

05/26/2005

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

RIGHT NUMBER: 1-16

NAME AND ADDRESS: NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 832.000 CFS

PRIORITY DATE: 08/06/1920

POINT OF DIVERSION:

T10S R21E S22 SESE Within JEROME County

T10S R21E S28 SWNW Lot 5 Within JEROME County

T10S R21E S28 SWSNW Lot 5 Within JEROME County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	832.000 CFS

PLACE OF USE:

155787 ACRES TOTAL

Place of use is within the area served by North Side Canal Company.

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.

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.

The remainder of this right was forfeited for non-use from 1950 to 1990.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through North Side Main Canal, Milner Gooding Canal, and P A Lateral.

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-16

NORTH SIDE CANAL COMPANY
921 NORTH LINCOLN AVENUE
JEROME ID 83338
(208) 324-2319

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

NSCC disagrees with the number of irrigated acres identified in the proposed recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

The number of irrigated acres should be recommended as claimed 161,369.61. NSCC is currently in the process of modifying IDWR's initial ArcView shapefile to accurately reflect the total number of irrigated acres within the project. The updated information will be provided to IDWR in an electronic format as soon as possible.

In addition, the following remark should be added to accurately describe NSCC's water delivery system:

Water diverted pursuant to this right and water right nos. 1-5, 1-210, 1-212, 1-213, 1-215, and 1-220 is conveyed through and stored in the Main Canal, the Milner-Gooding Canal, the P A Lateral, Wilson Lake, numerous canals, laterals, coulees, and regulating ponds located throughout the project.

3. Give a brief explanation as to why you disagree with these portions:

The preliminary recommendation incorrectly identifies 155,787 total acres within the place of use.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: May 26, 2005 SIGNATURE: Ted Diehl

Please print your name: Ted Diehl

RECEIVED
JUN 01 2005
Department of Water Resources
Eastern Region

PROFILED

mu
10/2

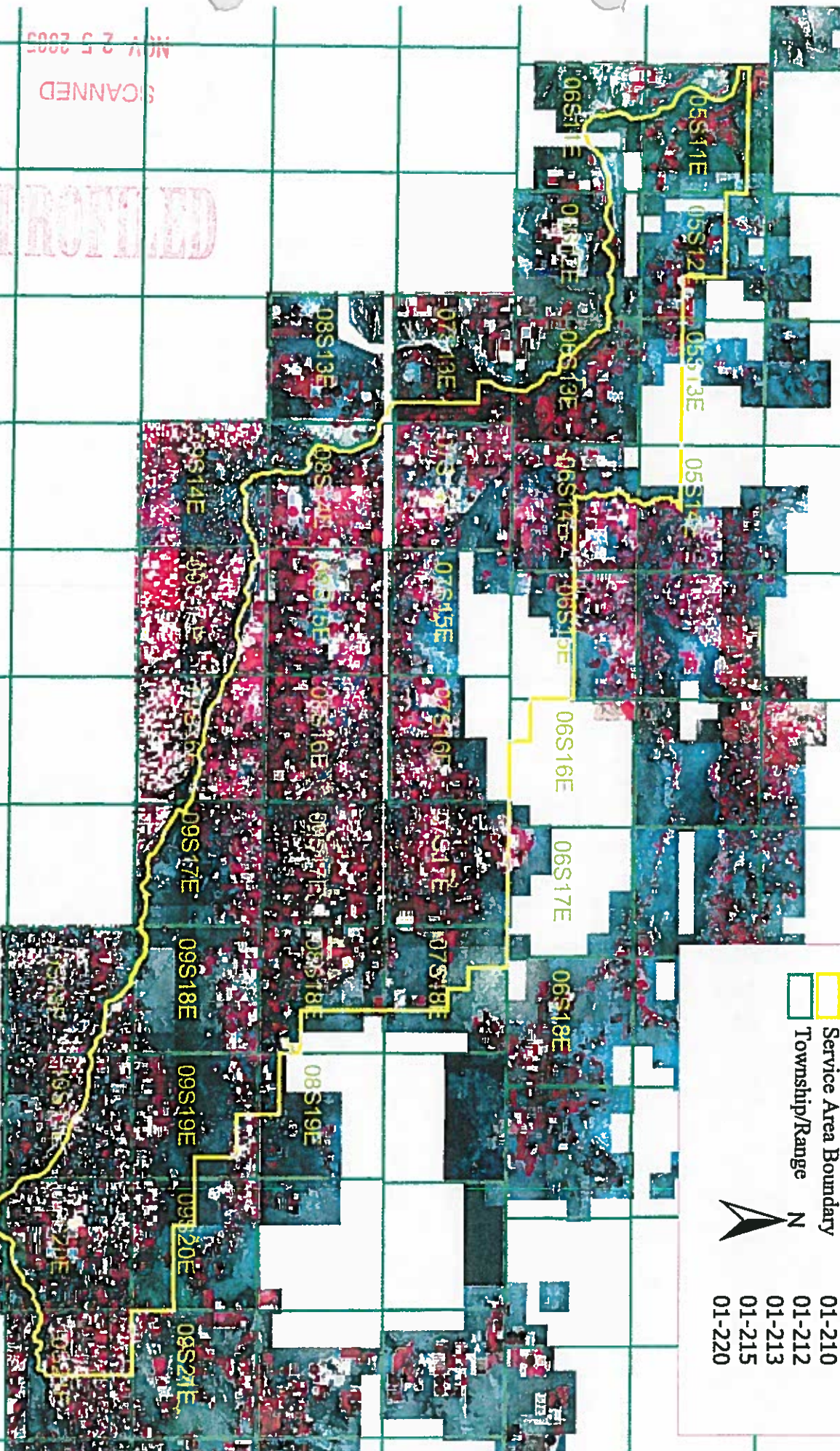
North Side Canal Co LTD

Service Area Boundary

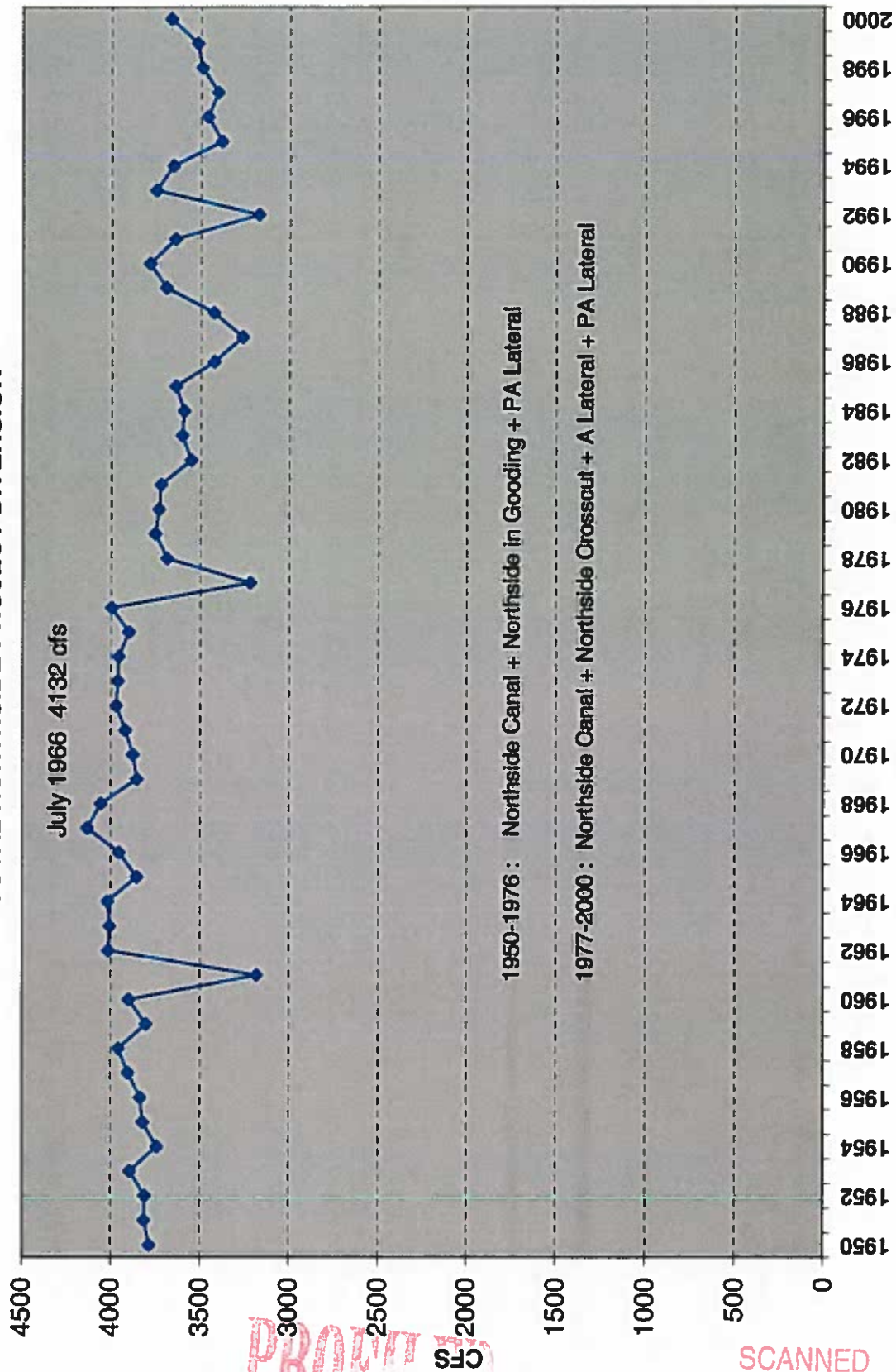
Water Right No.:

- 01-5
- 01-16
- 01-210
- 01-212
- 01-213
- 01-215
- 01-220

Service Area Boundary
Township/Range



MAXIMUM MONTHLY DIVERSION 1950-2000
TOTAL NORTHSIDE PROJECT DIVERSION



SCANNED

NOV 25 2005

SD-0601-2 Last Name: NOE SIDE CANAL

STATE

E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
NORTH SIDE CANAL COMPANY LTD							
		C	36-14904	03/15/1950		0.040	04 STOCK
		C	36-14905	03/20/1948	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	36-14903	10/20/1948	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	36-14901	01/30/1943	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	36-14902	11/11/1957	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
NORTH SIDE CANAL COMPANY LTD.							
		C	A01-00005	12/23/1915	SNAKE RIVER	300.000	01 IRR
		C	A01-00016	08/06/1920	SNAKE RIVER	1260.000	01 IRR
		C	A01-00210Z0	10/11/1900	SNAKE RIVER	400.000	01 IRR
							02 IRR S
							03 IRR FS

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

+ American Falls Res. Dist = A01-00006

PROFILED

SCANNED
NOV 25 2005CROFILMED
V n 2 1994

SD-0601-2 Last Name: NOE SIDE CANAL

STATE

SE L	First Name	OWN	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

NORTH SIDE CANAL COMPANY LTD.							
		C	A37-04240	03/01/1910	BIG WOOD RI SILVER CREE	25.000	04 STOCK
		C	A37-04241	03/01/1910	LITTLE WOOD SILVER CREE	10.000	04 STOCK
		C	A01-00212Z0	10/07/1905	SNAKE RIVER	2250.000	01 IRR 02 IRR S 03 IRR FS
		C	A01-00215	06/02/1909	SNAKE RIVER	500.000	01 IRR
		C	A01-10043A	03/29/1921	SNAKE RIVER	116600.000	02 IRR S 03 IRR FS
		C	A01-10053A	03/30/1921	SNAKE RIVER	108980.000	02 IRR S 03 IRR FS

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

PROCESSED

SCANNED
NOV 25 2005MICROFILMED
NOV 2 1994

SD-0601-2 Last Name: NOR SIDE CANAL

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

NORTH SIDE CANAL COMPANY LTD.							
		C	A01-00213	06/16/1908	SNAKE RIVER	890.000	01 IRR
		C	A01-00220	06/29/1910	SNAKE RIVER	3000.000	01 IRR
		C	A01-02064C	03/30/1921	SNAKE RIVER	387814.000	02 IRR S
							03 IRR FS
		C	A01-10042B	03/29/1921	SNAKE RIVER	9400.000	02 IRR S
							03 IRR FS
		C	A01-10045B	05/24/1913	SNAKE RIVER	312007.000	02 IRR S
							03 IRR FS
		C	A37-13378	03/20/1948	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	A37-13379	05/12/1956	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	A37-13380	06/02/1955	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	A37-00507	06/15/1890	BIG WOOD RI	15.000	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
NOV 2 1994

SCANNED

NOV 25 2005

PROTECTED

SD-0601-2 Last Name: NOR SIDE CANAL

STATE

SEL	First Name	OWN	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
NORTH SIDE CANAL COMPANY LTD							
		C	A36-14904	03/15/1950	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	A36-14900	03/02/1949	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	A36-14901	01/30/1943	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	A36-14902	11/11/1957	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	A36-14903	10/20/1948	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	A36-14905	03/20/1948	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	36-14900	03/02/1949	GROUNDWATER	0.040	43 DOMEST 04 STOCK
		C	36-14904	03/15/1950	GROUNDWATER	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
NOV 12 1994

PROVIDED

1 John A. Rosholt
2 Gary D. Slette
3 ROSHOLT, ROBERTSON & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 4742p/shs/1-2-92

8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

10 * * * * *

11 In Re the General Adjudication)
12 of Rights to the Use of Water)
13 from the Snake River Basin)
14 Water System.)

CASE NO: 39576

15 The State of Idaho, ex rel.)
16 A. Kenneth Dunn in his official)
17 capacity as director of the)
18 Idaho Department of Water)
19 Resources,)

NOTICE OF
APPEARANCE

20 Petitioner,)

21 vs.)

22 The United States; the State)
23 of Idaho; and all claimants)
24 to the use of water from the)
25 Snake River Basin Water System,)

26 Defendants.)

27 * * * * *

28 COME NOW, TWIN FALLS CANAL COMPANY, NORTH SIDE CANAL
COMPANY, LTD. and AMERICAN FALLS RESERVOIR DISTRICT, by and
through their attorneys, John A. Rosholt and Gary D. Slette of

PROFILED

SCANNED

NOV 25 2005

MICROFILMED
NOV 2 1994

1 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
2 of this Court entered December 17, 1991, enter their appearance
3 in the above-captioned case.

4 DATED this 2nd day of January, 1992.

5 ROSHOLT, ROBERTSON & TUCKER
6 P. O. Box 1906
Twin Falls, ID 83303-1906

7 *John A. Rosholt*

8 JOHN A. ROSHOLT

9 *Gary D. Slette*
10 GARY D. SLETTE

11 CERTIFICATE OF MAILING

12 I hereby certify that on this 2nd day of January,
13 1992, I caused to be served a true copy of the foregoing NOTICE
14 OF APPEARANCE by the method indicated below, and addressed to
15 each of the following:

16 Larry Echohawk
17 Attorney General
18 State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

19 David Shaw
20 Adjudication Bureau Chief
Idaho Department of Water
Resources
21 1301 North Orchard
Statehouse Mail
22 Boise, Idaho 83720 (6 copies)

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

23
24
25
26
27
28
PROFILED

SCANNED
NOV 25 2005

MICROFILMED
NOV 17 1994

1 Peter C. Monson, Esq.
2 Assistant Attorney General
3 U.S. Department of Justice
4 Land and Natural Resources
5 Division
6 Indian Resources Section,
7 Rm. 6317
8 P. O. Box 44378
9 Washington, D.C. 20026-4378

10 Don A. Olowinski
11 HAWLEY, TROXELL, ENNIS
12 & HAWLEY
13 P. O. Box 1617
14 Boise, Idaho 83701

✓
____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Overnight Mail
____ Telecopy (Fax)

✓
____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Overnight Mail
____ Telecopy (Fax)

John A. Rosholt

JOHN A. ROSHOLT

15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROFILED

MICROFILMED
SCANNED NOV 2 1994
NOV 25 2005

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

RECEIVED

MAR 14 1968

Department of Reclamation

April 7, 1964

Re: Permit No. 15001
North Side Canal Co.

H. C. Eagle, Watermaster
Water District No. 36
Box 697, Idaho Falls, Idaho

Dear Mr. Eagle:

The Certificate of Completion of Works was issued under Permit No. 15001 for 1260 c.f.s. The Proof of Beneficial Use of the water was made January 11, 1932.

The file shows that the proofs were evidently satisfactory, however there was a question as to the amount of fees which should be collected. Originally the proof of completion of works was due November 8, 1925, and three extensions of time advanced the date to November 8, 1931.

It seems that the Woodville Decree mentions the permit as being in fact and any rights obtained under the permit are not limited.

The Water License could probably be issued, if the North Side Canal Co. made the request.

The question as to obtaining a decree is entirely a legal question. We see no reason why the decree could not be obtained. Evidently the extensions of time allowed for completion of works were entirely legal, as I find no question raised in that matter.

Very truly yours,

Ralph W. Thomas

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

cc: Clifford E. Fix -
Attorney at Law -
Twin Falls, Idaho

SCANNED

NOV 25 2015

PROFILED

PARRY, ROBERTSON & DALY
RECEIVED

APR 3 1964

7 8 9 10 11 12 1 2 3 4 5 6 P.M.

15001
01-20-36

Idaho Falls, Idaho
April 6, 1964

Mr. Carl E. Tappan
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Tappan:

Can you inform me as to the status of Permit No. 15001. This permit was listed in an abstract of permits dated August 1927. The North Side Canal Company had applied for 1,500 cfs of the waters of Snake River with a priority date of August 6, 1920. Proof of completion of Works was due by Nov. 8, 1927. Proof of Beneficial Use was due by Nov. 8, 1933.

Was this proof made and if so for how much water? We have been showing in our mimeographed decree book a figure of 1,260 cfs and have been regulating the North Side diversions on that basis. I would assume that proof was probably made for the 1,260 cfs.

Plans are in progress to obtain supplemental decrees for several canals with an April 1, 1939 priority. This procedure was approved in connection with the signing of Palisades Contracts. The question has been raised as to whether it would be advisable to obtain a decree for the North Side Canal for this 1920 priority at the same time action is taken on the 1939 decrees.

Your advice on the above matters would be appreciated.

Very truly yours,

H. C. Eagle
Watermaster

cc: Clifford Fix,
Twin Falls

PARRY, ROBERTSON & DALY
RECEIVED

APR 7 1964

A.M.
10 11 12 1 2 3 4 5 6 7 8 9 P.M.

SCANNED

NOV 25 2005

15001
01-2036

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF
WATER RIGHT.

Permit No. 15001.

- - -

STATE OF IDAHO, }
County of Jerome) ss.

HARVEY W. HURLEBAUS, being first duly sworn, deposes and says: That he is the Secretary-Treasurer of North Side Canal Company, Limited, an Idaho corporation, that its post-office address is Jerome, Idaho. That it is the owner of and using a certain water right, for 1500 cubic feet per second of the water of Snake River flowing through the State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 15001, issued by the Commissioner of Reclamation, dated November 8, 1920, bearing date of priority of November 8, 1920, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 36 (formerly 61), in the Counties of Jerome, Gooding, and Elmore, State of Idaho, to-wit:

All lands now entitled or hereafter to be entitled to water from the system of the North Side Canal Company, Limited, not exceeding a maximum of 185,000 water shares, each share representing a water right for one acre of land, all to be used on lands drawing water from the canal system of said company in Jerome, Gooding and Elmore Counties, which said lands are more particularly described in the amended permit on file in the office of the Department of Reclamation.

That North Side Canal Company, Limited, has become the owner thereof in the following manner: by assignment from R. E. Shepherd, the original owner.

SCANNED

NOV 25 2005 15001

MAIN
CANAL

OK
HWH

OK
BCH

That the said waters are now diverted from said stream at, and the diversion point described in the original application for permit is the diversion works of the main canal of the North Side Canal Company, Limited, which is located at a point which bears south 2364.8 feet distant from the Northeast corner of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) ^{E. B. M.} and which is in the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ $NE\frac{1}{4}$) of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) ^{E. B. M.} in the County of Jerome, Idaho, through the said main canal of the North Side Canal Company, Limited, as per map filed herewith and of this affidavit made a part.

MILNER
GOODING
CANAL

That affiant desires to change the point of diversion of said water so that 150 cubic feet per second shall be diverted at the said diversion point immediately above described, and described in the original application for permit, and to divert the balance of the water available under this permit through diversion works which are located at a point which bears south 0°29' west 2035.2 feet from the Northeast corner of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) E. B. M., and which is on the section line between Sections Twenty-nine (29) and Twenty-eight (28) in said Township Ten (10) South, Range Twenty-one (21) E. B. M., as per the map above referred to.

That the reasons for desiring to make such change are as follows: That the owner of this permit has, in order to make an adequate water supply available at all times for all the lands served by its canal system, and in order to make for more

SCANNED

NOV 25 2005

15002

efficient operation of said system, and in order to protect itself against canal breaks and to have in part a duplicate canal system, caused to be constructed a new diversion canal from Snake River which diverts water from said stream at the point last above mentioned, and at which a part of the water available under this permit is now to be diverted, which said new canal simply parallels the older canal and allows the owner of this permit to return the water diverted through it to the older canal at a point about three miles down the said canal from the diversion works; and that the change in the point of diversion is only a few hundred feet and makes no change whatsoever in the manner of taking the water from said stream, nor the place to which it is used, and does not, or can not, affect any other water user on said stream in any manner whatsoever.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Harvey W. Hurlbauer
Affiant.

SUBSCRIBED AND SWORN to before me this 7th day of.

November, 1930.

Geo. D. John

Notary Public,

Residing at Jerome, Idaho.



SCANNED

NOV 25 2005

SCANNED

15001

Exhibit 1-16

Admitted in Evidence
FEB 5 - 1931

J. C. Connelley, Reporter

Permit No. 15001

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that the NORTH SIDE CANAL COMPANY, LIMITED, of Jerome, County of Jerome, and State of Idaho, the holder of Permit No. 15001, issued upon Application No. 21164, bearing date of priority of August 6, 1920, authorizing the diversion of 1500 second feet of the waters of SNAKE RIVER, County of Jerome, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1260 second feet of the waters of SNAKE RIVER; that the points of diversion of said waters are:

(a) South 2364.8 feet distant from the Northeast corner of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) East, Boise Meridian, and which is in the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) East, Boise Meridian, for the diversion of 150 second feet; and,

(b) South $0^{\circ} 29'$ West 2035.2 feet from the Northeast corner of Section Twenty-nine (29), Township Ten (10) South, Range Twenty-one (21) East, Boise Meridian, and which is on the section line between Sections Twenty-nine (29) and

SCANNED
NOV 25 2005

15001
01-20036

Twenty-eight (28) in said Township Ten (10) South, Range
Twenty-one (21) East, Boise Meridian, for the diversion
of 1110 cubic feet per second;

and that the lands proposed to be irrigated by the use of said water
are described in the list hereto attached, being all of the lands
lying under and deriving their water supply from the canal and irri-
gation system owned and operated by said NORTH SIDE CANAL COMPANY,
LIMITED.

WITNESS my hand this 3d day of January, A. D. 1931.

G. H. Carter
Commissioner of Reclamation

SCANNED

NOV 25 2005

15001
01-2036

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 11th day of January, 19 32,
at Jerome, County of Jerome, State of Idaho,
before Wayne A. Barclay, Notary Public, proof will be submitted
of the application to beneficial use of Twelve Hundred Sixty (1260) cubic feet per second of the
waters of Snake River in accordance with the terms and conditions of
Permit No. 15001 heretofore issued by the Department of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

North Side Canal Company, Limited, Jerome, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is Twelve Hundred Sixty (1260) second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) : All lands under the irrigation system of North Side Canal Company, Limited, now entitled or hereafter to be entitled to the use of water from said system, in Jerome, Gooding and Elmore Counties, not exceeding a maximum of 185,000 shares, each share representing a water right for one acre of land, all as more particularly described in the amended permit on file in the office of the Department of Reclamation of the State of Idaho, to which list reference is made for detailed description.

The name of the canal or ditch or other works by which said water is conducted to such place of use is North Side Canal Company, Limited, canal and irrigation system

The right to take water from such works is based upon Permit No. 15001

The source of supply from which such water is diverted is Snake River

The date of the priority which said user is prepared to establish is August 6th., 1920.

R. W. FARIS

Commissioner of Reclamation.

15001

SCANNED

NOV 25 2005

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 15001

This proof is for Completion of Works

In Water District No. _____

1. Name of applicant: NORTH SIDE CANAL CO.
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the (See Remarks) of Section _____
T. _____ R. _____ County of _____

4. Describe works as they exist, giving dimensions and capacities of same:

The works consist of what is locally named the "Gooding Canal," an extension of the Minidoka Project of the United States Bureau of Reclamation, in which canal the holder of this permit has, by contract and purchase, acquired a 37% share of the canal's maximum carrying capacity.

The hydraulic elements of the first section of this canal are: Base, 25 feet; side slopes, 1/4 to 1; depth of water, that which will be afforded by an 11-foot gage in the forebay of the Milner dam. It is estimated that the maximum carrying capacity of the canal will be 3,030 cubic feet per second.

Suitable headwork structures, consisting of large radial gates, equipped with suitable hoisting devices, have been installed. The entire canal and diversion works are constructed in first-class, workmanlike manner.

In addition to the aforementioned canal capacity, the applicant herein will be afforded an additional 150 cubic feet per second of capacity in its existing main canal, upon which proof has been filed and certificate has heretofore been issued. Such increase in capacity will be afforded by reason of the fact that what is locally known as the "controlling works," located some 3 1/2 miles downstream from the main canal headgates, regulating the flow from Snake River, can be eliminated, thereby increasing the velocity of the water over that which obtains with the said "controlling works" check in operation.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

The list of lands to which the water under this permit will be applied is on file with amendment to said permit, filed December 15, 1930, and regularly recorded upon the permit. Said land list involves 185,000 acres of land, more or less.

8. What large stream would the water here appropriated finally reach? Columbia River.

Remarks: Points of Diversion as follows: 150 second feet to be diverted at a point which bears S. 2364.8 ft. from the NE corner of Sec. 29, T. 10 S., R. 21 E., B. M., and is in the SE 1/4 NE 1/4 of said Section 29; balance of water available to be diverted at a point which bears S. 0°29' W. 2035.2 ft. from NE cor. of Sec. 29, T. 10 S., R. 21 E., B. M., on section line between Secs. 29 and 28, in said T. 10 S. R. 21 E., B. M.

Note: Examination of these works was made upon several occasions during the course of construction, so that the undersigned is entirely familiar with the entire canal system and has observed water being carried therein.

SCANNED

NOV 25 2005

15001

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

R. W. FARIS, COMMISSIONER

BOISE

April 6, 1932

Permit No. 15001

Mr. R. E. SHEPHERD, General Manager
North Side Canal Company,
Jerome, Idaho

My dear Mr. Shepherd:

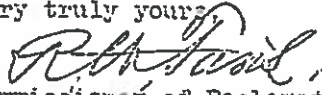
I have not yet had an opportunity to check up the maps and data furnished by your engineers, covering the new work under the above mentioned permit, but have no reason to suspect that the dimensions and carrying capacity of the canals and various works will not check out all right. However, whatever my conclusion may be as to a general examination, I shall want to make some further examination with reference to the canal beyond Wilson's Lake and the distribution system generally, and would appreciate it if you will advise me as to when the roads and weather conditions are favorable for such an inspection.

With reference to the main question as to whether or not a fee should be charged under the above mentioned permit, it seems clear to me that the intention of the Legislature, in passing the 1923 amendment, was to relieve the permit holder from the payment of an additional fee where a fee had already been paid, and where no fee had been paid this amendment could not be considered applicable.

I would also appreciate Mr. Parry's advice and construction of that portion of Sec. 5569, C. S., wherein the amount of water to be allowed shall not exceed five acre feet of stored water, or one second foot for each fifty acres of land to be irrigated.

With kindest personal regards to you all, I am

Very truly yours,


Commissioner of Reclamation

RWT/nt

cc - R. P. PARRY, Attorney
Twin Falls, Idaho

SCANNED

NOV 25 2005

15001
01-2034

WALTERS, PARRY AND THOMAN
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
TWIN FALLS, IDAHO

H. A. WALTERS
R. P. PARRY
J. P. THOMAN
J. R. KRENNAN

June 19, 1933.

Mr. Harvey W. Hurlbaas,
Secretary,
North Side Canal Company,
Jerome, Idaho.

My dear Harvey:

Replying to your letter of the 13th, in which you stated that the Board of Directors desire a letter giving the present status of Permit No. 15001 with particular relation to the fees.

This matter still stands in the same way that it did when I last discussed it with the Board.

In other words, we have made all of our proofs with reference to both completion of works and application of water to beneficial use, and taken all of the legal steps necessary to get this permit. It is my understanding that all our proofs have been accepted by the Department, and the one remaining question is the fee claimed by the Department.

The Board will recall that in 1923, an amendatory law was passed, providing "that in case of water used for irrigation, where the right sought is additional to an existing right, and where the Department of Reclamation is not required to make an examination of the ditches or the lands", that the fee should not be required to be paid. It has been our contention that this amendment applied to our case. However, Mr. Faris raised the point that because no fee had ever been paid on the original North Side water rights, for the reason that they were obtained by the Foster Decree and not by license, that we should have to pay this fee.

I took the matter up with the then attorney general of the state, and on March 2, 1932, the attorney general rendered an opinion that we were not obligated to pay the fee. However, on April 6, 1932, Mr. Faris advised Mr. Shepherd, as General Manager of the Canal Company, sending me a copy, which indicated that he was still of the opinion that a fee should be charged. He also stated that he desired to make some examination with reference to the Canal beyond Wilson's Lake.

It is my understanding that the matter there stands now, so far as the permit itself is concerned. It would probably be advisable that the Board delegate either Mr. Shepherd or

NOV 25 2005

01-2036
15001

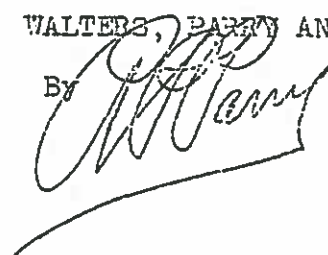
#2. 6/19/33.
H. W. H.

myself to again discuss this with Mr. Faris and see if he has not weakened in his resolve to compel us to pay this fee. If he still has the same position, then it will be up to the Canal Company to determine whether to pay the fee or to bring action against the Commissioner to compel him to issue the license without the fee. The Board should, however, understand that on January 14, 1932, we obtained a decree in a suit brought against the watermaster, for the 1260 feet, the maximum amount we could divert under the so-called 1500 foot permit. In other words, insofar as the records go, we are in just as good a position as we would be if the Commissioner gives us our license, as we have requested. Unless and until someone attacks this decree, we do not have any real need of the Commissioner's license, and his failure to give it to us does not hurt us in any way. The point that he has never actually given us our license would only become material if, at some future date, someone might attack our decree and ask to have it set aside on the ground that we had never received any license. This is a point that has never been fully decided, and is a matter open to debate. I have always felt that in order to be as safe as possible, we should get the license from Mr. Faris if we possibly can.

And in this same connection, it is my recommendation that this year, during the flood season and before the river goes under regulation, the North Side Canal Company should make, at least for a short time, as large a simultaneous diversion as it is possible to make. By a simultaneous diversion, I mean diversion of the gross capacity of the main canal and of our capacity in the Gooding Canal at the same time. I think this should be done in order to forestall any point ever being raised that we have in any way abandoned any part of our decreed rights. I trust this makes the present situation clear to the Board.

Very truly yours,

WALTERS, BARRY AND THOMAN

By 

RPP:N.

SCANNED
NOV 25 2005

01-2036
15001

November 8, 1933

Re: Permit No. 15001
North Side Canal Co., Ltd.

MR. WHEELER O'HARROW
Jerome,
Idaho

Dear Sir:

In answer to the questions contained in your letter of October 31st, we wish to advise you of the following: The date of filing of the application for the above permit was August 6, 1920. It was made by R. E. Shepherd of Jerome, Idaho. On September 9, 1925, Mr. Shepherd assigned all of his interest in this permit to the North Side Canal Company, Limited. The canal company is the present owner. The permit holder offered proof of Completion of Works for 1260 second feet of water and a Certificate of Completion of Works was issued for that amount. On January 11, 1932, final proof of the application of the water to beneficial use was offered for 1260 second feet of water. Due to a number of questions which have not yet been definitely settled, final action has not been taken on this proof and for that reason a license has not been issued.

In reply to your question, "Has Permit No. 15001 ever been converted into a decreed right?" I wish to quote from what is known as the Woodville Decree, tried before Judge Cavanah in the United States District Court on the 25th day of June, 1929:

"It is further stipulated and agreed that nothing herein contained shall be deemed to in any way waive, limit, change or vary any right or rights that the North Side Canal Company, Limited, may obtain under that certain permit No. 15001, with a priority date of August 6, 1920, for the diversion of 1500 cubic feet per second of time of the waters of Snake River at or near Milner Dam, (which said permit is claimed to be a valid and subsisting permit at this time), if, as and when actual diversions are made thereunder or proofs are submitted thereunder or license issued thereon, in conformity with the Statutes of the State of Idaho."

Thus, it seems to me that Permit No. 15001 has been decreed conditionally, with the understanding that the canal company fully comply with the laws of the State of Idaho in order to obtain a license from this department.

Very truly yours,

SCANNED

NOV 25 2005

15001

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

RECEIVED

AUG 14 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

Southern Region Office

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: A01-00016

Date Received: 4/12/1990

Receipt No: S012011

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NORTH SIDE CANAL COMPANY LTD. 208-324-2319
Address: 921 NORTH LINCOLN
JEROME ID 83338

2. Date of Priority: AUG 6, 1920

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	22	SE	SE			JEROME
		28	SW	NW			JEROME

5. Description of diverting works:
MILNER DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1260.000		

7. Total Quantity Appropriated is:
1260.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

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

A01-00016

SCANNED

Page

1

NOV 25 2005

MICROFILMED

Date: 06/09/92

MAR 20 1993

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

ALL THE WATER GOES ON A TOTAL OF 155,787 ACRES AS IDENTIFIED ON CLAIM A01-00212.

OTHER WATER RIGHTS USED ARE A01-00210, -00212, -00213, -00215, -00220, -00005 AND A37-00507, -04240, -04241.

STORAGE RIGHTS A01-10042B, -10045B, -10053A, -10043A, -02064C & -02064D.

P/U WITHIN NORTH SIDE CANAL COMPANY SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BURLEY IRRIGATION DISTRICT ET
Decree Plaintiff

HENRY EAGLE.
vs Decree 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 Organizations:

I do solemnly swear or affirm that I am _____ Secretary _____ of _____ Title _____

North Side Canal Company, that I have signed the foregoing Organization

document in the space below as _____ Secretary _____ of _____ Title _____

North Side Canal Company and that the statements contained in the Organization

foregoing document are true and correct.

Ed Diehl
Signature of Authorized Agent

Secretary, North Side Canal Company
Title and Organization

August 11, 1992
Date

PROTECTED
A01-00016

SCANNED

Page 5 2005 2

MICROFILMED
Date: 06/09/92

MAR 20 1993

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of August 19 92

Leah D. ECK
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires 6-18-98

SCANNED

NOV 25 2005

Page

3

Date 06/09/93 MICROFILMED

MAR 20 1993

A01-00016

PROVIDED

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: A01-00016
Date Received: 4/12/1990
Receipt No: S012011
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH SIDE CANAL COMPANY LTD. 208-324-2319
Address: 921 NORTH LINCOLN
JEROME, ID 83338

2. Date of Priority: AUG 06, 1920

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	28	SW	NW			JEROME

5. Description of diverting works:
MILNER DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1260.000		

7. Total Quantity Appropriated is:
1260.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	11E	8	SW	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A01-00016

Page

1

SCANNED Date: 04/27/90

NOV 25 2005

PROTECTED

MICROFILMED

MAR 20 1993

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
ALL THE WATER GOES ON A TOTAL OF 155,787 ACRES AS IDENTIFIED ON
CLAIM SUFFIXES A01-0021220, Z1, Z2, Z3, Z4 & Z5.
OTHER WATER RIGHTS USED ARE A01-0021020 & Z1, -00213, -00215,
-00220, -00005 AND A37-00507, -04240, -04241.
P/U WITHIN NORTH SIDE CANAL COMPANY SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRRIGATION DISTRICT ETA
Decree Plaintiff

vs

HENRY EAGLE.
Decree 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 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 _____

For Organizations: I do solemnly swear or affirm that I am SECRETARY Title
of NORTH SIDE CANAL COMPANY, LTD. Organization, that I have signed the foregoing
document in the space below as SECRETARY Title of NORTH SIDE CANAL COMPANY, LTD. Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jed Diehl
Title and Organization SECRETARY, NORTH SIDE CANAL COMPANY, LTD. Date 4-5-90

State of Idaho/or Idaho)
County of Jerome) SS.

Subscribed and sworn (or affirmed) before me this 5th day of April 19 90

SEAL

Notary Public Murray L. Cull

Residing at Twin Falls, Idaho

My Commission Expires 3/19/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JOHN A. ROSHOLT 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 John A. Rosholt

Address P.O. BOX 1906, TWIN FALLS ID 83303-1906

Date 4/9/90

Last Name NORTH SIDE CANAL Ident. Number _____
COMPANY, LTD.

~~NOT RECORDED~~

MAR 20 1993