

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: A37-08166
Date Received: 10/17/1989
Receipt No: S010207
Received By: Sec

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: DEC 29, 1983

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

4. Point of Diversion:

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

5. Description of diverting works:
POWERHOUSE IN MAIN CANAL; 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	218.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
P/442 HP AT 22' HEAD.
GENERATING CAPACITY 295.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	16E	6	NW	SW	6	POWER	

11. Place of use in counties: GOODING

A37-08166

Page 1

Date: 10/17/89

MICROFILMED
FEB 24 1993

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 = 22 HORSEPOWER = 442
THE ISSUANCE OF THIS PERMIT IN NO WAY GRANTS ANY RIGHT-OF-WAY OR
EASEMENT ACROSS THE LAND OF ANOTHER. USE OF WATER UNDER THIS
PERMIT IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER
|
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

Title
_____, 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 A37-08166
Date Received 9-1/-89 sec
Receipt Number 5010207 sec
(A/R 5000047)

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Big Wood Canal Company Phone (208) 886-2331

Mailing Address P. O. Box C, Shoshone, Idaho Zip 83352

2. Date of Priority (Only one (1) per claim) 12-29-83

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

4. a. Location of existing point of diversion is: Township 5S Range 16E Section 32,
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Gooding

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.

Concrete check dam and slide gates

COPY

MICROFILMED

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 12/31 amount 218 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 218 (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 442 H. P. at 22 ft. head Name plate 295

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	
6S	16E	6																	

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:

COPY

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Copies: White-State, Yellow-Claimant
FEB 24 1993

Last Name Big Wood Canal Company No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit x
Decree _____
If applicable provide IDWR Water Right Number 37-08166
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 McQuide Date 10/3/89

Manager Big Wood Canal Co Date _____

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

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

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

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

Signature of Authorized Agent Richard McQuide

Title and Organization Manager Big Wood Canal Company Date 8-18-89

State of Idaho/or _____)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 18th day of August 1989

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

MICROFILMED

Last Name Big Wood Canal Co. Ident. Number _____

FEB 24 1998
Bureau of Water Rights, Idaho Department of Agriculture

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	101	126
77	172	5	102	127
78	354	10	103	128
79	61	2	104	129
80	204	5	105	130
81	305	8	106	131
82	483	12	107	132
83	615	16	108	133
84	179	7	109	134
85	293	8	110	135
86	99	4	111	136
87	190	6	112	137
88	AGREEMENT		113	138
89			114	139
90	3412	96	115	140
91			116	141
92			117	142
93			118	143
94			119	144
95	TOTALS	717	120	145
96	23,968		121	146
97			122	147
98			123	148
99			124	149
100			125	150

DRAFT

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

(?)

RECEIVED

OCT 03 1989

DRAFT

Department of Water Resources
Southern Region Office

01/04/2007

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

RIGHT NUMBER: 37-8166
NAME AND ADDRESS: BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 218.000 CFS
79,994.600 AFY

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

PRIORITY DATE: 12/29/1983

Use of water under this right is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

POINT OF DIVERSION:

T05S R16E S32 SWNENW Within GOODING County

The right holder shall not divert water under this right until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permitted use with the irrigation district or canal company operation.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	01/01 12/31	218.000 CFS 79,994.60 AFY

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

PLACE OF USE: POWER in GOODING County
T06S R16E S06 Lot 6 NWSW

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

01/04/2007

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

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.

part

The diversion and use of water under this right and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this right. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any

of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8166

WATER RIGHT NUMBER: 37-8166

<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: 12/29/1983

Basis: License

Status: Active

<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	4/01 to 10/31	218.000 CFS	79,994.60 AF
	<u>Total Diversion:</u>	218.000 CFS	79,994.60 AF

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	
06S	16E	6										X							
												L 6							

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. 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.
3. 027 Use of water under this right shall be non-consumptive.
4. 025 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
5. The diversion and use of water under right is subject to review by the Director on 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.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8166

6. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks:

Comments:

Water Supply Bank: