres.

$$\times 20\% = \$5000.60$$

BWR

REC.
S010205

1.	A37-13115	50	
2.	A37-00867 Z0, Z1, Z2	50	86,662 Ac.
3.	A37-00870	50	
4.	A37-13116	<u>50</u>	
		\$200	= \$86,862 total

$$\text{TOTAL BW + LW} = \$87,112$$

$$20\% = 17,422.40$$

Power Plants

REC. S010207
~~S010206~~ VOID

A37-08169	50	1102 <u>50</u>
A37-08166	<u>50</u>	<u>1032 <u>50</u></u>
	100	+ 2135 <u>00</u>
		<u>\$2235 <u>00</u></u>

Little Wood Decree

DRAFT

A37-13111 1) 12-24-1906 75 cfs Sept.-May Stock.

A37-13112

* part claimed
on BWR
claim #3
37-0870

6-1-1920 3078.7 cfs IRR Apr. - Oct
(combined small rights)

A37-13043 3)

11-13-1907 3048.7 cfs IRR Apr. - Oct.
(348.7) ? (combined small rights)

A37-13113 4)

proof - 0059F

5-27-1899 150 cfs IRR A-O.
(combined small rights)

A37-13114 5)

* part claimed
on BWR
#2
37-0867

11-6-1905 3091.6 cfs IRR
(combined small rights)

Little Wood Decree

DRAFT

1	66	4	26	407	"	51	129	5
2	149	8	27	39	1	52	37	1
3	31	1	28	154	4	53	176	4
4	11	1	29	160	5	54	262	7
5	53	2	30	487	14	55	259	8
6	32	1	31	439	11	56	64	2
7	17	1	32	550	14	57	135	4
8	14 (20)	2	33	562	14	58	24	2
9	47	2	34	527	16	59	414	12
10	132	9	35	487	13	60	440	12
11	230	9	36	618	16	61	316	12
12	224	4	37	460	13	62	167	5
13	622	16	38	582	15	63	394	11
14	542	15	39	296	11	64	464	12
15	528	15	40	224	7	65	468	13
16	315	8	41	441	13	66	148	6
17	162	5	42	318	9	67	70	4
18	316	8	43	550	14	68	32	8
19	150	4	44	450	13	69	384	12
20	358	10	45	287	7	70	169	6
21	339	10	46	64	2	71	118	6
22	292	8	47	394	10	72	174	5
23	36	1	48	97	4	73	174	6
24	364	10	49	437	16	74	492	16
25	499	13	50	164	8	75	317	12
5535		169	9194		261	5827		191

76	457	13
77	172	5
78	354	10
79	61	2
80	204	5
81	305	8
82	483	12
83	615	16
84	179	7
85	293.	8
86	99	4
87	190	6
88	AGREEMENT	
89	<u>3412</u>	<u>96</u>

94	<u>TOTALS</u>	<u>23,968</u>	<u>717</u>
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Little Wood Lands

				Computer Totals	LWR Totals
Page 1	T 6	R 19	S-2	345	317
Page 3	+5	R 17	S 32	20	+4
Page 10	T 6	R 15	S 5	~~532~~ 480	527
Page 13	T 6	R 15	S 18	~~485~~	~~450~~
Page 14	T 6	R 16	S 6	364	~~394~~
Page 15	T 6	R 18	S 3	153	~~129~~
Page 15	T 6	R 18	S 6	286	~~262~~
Page 16	T 6	R 18	S 12	384	414
Page 18	T 6	R 19	S 7	320	~~32~~
Page 19	T 6	R 19	S 10	458	~~384~~

(?)

add. 6-15 S17

560

(?)

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OCT 03 1989

DRAFT

Department of Water Resources
Southern Region Office

01/03/2007

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

RIGHT NUMBER: 37-8169

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

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 232.000 CFS

PRIORITY DATE: 04/02/1984

POINT OF DIVERSION:

T05S R16E S32 NWNENW Within GOODING County

T05S R16E S32 NESWNW Rediversion Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	232.000 CFS

PLACE OF USE: POWER in GOODING County

T05S R16E S32 SWNW

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

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

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 - License

Water Right 37-8169

- Conditions of Approval:**

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M Little Wood River
8. X42 The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2013 . Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
9. X35 Rights 37-8169 and 37-8166 when combined shall not exceed a total diversion rate of 232 cfs, a total annual maximum diversion volume of 79994.6 AF.
10. This right authorizes an additional use of water diverted from the Little Wood River for irrigation purposes pursuant to other water rights. This right does not authorize the diversion and use of water in addition to water initially diverted to satisfy irrigation requirements.
11. Power generation is at the Sagebrush Power Plant.

Comments:

Dates and Other Information

Decreed Date: 11/29/2012
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 37M
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
232.000	79,994.6	
37-8166 ,37-8169		

SubCase:

SubCaseNumber: 37-8169
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: sclellan
Basis of Claim: License
Date Filed: 11/14/2007
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8169

WATER RIGHT NUMBER: 37-8169

DRAFT

<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: 04/02/1984

Basis: License

Status: Active DRAFT

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	04/01 to 11/01	232.000 CFS	
	<u>Total Diversion:</u>	232.000 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NE1/4NW1/4	Sec. 32, Twp 05S, Rge 16E, B.M.
GOODING County		

Place of Use

POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	32								X									

Conditions of Approval:

1. Power use is for 580 hp (24 kW) under 24 feet of head.
2. 027 Use of water under this right shall be non-consumptive.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. R22 The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37-M.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8169

7. R23 The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. 09E Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
9. 025 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
10. X36 Right 37-8166 is also diverted through the point of diversion described above.
11. X35 Rights 37-8169 and 37-8166 when combined shall not exceed a total diversion rate of 232 cfs.

Remarks:

Comments:

1. E Retelle 3/2/2005 flow measurement data

Comment: I have received water measurement data from Lynn Harmon at the Big Wood River Canal Company. The flows were measured ½ mile upstream of the power plant. I was provided 4 years of data from April to September (the permit allows April 1 - November 1). Mr. Harmon indicates that years 1998 and 2000 are normal flow years, while 2001 and 2002 are drought years.

The average monthly flow of all months provided is 273 cfs. The permitted rate, 232 cfs, is approximately 15% below the mean of the provided data.

In light of this information, the Permit will be licensed at the permitted amount, rather than the 1988 field exam measurement amount.

Water Supply Bank: