

04/28/2006

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

RIGHT NUMBER: 1-51B

NAME AND ADDRESS: OSGOOD CANAL CO INC
2277 N 35 W
IDAHO FALLS ID 83404

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 10.600 CFS

PRIORITY DATE: 10/16/1890

POINT OF DIVERSION:

T04N R37E S35 NENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

10.600 CFS

PLACE OF USE:

5780

5815 ACRES TOTAL

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

This right is limited to the irrigation of 530 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Great Western Canal and then through Osgood Pumping Station.

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



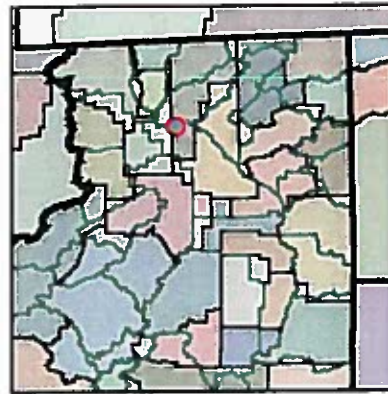
Osgood Canal Co Inc

SRBA Recommendations: 1-1F, 1-51B, 1-181D, 1-330, 1-10496

Service Area Boundary
GIS Place of Use Illustration

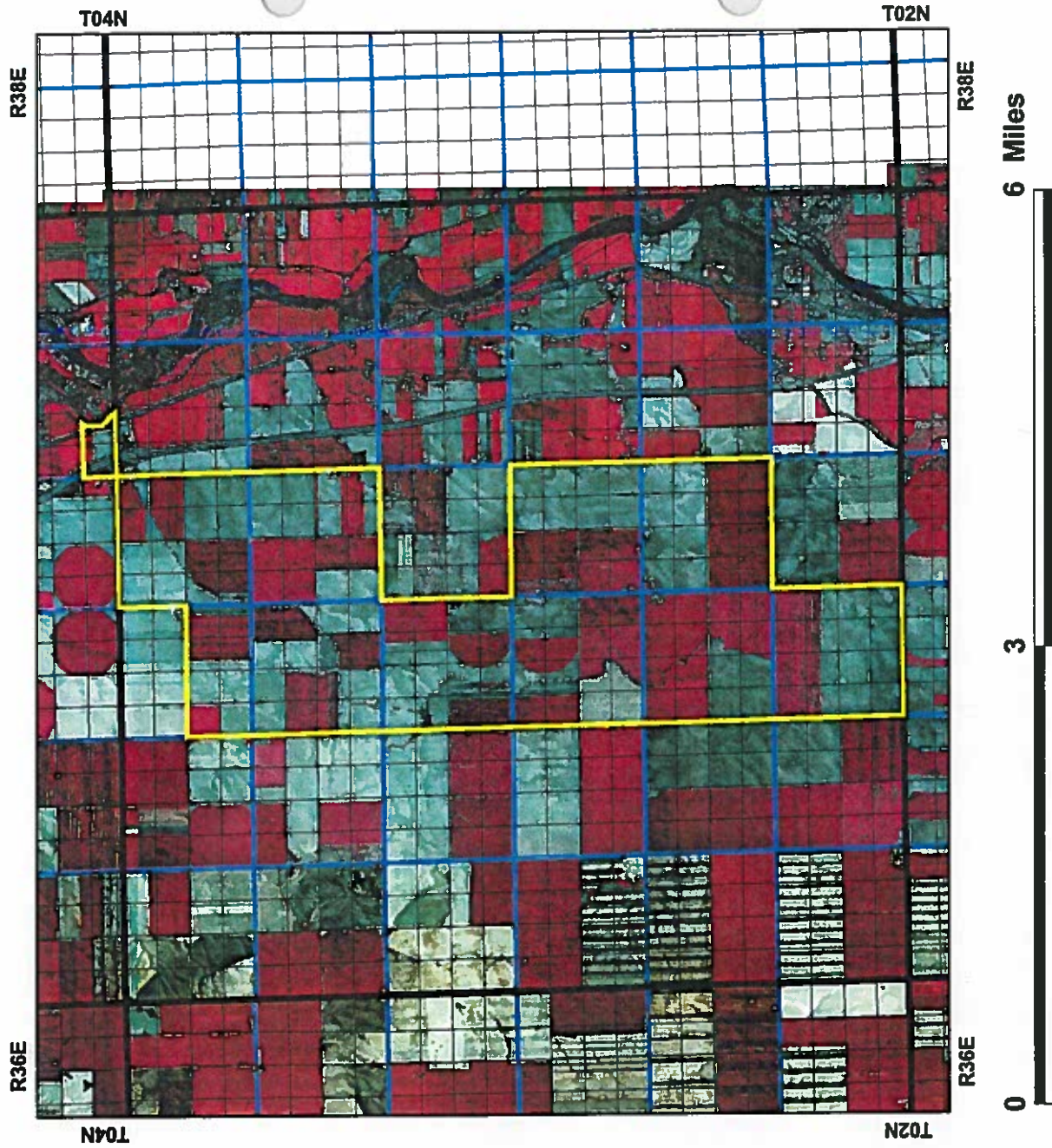
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Bonneville County
IDWR Basin 1

Prepared by M. Holliday
On Tuesday, December 12, 2006
1987/88 Aerial Photography



11/21/2006

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: November 30, 2006

Water right number: 1-51B

OSGOOD CANAL CO INC
2277 N 35 W
IDAHO FALLS ID 83404
Telephone Number: (208)522-4897

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

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

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

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

DATE: 11-30-06 SIGNATURE: David Daw

Please print your name: David Daw

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMS
12/04

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 267.

01-0036 B

This is to certify that the Butte & Market Lake Canal Co., of Idaho Falls, County of Bonneville, State of Idaho, has a right to the use of the waters of Snake River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of the Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 10.6 second feet of the waters of Snake River, in Water District No. 36-D, were dedicated to lands under the system of the Butte & Market Lake Canal Co., lying in townships 4 and 5, North, ranges 36 and 27 East, Boise Meridian, bearing date of priority of October 16, 1890; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation, in Volume 3 of Decrees, page 450; that, upon the application of the Butte & Market Lake Canal Co. for transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 10.6 second feet of the waters of Snake River upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

10.6 sec. ft., dated October 16, 1890.

Twp.	Rge.	Sec.	NE 1/4	SE 1/4	NE 1/4	SE 1/4	NE 1/4	SE 1/4	NE 1/4	SE 1/4	Totals
			NE 1/4	SE 1/4	NE 1/4	SE 1/4	NE 1/4	SE 1/4	NE 1/4	SE 1/4	
			(Lot 5)								
4N	37E	35									80
3N	37E	2	40								40
		3	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		4									120
		9	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		10	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		16	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		21	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		22	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		27	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		28	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
		33	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								600
		34	40-40-40-40--40-40-40-40--40-40-40-40--40-40-40-40--								640
			Total								6600

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 11th day of May, 1920.

W. G. SWENDSEN,
Commissioner of Reclamation.

(SEAL)

Recorded in Water Dist: 36-D FEB
Platted on map-Water Dist. 36-D.5-11-20 SEP.
Pt. of Diversion: Lot 1, Sec. 35, T. 4 N., R. 37 E.

10.6 of flow to Raging Land Co. from B+M Co.

SCANNED

AUG 17 2001

5012
X

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: A01-00051B
Date Received: 6/26/1989
Receipt No: E009260/ST
Received By: EC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OSGOOD CANAL CO., INC. 208-523-5937
Address: 1899 VIRGINIA
IDAHO FALLS, ID 83404

2. Date of Priority: OCT 16, 1890

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
04N	37E	35	NE	NE	NE	1	JEFFERSON

5. Description of diverting works:
WATER IS DIVERTED THROUGH THE HEADING FOR THE GREAT WESTERN CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.600		

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

8. Total consumptive use is 14970.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	37E	3	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	39.0
			SE	NE		IRR	38.0

A01-00051B

Page 1

Date: 06/26/89

A0100051B



MICROFILMED
OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	37E	3	NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	38.0
			SE	NW		IRR	38.0
			NE	SW		IRR	39.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	39.0
			NE	SE		IRR	38.0
			NW	SE		IRR	38.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	619.0
		4	NE	SW		IRR	39.0
			SW	SW		IRR	40.0
			SE	SW		IRR	39.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	39.0
						Section Acres	276.0
		9	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	38.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NE	SE		IRR	38.0
			NW	SE		IRR	38.0
			SW	SE		IRR	40.0
			SE	SE		IRR	38.0
						Section Acres	626.0
		10	NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	37E	10	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	39.0

Section Acres 638.0

16	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	38.0
	NW	NW	IRR	36.0
	SW	NW	IRR	40.0
	SE	NW	IRR	38.0
	NE	SW	IRR	38.0
	NW	SW	IRR	38.0
	SW	SW	IRR	39.0
	SE	SW	IRR	39.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 626.0

21	NE	NE	IRR	38.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	38.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	37E	21	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	38.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	40.0

Section Acres 632.0

22	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

27	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	38.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0

10. Place of Use: Continued

Township 03N	Range 37E	Section 27	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 40.0
						Section Acres	638.0
		28	NE	NE		IRR	40.0
			NW	NE		IRR	38.0
			SW	NE		IRR	38.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	38.0
			SE	SE		IRR	39.0
						Section Acres	628.0
		33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
04N	37E	35	SW	SW		IRR	10.0
			SE	SW	5	IRR	15.0
						Section Acres	25.0

10. Place of Use: Continued

Total Acres 5988.0

11. Place of use in counties: BONNEVILLE, JEFFERSON

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

13. Other Water Rights Used:

A01-00195L/00047E/00001F/00181D/00330

14. Remarks:

THE PUMPING PLANT FOR OSGOOD CANAL CO. REDIVERTS THE WATER FROM
THE GREAT WESTERN CANAL IN THE SWSWSE, SEC. 35, T4N, R37E.

THE PLACE OF USE IS OWNED BY THE SHAREHOLDERS OF THE COMPANY.

SEE TRANSFER #276.

SEE NOTICE A01-00195L FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL

Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL

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

Osgood Canal Co. Inc. Organization, that I have signed the foregoing document in the space below as Secretary Title

Osgood Canal Co. Inc. Organization and that the statements contained in the foregoing document are true and correct.

Grant Chrysler
Signature of Authorized Agent

Secretary Osgood Canal Co. Inc.
Title and Organization

June 26, 1989
Date

State of Idaho)
County of Bonnieville) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of June 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94