

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: A37-00891B

Date Received: 1/27/1989

Receipt No: 5006427 *Am*

Received By:

RECEIVED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

FEB 21 1989

Department of State Resources
Southern Region Office

1. Name: BASE LINE CANAL CO.
Address: 067 SCHOESSLER LANE
BELLEVUE, ID

83313

2. Date of Priority: JUL 24, 1924

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	12	SW	SW			BLAINE
		25	NE	NW		R	BLAINE

5. Description of diverting works:

HEADGATE #55-C & BASELINE CANAL FROM BYPASS CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		

7. Total Quantity Appropriated is:

6.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 7535.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	36	NE	NE		IRR	2.0
			SE	NE		IRR	4.0

A37-00891B

Page

1

Date: 02/10/89

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
01N	18E	36	NE		NW		IRR	39.0			
			NW		NW		IRR	30.0			
			SW		NW		IRR	36.0			
			SE		NW		IRR	40.0			
			NE		SW		IRR	40.0			
			NW		SW		IRR	34.0			
			SW		SW		IRR	36.0			
			SE		SW		IRR	40.0			
			NE		SE		IRR	39.0			
			NW		SE		IRR	40.0			
			SW		SE		IRR	40.0			
			SE		SE		IRR	34.0			
			Section Acres							454.0	
	19E	31	NE		SW		IRR	38.0			
			NW		SW	3	IRR	40.0			
			SW		SW	4	IRR	40.0			
			SE		SW		IRR	32.0			
			NE		SE		IRR	40.0			
			NW		SE		IRR	40.0			
			SW		SE		IRR	40.0			
			SE		SE		IRR	40.0			
			Section Acres							310.0	
			01S	18E	1	SW		NE	2	IRR	20.0
						SE		NE	1	IRR	19.0
						SE		NW	3	IRR	18.0
						NE		SW		IRR	32.0
SE		SW					IRR	35.0			
NE		SE					IRR	40.0			
NW		SE					IRR	40.0			
SW		SE					IRR	40.0			
SE		SE					IRR	40.0			
Section Acres							284.0				
	12	NE					NE		IRR	37.0	
		NW					NE		IRR	38.0	
		NE					NW		IRR	40.0	
		NW		NW		IRR	10.0				
		SW		NW		IRR	15.0				
		SE		NW		IRR	39.0				
		Section Acres							179.0		

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	3	SW	NW	4	IRR	16.0
			Section Acres				16.0
		4	SW	NE	2	IRR	16.0
			SE	NE	1	IRR	16.0
			SW	NW	4	IRR	17.0
			SE	NW	3	IRR	17.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			Section Acres				224.0
		6	SW	NE	2	IRR	19.0
			SE	NE	1	IRR	19.0
			SW	NW	4	IRR	22.0
			SE	NW	3	IRR	19.0
			NE	SW		IRR	40.0
			NW	SW	5	IRR	40.0
			SW	SW	6	IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	39.0
			NW	SE		IRR	39.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
			Section Acres				395.0
		7	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	39.0
			SE	NE		IRR	39.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	43.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	35.0
			Section Acres				354.0
		8	NE	NW		IRR	40.0
			NW	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	8	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
					Section Acres		160.0
		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	39.0
			SW	NW		IRR	27.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	34.0
			SW	SW		IRR	39.0
			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		619.0
		16	NW	NW		IRR	19.0
					Section Acres		19.0
					Total Acres		3014.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

THE LANDS ARE COVERED BY A37-01206, A37-00891B, A37-02556A & A37-04109 AS WELL AS DECREED &/OR LICENSED RIGHTS HELD BY THE INDIVIDUAL LAND OWNERS. THE OWNERSHIP OF THE LAND IS HELD BY THE INDIVIDUALS SERVED BY THE SYSTEM; NOT BY THE CANAL CO. OR PUMP ASSOCIATION.
THIS RT. IS BASED ON SAVED WATER DEVELOPED BY THE CONSTRUCTION OF THE EXTENSION BYPASS CANAL. THIS RIGHT IS NOT DELIVERED UNTIL

14. Remarks: Continued

THE 6/15/1883 PRIORITY RIGHTS ARE CUT OFF AND IS NOT SUBJECT TO PRIORITY CUTS ON THE BIG WOOD RIVER AS LONG AS WATER IS BEING SAVED BY THE USE OF THE EXTENSION BYPASS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HUGHES ET. AL.

Decree Plaintiff

vs

COFFIN

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

Number of attachments: See Map A37-01206

For Organizations:

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

Baseline Canal Co. Organization, that I have signed the foregoing

document in the space below as Director of _____ Title

Baseline Canal Co. Organization and that the statements contained in the

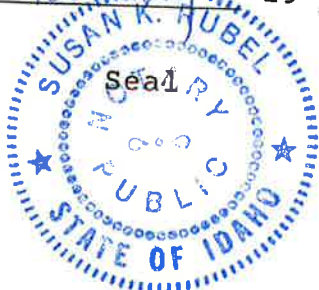
foregoing document are true and correct.

Kenn Schuessler
Signature of Authorized Agent
Baseline Canal Co.
Director
Title and Organization

2/17/89
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of February 19 89



Susan K Rubel
Notary Public

Residing at Hailey

My Commission Expires 3-1-93

01/05/2007

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

RIGHT NUMBER: 37-891B

NAME AND ADDRESS: BASELINE CANAL CO
C/O CATHY ZACCARDI
PO BOX 743
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 07/24/1924

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Tom Hughes, et. al., plaintiff vs. Mans H. Coffin, Watermaster, Defendant in the Fourth Judicial District of the State of Idaho in and for the County of Blaine dated 7/18/1941.

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T01N R18E S25 NWSNW Rediversion Within BLAINE County

This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.000 CFS

PLACE OF USE:

2859.2 ACRES TOTAL

This right is limited to the irrigation of 2859.2 acres within the boundary of the Baseline Canal Co.

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.

The rights listed below are limited to the irrigation of a combined total of 2859.2 acres in a single irrigation season. Combined Right Nos.: 37-891B, 37-1206, 37-2556A and 37-4109.

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

01/05/2007

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.

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E and when water is delivered into the Extension Bypass canal heading from the Bypass canal within the NW1/4NW1/4NW1/4 Section 36, T1N, R18E and when rights of 6/15/1883 priority are curtailed. This right is curtailed when all priority rights deliverable through the Extension Bypass system are futile or not called for during the irrigation season.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The Baseline Canal Co. distributes privately held decreed rights of shareholders from the Big Wood River as well as rights owned by the Baseline Canal Co. to shareholders. The Baseline Canal Co. also distributes ground water rights of the Baseline Pump Assn. No. 1 and Baseline Pump Assn. No. 2 to various shareholders. These Assn. are a subset of Baseline Canal Co.



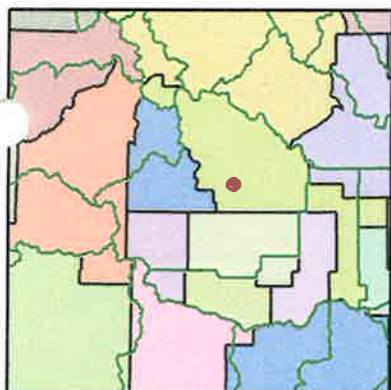
Baseline Canal Co

SRBA Recommendations: 37-891B, 37-1206, 37-2556A and 37-4109

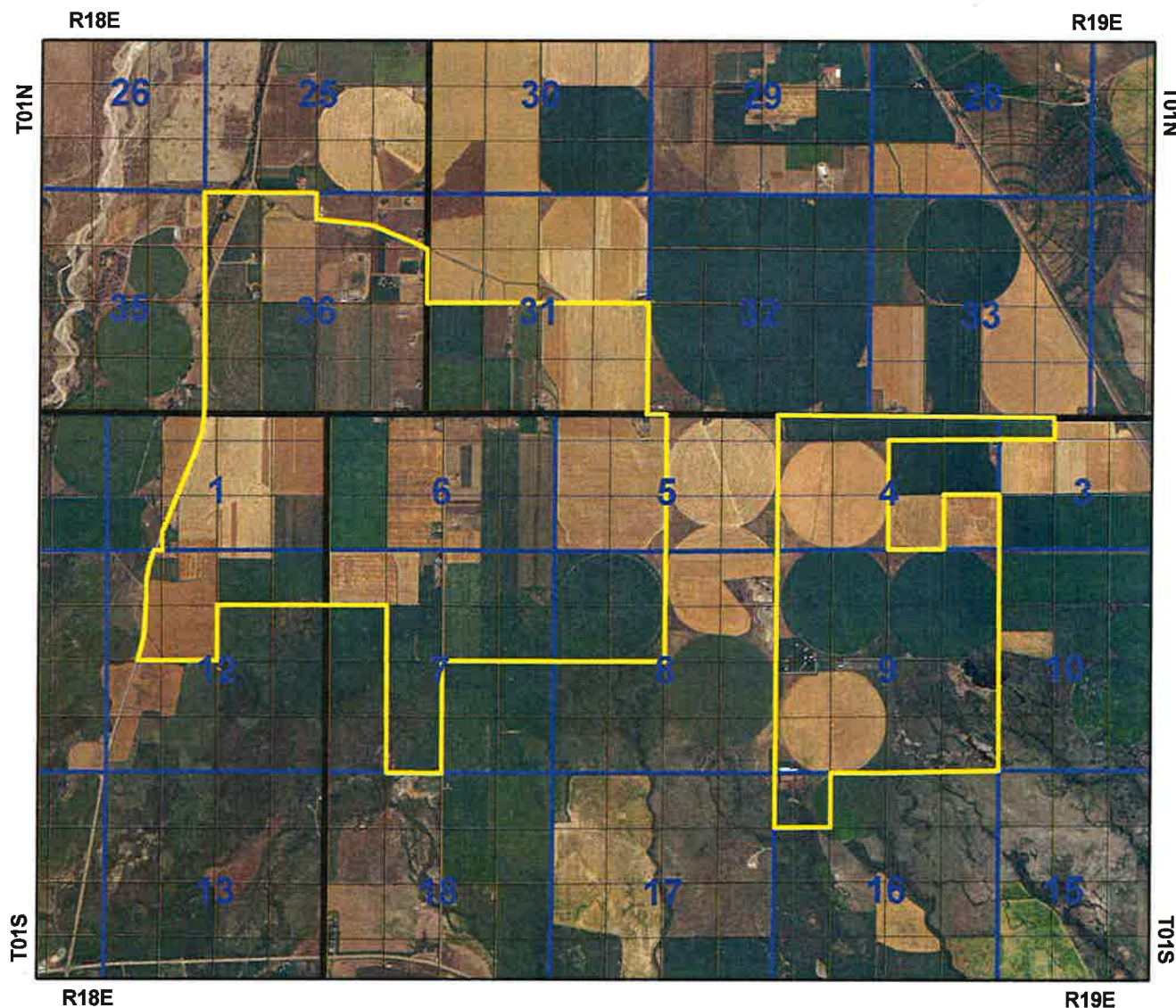
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37

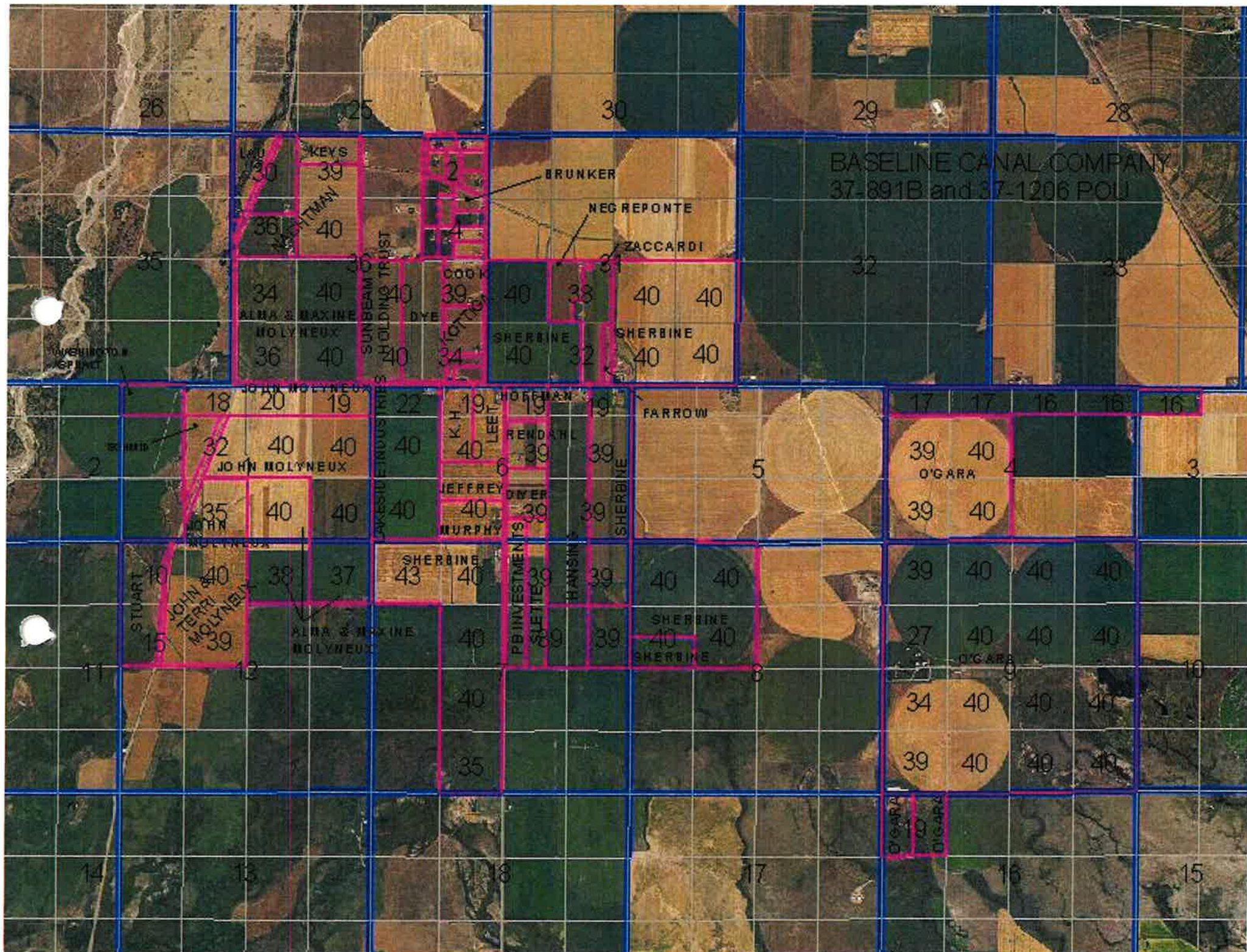


0 2 4 Miles

Prepared by A. Merritt
On Friday, January 5, 2007
2004 Aerial Photography

OWNER	BASLINE CANAL COMPANY INCHES	CLAIM ACRES 37-891 & 37-1206	MAX ACRES ACCORDING TO RECOMMENDATION 37-891 & 37-1206	37-4109 PUMP #1 (CLAIM ACRES)	MAX ACCORDING TO RECOMMENDATION CLAIM 37-4109	TAX LOT	CLAIM ACRES 37- 2556A	MAX ACCORDING TO RECOMMENDATION AND POU 37-2556A PUMP #2	RECOMMENDATION S	COMMENTS
LAKESIDE INDUSTRIES	154.0	102.0	102.0	102	102.0	105.8	53	53.0	102.0	
VIRGINIA HANSING	160.0	116.0	116.0	116.9	116.9	120.0	111	111.0	116.9	C/O VIRGINIA HANSING, 59 ACRES IN SECTION 8 AND 7 ASSUMED HANSING GOT ALL THE ACRES, THE FOLLOWING OWNERS WHERE NOT PART OF PUMP #1, PUMP#2, : PB INVESTMENTS, SLETTE, DYER, RENDAH, AND HOFFMAN -- NO S24 CONDITON & ALL GROUNDWATER
BILL SHERBINE (RUTH SCHOESSLER)	50/180								78.0	CURRENT OWNER WILLIAM L. SHERBINE C/O ROCKY SHERBINE?
ROBERT HOFFMAN	124.0	13.0	12.0						12.0	
ROCKY SHERBINE (HAROLD DRUSSEL)	199/120					122.5			137.0	PROPERTY ORIGINALLY OWED BY DRUSSEL, TOTAL OF 20 ACRES IN SECTION 8 IRRIGATED WITH BASELINE PUMP #1
BILL AND MARY LEET	5.0	99.0	97.0	99	97.0	100.9	94	94.0	97.0	LEET DOES NOT OWN ALL 101 ACRES CURRENTLY OWNED BY LEET, KETCHUM HORTICULTURE, LYNN, MURPHY
BILL SHERBINE	100/84.4								96.0	WILLIAM L AND NANCY SHERBINE
ROCKY AND TERI SHERBINE	5.0					205.3			20.0	ASSUME ROCKY GETS ALL 20 ACRES IN SECTION 8 ACCORDING TO CLAIM
ROCKY AND SHERBINE (ROBERT HOFFMAN)	300.0									FOUND 1 GROGERS WITH 0.0 ACRES, COULN'T FIND BUHLER
SILVER SPRINGS RANCH	580.0	878.0	885.0			913.0			885.0	SILVER SPRINGS RANCH = O'GARA
WILSON	375.2									ORIGINAL MOLYNEUX ? JOHN AND ALMA CURRENT MOLYNEUX PROPERTY OWNERS? SEE COMBINED
JEFF AND CATHY ZACCARDI	44.5	33.0	33.0		33.0	34.1		33.0	33.0	
JEFF ANDERTON/KATHLEEN COOK	34.3		19.0		19.0	19.2			19.0	
ROD KOTIGA/VICKY SALFELD	34.3	18.9	18.9		18.9	20.0			18.9	
C. REID LAU	14.2		10.1		15.8	23.6		10.1	10.1	DON'T KNOW HOW TO / BETWEEN LAU AND WILSON 1.1 ACRES TOO MANY, CLAIM 26 FOR NWNW IN SECTION 36
WILSON	14.0	6.0	5.7		5.7	5.7			5.7	
WILSON AND TERRI	35.0		23.3		23.3	23.3				FOUND 1 GARY HOFFMAN WITH .1 ACRE OF LAND
DWIGHT AND CATHERINE WILSON	30.0	25.5	23.8		23.8	25.4		23.8	23.8	8.9 ACRES IN THE SWNW
FRANK AND JANET NACHTMAN	162.0	84.0	84.0		84.0	25.5		84.0	24.0	60 ADDITIONAL ACRES UNDER CLAIM#37-891B AND 37-1206 FOR A TOTAL OF 84 ACRES
MARK BROWN (SUNBEAM HOLDING TRUST)	200.0	53.2	106.6		106.6	53.2			106.1	CLAIM BOTH PROPERTIES ARE INCLUDED? 37-704G USE RECOMMENDED ACRES
CHARLES NEGREPONTE	15.0	15.0	15.0		15.0	19.9		15.0	15.0	LENA NEGREPONTE = CHARLES NEGREPONTE?
ALMA AND MAXINE MOLYNEUX		265.0	265.0		265.0	275.0			275.0	TOOK OVER BILL MOLYNEUX SHARES= A. W. MOLYNEUX?
JOHN MOLYNEUX		218.0	217.0		217.0	217.0			217.0	TOOK OVER BILL MOLYNEUX SHARES= A. W. MOLYNEUX?, IN SECTION 1 SCHMID HAS PROPERTY THAT WAS COVERED UNDER CLAIM, BUT RECOMMENDS DON'T HAVE S24 CONDITON FOR SCHMID
JOHN AND TERRI MOLYNEUX		103.0	99.0		99.0	99.0			99.0	
TOTAL SHERBINES		727.0	710.8	169	431.0	745.7		166.0	431.0	COMBINED INDIVIDUAL SHERBINES 431 FOR PUMP#1, PUMP #2 175 (ACCORDING TO RECOMMENDATIONS LIMITED TO VIRGINIA HANSING GOT ALL ACRES IN SEC 8&7
JEFF AND SHELIA KEYS			16.0							HAS THE S24 CONDITION AS PART OF THE RECOMMENDATION FOR 37-20585
DYE				53.4	53.4					See Sunbeam Holding
TOTALS			2859.2		1116.4			589.9		
										UNABLE TO DIFFERENTIATE BETWEEN SHERBINES, SEE TOTAL SHERBINES
										NOT PART OF BASELINE CANAL #1 OR BASELINE CANAL #2
										NOT PART OF BASELINE CANAL #2

1/5/07



Notes:
12/1/06
ADN

Issues

1. Disallow of claim for Brown place.
2. Irrig. on east side of pivot Mezlik pasture.
IDWR going to recommend
70 acres under pivot
— need to file expansion claim
— support expansion by affidavit prior to 1987.
3. Need to consider pump companies to agree to combine under Baseline Canal Co.
4. Investigate and potentially object to Schoerler claims for and who he sold to claims on pump #2.
Transfer in 1980 of 1.47 cts.
— need 37-2556A for entire amt of 8.23 cts

President is Rocky Sharbille

788-4826
309-1235

Base Line Control Co - (37-1206
37-8918)

Baseline Pump Assn #1 - 37-4109

Baseline Pump Assn #2 - 37-2556A

w/clariment
about whether
these are
ongoing entities

Cathy Zaccardi
788-4619

- All users of Baseline Control share water in the name of Base Line Control Co.
- Pump users are discrete users with in the Baseline system.

RESOLUTION

In accordance with the request of the Board Members of the Baseline Pump Association #1 and Baseline Pump Association #2 resolve to file Snake River Basin Adjudication claims with the Idaho Department of Water Resources, in the name of the Baseline Canal Company, on behalf of the Baseline Pump Association #1 and #2.

William T. Sherbine
William T. Sherbine
T. W.S.

William T. Sherbine
William T. (Rocky) Sherbine
T. W.S.

John Molyneux
John Molyneux

SUBSCRIBED AND SWORN to before me this 12th day of Dec, 2006

Rustin Miller
Notary Public for Idaho
Residing at Hailey ID
My Commission Expires: 12/26/2012



Merritt, Allen

From: Bromley, Chris
Sent: Tuesday, November 28, 2006 3:55 PM
To: Merritt, Allen; Tuthill, Dave
Cc: Jones, Doug
Subject: RE: Disposition of Base Line Canal Co.

It would seem to me that there would be a benefit to us and Baseline Canal Co. if we were to recommend as a company, which would also allow us to recommend a service area instead of individual places of use.

Given the relationship that's described between the Baseline Canal Co. and the Pump Assns, it also seems to me that the Base Line Canal Co.'s claims could take the place of claims filed by the Pump Assns.

I know that we've recommended rights to companies in Basin 67 that were no longer in existence with the Secretary of State, but were still organized and had officers that could bind its users. We did this for both storage and natural flow companies.

Chris

-----Original Message-----

From: Merritt, Allen
Sent: Tuesday, November 28, 2006 2:59 PM
To: Bromley, Chris; Tuthill, Dave
Cc: Jones, Doug
Subject: Disposition of Base Line Canal Co.

Gents:

As discussed earlier today with Dave, Base Line Canal Co. (37-891B and 37-1206), Baseline Pump Assn. #1 (37-4109) and Baseline Pump Assn. #2 (37-2556A) have filed the referenced claims in the SRBA and I am trying to deal with them. They are intertwined in sort of a symbiotic relationship.

As you may already know, Baseline Canal #55C is a redirection from the Bypass Canal on the Big Wood River. The watermaster of WD37 delivers water to the Baseline Canal #55C headgate and then the water below that headgate is delivered by the Base Line Canal Co. The water being delivered is privately held decreed rights to individual decree holders as well as shareholders in the entities identified above. I understand that all water right holders that take delivery thru the Baseline Canal are share holders in the Base Line Canal Co. (Things match up well but I do not think that the Base Line Canal Co's list has been updated with the splits of the Molyneux property.)

I understand that none of these three entities are registered with the Secretary of State but at one time Base Line Canal Co. was registered. I talked to Cathy Zaccardi who is the secretary of all three entities and she may look into dealing with the Secretary of State. The entities share common boards or governance.

Attached are documents sent by Cathy at my request to describe the shareholders in these entities. It is my understanding that Base Line Canal Co. is sort of an umbrella organization and the pump associations operate within the boundary of the Base Line Canal Co. Each pump association is associated with operation and maintenance of a well that supplements water to the shareholders via the Baseline Canal system. Note that physically water from the wells can not get to the property of some of the shareholders but in practice water is exchanged within the Baseline Canal system. For example Lau has shares in the Baseline Pump Assn #2 but the well is actually miles down the canal and in practice he is delivered water only from the river through the Baseline Canal but the extra water he gets beyond his decree comes from someone else's decree that is replaced by the well downstream.

<< File: 20061128150214183.pdf >>

Attached is the Watermaster's delivery records I've been dealing with for the Baseline Canal.

<< File: Bypass.xls >>

We currently have a shape of the Base Line Canal Co. service area available in our GIS platform.

I need guidance with regards as to how to recommend these claims. Questions that come to mind.....

-Do I recommend the Base Line Canal Co. in a service area or only to the acres being recommended to the

individuals?

-If I recommend the Base Line Canal Co. in a service area can I recommend the Pump Assns in the same service area?

-If I do not recommend the Pump Assns in a service area how to I come up with acres...are they limited by share, limited by acres of their individual decrees, etc??

-Can I recommend all claims in the name of the Base Line Canal Co. and leave that entity to sort out their shares and charges internally?

If after studying this for a while maybe we can discuss further if you have questions.

Allen

2006 BASELINE CANAL ASSOCIATION
3540.80 INCHES @
\$1.75/INCH

NAME	INCHES	ASSESSMENT	PAID	DELINQUENT	DELINQUENT PAID
Wood River Ranch <i>LeKoside Ind</i>	154	\$154.00			
Virginia Reed	160	\$280.00			
Bill Sherbine (Ruth Schoessler)	50/160	\$367.50	5/8/2006		
Robert Hoffman	124	\$217.00	5/4/2006		
Rocky Sherbine (Harold Drussell)	199/120	\$558.25	5/9/2006		
Rocky & Teri Sherbine	5	\$8.75	5/9/2006		
Rocky & Teri Sherbine (Rogers/Buhler)	300	\$525.00	5/9/2006		
Bill & Mary Leet	202	\$353.50	5/9/2006		
Bill Sherbine (84.4 assess @ 1/2)	144/300/84.4	\$850.43	5/8/2006		
Silver Springs Ranch	580	\$1,015.00			
Bill Molyneux	375.2	\$656.60	5/9/2006		
Jeff & Cathy Zaccardi	44.5	\$77.87	5/1/2006		
Jeff Anderton/Kathleen Cook	34.25	\$59.94	5/3/2006		
Rod Kotiga/Vicky Salfeld	34.25	\$59.94	5/1/2006		
C. Reid Lau	14.2	\$24.85	5/3/2006		
Mike Brunker	14	\$24.50			
Gary Hoffman (Ed Herr)	35	\$61.25	5/9/2006		
Dwight & Catherine Wilson	30	\$52.50			
Frank & Janet Nachtman	162	\$283.50			
Mark Brown (Sunbeam Holding Trust)	200	\$350.00	4/27/2006		
Lena Negreponte	15	\$26.25	4/22/2006		

2006 BASELINE CANAL ASSOCIATION
3540.80 INCHES @
\$1.75/INCH

NAME	INCHES	ASSESSMENT	PAID	DELINQUENT	DELINQUENT PAID
Wood River Ranch <i>Lakeside Ind</i>	154	\$154.00			
Virginia Reed	160	\$280.00			
Bill Sherbine (Ruth Schoessler)	50/160	\$367.50	5/8/2006		
Robert Hoffman	124	\$217.00	5/4/2006		
Rocky Sherbine (Harold Drussell)	199/120	\$558.25	5/9/2006		
Rocky & Teri Sherbine	5	\$8.75	5/9/2006		
Rocky & Teri Sherbine (Rogers/Buhler)	300	\$525.00	5/9/2006		
Bill & Mary Leet	202	\$353.50	5/9/2006		
Bill Sherbine (84.4 assess @ 1/2)	144/300/84.4	\$850.43	5/8/2006		
Silver Springs Ranch	580	\$1,015.00			
Bill Molyneux	375.2	\$656.60	5/9/2006		
Jeff & Cathy Zaccardi	44.5	\$77.87	5/1/2006		
Jeff Anderton/Kathleen Cook	34.25	\$59.94	5/3/2006		
Rod Kotiga/Vicky Salfeld	34.25	\$59.94	5/1/2006		
C. Reid Lau	14.2	\$24.85	5/3/2006		
Mike Bruner	14	\$24.50			
Gary Hoffman (Ed Herr)	35	\$61.25	5/9/2006		
Dwight & Catherine Wilson	30	\$52.50			
Frank & Janet Nachtman	162	\$283.50			
Mark Brown (Sunbeam Holding Trust)	200	\$350.00	4/27/2006		
Lena Negreponte	15	\$26.25	4/22/2006		

Merritt, Allen

From: Merritt, Allen
Sent: Tuesday, November 21, 2006 9:07 AM
To: 'Cathy Zaccardi'
Cc: Merritt, Allen
Subject: RE: Shareholders



SRBA%20Change
'20in%20Address.p.

Cathy,

Thank you for the information about the shareholders of your organizations.

Please find attached a form that needs to be completed to let us know what address we need to correspond with you at since the claims in the name of "Base Line Canal Co" (Claim Nos. 37-1206 and 37-891B), "Baseline Pump Assn. #1" (Claim No. 37-4109) and Baseline Pump Assn. #2" (Claim No. 37-2556A) all list an address of Ruth Schoessler at 067 Schoessler Lane.

You can print it out three times (one for each entity) and then fill them out and mail them back to me or scan them and e-mail them back. If you have questions please feel free to call me at 736-3033.

Thanks,

Allen Merritt

-----Original Message-----

From: Cathy Zaccardi [mailto:czaccardi@blaineschools.org]
Sent: Monday, November 20, 2006 9:37 AM
To: Merritt, Allen
Subject: Shareholders

Allen: here's the list of shareholders for Baseline Canal Association, Baseline Pump #1, and Baseline Pump #2. Please let me know if you need anything further. Thanks.

Cathy Zaccardi
Clerk of the Board
New E-Mail Address: czaccardi@blaineschools.org

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 37-1206 & 37-891B Baseline Canal Co.

Previous Mailing Address: Ruth Schoessler

067 Schoessler Lane

Bellevue ID 83313

New Mailing Address: Cathy Zaccardi

P.O. Box 743

Hailey ID 83333

Telephone Number: (208) 578-5003 (work)
208 788-4619 (home)

Signature of all Claimant(s): Cathy Zaccardi

Please print your name below your signature.

Cathy Zaccardi

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**

SS
ADDRESS FM.doc
Revised 12/3/04

IDWR Use Only:
Data Entry: Cathy

Date: 11/28/06

Merritt, Allen

From: Cathy Zaccardi [czaccardi@blaineschools.org]
Sent: Tuesday, November 21, 2006 9:49 AM
To: Merritt, Allen
Subject: RE: Shareholders



change of
address.pdf

Good morning, Allen. Attached please find the change in address forms for Baseline Canal Co., Baseline Pump #1, and Baseline Pump #2. I've scanned them all into one document. Please let me know if you need anything further.

Cathy Zaccardi
Clerk of the Board
New E-Mail Address: czaccardi@blaineschools.org

>>> "Merritt, Allen" <Allen.Merritt@idwr.idaho.gov> 11/21/2006 9:06 AM >>>
Cathy,

Thank you for the information about the shareholders of your organizations.

Please find attached a form that needs to be completed to let us know what address we need to correspond with you at since the claims in the name of "Base Line Canal Co" (Claim Nos. 37-1206 and 37-891B), "Baseline Pump Assn. #1" (Claim No. 37-4109) and Baseline Pump Assn. #2" (Claim No. 37-2556A) all list an address of Ruth Schoessler at 067 Schoessler Lane.

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Cathy Zaccardi
Clerk of the Board
New E-Mail Address: czaccardi@blaineschools.org

BASE LINE CANAL COMPANY

120 BASELINE ROAD
BELLEVUE, ID 83313

Type of Business:	CORPORATION, WATER USERS ASSOCIATION
Status:	FORFEITED 01 Dec 1988
State of Origin:	IDAHO
Date of Origination/Authorization:	02 Dec 1929
Current Registered Agent:	GAY SCHOESSLER 120 BASELINE ROAD BELLEVUE, ID 83313
Organizational ID / Filing Number:	C17209
Number of Authorized Stock Shares:	1
Date of Last Annual Report:	31 Aug 1990

Amendments:

Amendment filed 02 Dec 1929	INCORPORATION	View Document Online Download (TIFF format)
Amendment filed 02 Aug 1979	OTHER - RA	View Document Online Download (TIFF format)

Annual Reports:

Report for year 1987	ANNUAL REPORT	View Document Online Download (TIFF format)
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INSTRUCTIONS ON REVERSE SIDE

No. 017209 Return To Secretary of State Room 203, Statehouse Boise, ID 83720 RECEIVED SEC. OF STATE 27 JUL 1987 PM 9	Idaho Corporation Annual Report Form Due No Later Than November 1, 1987 1. Mailing Address - Please Correct 017209 BASE LINE CANAL COMPANY GAY SCHOESSLER 120 BASELINE ROAD BELLEVUE IDAHO 83313	2. Registered Agent and Office GAY SCHOESSLER 120 BASELINE ROAD BELLEVUE, IDAHO 83313 3. Incorporated Under The Laws of STATE OF IDAHO ENTERED JUL 27 1987																									
4. Names and Addresses of Officers and Directors																											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Name</th> <th style="width: 30%;">Street or P.O. Address</th> <th style="width: 15%;">City</th> <th style="width: 15%;">State</th> <th style="width: 10%;">Zip</th> </tr> </thead> <tbody> <tr> <td>President: Ken Schoessler</td> <td>120 Baseline Rd</td> <td>Bellevue</td> <td>Idaho</td> <td>83313</td> </tr> <tr> <td>Secretary: Gay Schoessler</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Directors: Harold Drussell</td> <td>Pt 1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Bill Molyneaux</td> <td>Pt 1</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name	Street or P.O. Address	City	State	Zip	President: Ken Schoessler	120 Baseline Rd	Bellevue	Idaho	83313	Secretary: Gay Schoessler					Directors: Harold Drussell	Pt 1				Bill Molyneaux	Pt 1				
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Secretary: Gay Schoessler																											
Directors: Harold Drussell	Pt 1																										
Bill Molyneaux	Pt 1																										
5. Nature of Business Canal Assoc.	6. I certify that this Annual Report has been examined by me and is to the best of my knowledge true, correct and complete. <table style="width: 100%;"> <tr> <td style="width: 60%;"> Signature <u>Gay L. Schoessler</u> Name (Printed) </td> <td style="width: 40%;"> Date <u>7-16-87</u> Title <u>Sec</u> </td> </tr> </table>		Signature <u>Gay L. Schoessler</u> Name (Printed)	Date <u>7-16-87</u> Title <u>Sec</u>																							
Signature <u>Gay L. Schoessler</u> Name (Printed)	Date <u>7-16-87</u> Title <u>Sec</u>																										

1 000013 001 0635

ARTICLES OF INCORPORATION
OF THE
BASE LINE CANAL COMPANY

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, all of whom are bona fide residents of the State of Idaho, and all citizens of the United States, have associated ourselves together for the purpose of forming a corporation under the laws of the State of Idaho, and do make, sign and acknowledge in triplicate these Articles of Incorporation.

-1-

That the name of this corporation shall be the "Base Line Canal Company."

-2-

That the purposes for which this corporation is organized are as follows:

For the co-operative ownership, construction, maintenance, repair, enlargement and operation of irrigation ditches and canals and all things appurtenant thereto and particularly the operation and maintenance of what is known as the **Base Line** Canal, to-wit, Canal No. 550, in Blaine County, State of Idaho, and all additions thereto or extensions thereof and any changes therein made; to acquire, buy, lease, sell, mortgage, sell and transfer any water rights, water permits, water filings, and water licenses, for the use and benefit, however, of its stockholders and to acquire any additional water rights for use upon the lands of its said stockholders as may be useful or necessary; to incur debts, to raise, borrow and secure the payment of

lease or hypothecate any of the property belonging to this corporation; to levy and collect assessments against the stockholders herein in order to raise the necessary funds for carrying out any of the purposes herein enumerated, said assessments to be in such sums as may be determined by the Board of Directors to be necessary for said purposes as well as for the general expenses of the corporation and for such other purposes as the Board of Directors shall determine within the scope of the powers of this corporation, with power to sell said stock to satisfy any unpaid assessments thereon; to acquire, hold, and improve such real or personal property, as may be useful, necessary, or convenient for the transaction of the company's business and to sell, mortgage, and lease or otherwise dispose of the same; to acquire and hold all necessary rights-of-way, easements, and estates necessary and useful or convenient for the distribution of water or for any other purpose within the scope of the powers of this corporation; and to do any and all things lawful, proper and necessary to further or carry out the above mentioned purposes or any one thereof whether herein specifically mentioned or not.

-3-

This corporation shall exist perpetually.

-4-

The location and post office address of its registered office in the State of Idaho is the town of Turret, in Blaine County, Idaho.

-5-

The number of its Directors is three (3).

-6-

The total authorized number of shares of stock is 2000 of the

common shares, each share having the same voting power, and rights, and each being entitled to one vote. ^{classes of} No other/stock shall be issued.

-7-

That pecuniary profit is not the object of this corporation but its object is the co-operation of its stockholders in carrying out the purposes hereinbefore set out for the mutual benefit only of its stockholders, in order to provide and deliver irrigation water for the lands of the respective stockholders herein. Each share of stock entitles the holder thereof, in addition to his proportionate interest in any property owned by the corporation, to the right to convey ~~taxim~~ through the irrigation works of the corporation one miner's inch of water.

-8-

The names and post office addresses of each of the incorporators herein and the number of shares subscribed by each are as follows:

<u>NAME</u>	<u>POST OFFICE ADDRESS</u>	<u>NUMBER OF SHARES</u>
Minnie B. Florer	Gannett, Idaho	215
Frank Williams	Gannett, Idaho	23
R. E. Buchanan	Bellevue, Idaho	174
B. H. Barker	Gannett, Idaho	180
James A. Wheeler	Gannett, Idaho	124
Faster and Stinssen	Gannett, Idaho	140
Joe Young	Gannett, Idaho	78

IN WITNESS WHEREOF, we have hereunto set our hands this
20th day of Sept., 1929.

Minnie B. Florer
Frank Williams
R. E. Buchanan
James A. Wheeler

STATE OF IDAHO }
BLAINE COUNTY } SS

On this 30th day of September, 1929, before the undersigned, a Notary Public in and for said County and State, personally appeared Minnie B. Hoyer, B. H. Barker, Joseph Young, and H. Foster, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. I certify that each and all of said persons are bona fide residents of the State of Idaho and citizens of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 30th day of September, 1929.

Joseph D. Hall
Notary Public for the State of Ida.,
Residing at Hailey Idaho.

37-5

6

RECEIVED

AUG 22 1941

Department of Reclamation

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF BLAINE

-----:-----

TOM HUGHES, A. W. HECKERT,
SCOTT ALLRED, SMITH FARM-
LUM, GEORGE KNIGHT, ANDREW
KNIGHT, I. E. ROCKWELL,
R. E. MCHANAN, and Wm. J.
BUILLER, Trustees for Upper
Big Wood River Water Users'
Association, a corporation,
BASE LINE CANAL COMPANY, a
corporation, and
GEORGE ALLRED,

Plaintiffs,

-v-

MANS H. COFFIN, Watermaster,

Defendant.

FINDINGS OF FACT

CONCLUSIONS OF LAW

and

DECREE

-----:-----

This cause came on for hearing in open court before the above entitled court, the undersigned presiding, in the courtroom of the courthouse at Hailey, Blaine County, Idaho, on the second day of June, 1941. The plaintiffs appeared by one of their attorneys, Conroy Gillespie, Esq., and the defendant failed to appear either in person or by counsel. Thereupon, plaintiffs introduced proof of personal service upon the defendant, duly acknowledged by defendant, and proof of publication of Notice of Pendency of the above entitled action as required by law. The default of the defendant and all other persons interested having been entered for failure to appear and plead within the time allowed by law, the plaintiffs then introduced documentary and oral testimony in support of the complaint.

Thereafter, on motion of plaintiffs, said cause was by order of the court reopened for further hearing, which was duly had before the undersigned judge of this court on the 18th day of July, 1941, at his chambers in Gooding, Gooding County, Idaho. At said hearing, the plaintiffs appeared by their attorneys, B. W. Oppenheim and Conroy Gillespie. Whereupon, the plaintiffs called the defendant, Mans H. Coffin, who, being sworn, voluntarily testified to certain matters of fact within his official knowledge as watermaster on Big Wood River.

FINDINGS OF FACT

Proposed findings of fact and decrees having been by plaintiffs voluntarily submitted to the said Mans H. Coffin, and he having approved the same with certain modifications to which plaintiffs agreed, and the court, having heard the testimony and being fully advised, now finds:

1.

Qualification of Plaintiffs

The plaintiffs, Tom Hughes, A. W. Heckert, Scott Allred, Smith Farnham, George Knight, Andrew Knight, I. E. Rockwell, R. E. Buchanan, and Wm. J. Buhler, are trustees in fact for the Upper Big Wood River Water Users' Association. Said association is a mutual non-profit corporation organized and existing under and by virtue of the laws of the State of Idaho, the stockholders and members whereof are each and all users of the water of Big Wood River in Blaine County, Idaho, for the irrigation of their respective lands, all of which lands are located in said county. The said corporation is authorized to acquire new and additional water rights for its stockholders and members, to economically deliver waters already or hereafter acquired, and to perform the usual functions of a water corporation.

The plaintiff, Base Line Canal Company, is a non-profit corporation organized and existing under and by virtue of the laws of the State of Idaho, the stockholders and members whereof are each and all users of the waters of Big Wood River in Blaine County, Idaho, for the irrigation of their respective lands, located in said county. The said corporation is authorized to acquire new and additional water rights for its stockholders and members, to economically deliver waters already or hereafter acquired, and to perform the usual functions of a water corporation.

The plaintiff, George Allred, is an individual user of the waters of Big Wood River in Blaine County, Idaho, for the irrigation of his lands located in said county.

2.

Qualification of Defendant

The defendant, Mans H. Goffin (otherwise Mans Goffin), is now and has been since the pendency of this action, and for more than 60 days prior to the filing thereof, the duly elected, qualified, and acting watermaster of Big Wood River and its tributaries located in Blaine, Lincoln, and Gooding counties, State of Idaho.

3.

Big Wood River Water Adjudication

The priority rights of the users of the waters of said Big Wood River and its tributaries were adjudged and determined by this court sitting in the county of Lincoln in a case entitled S. C. Frost et al. v. Alturas Water Co. et al., decree wherein, commonly known as the "Frost Decree", was entered December 17, 1909, and a copy whereof is duly recorded in the records of Blaine County in Book 6 of Judgments at pages 447-458. The plaintiffs herein have accepted said decree as binding upon them.

4.

Instant Case Supplemental to Frost Decree

This present action is supplemental to said decree, having been brought under Section 41-1305 Idaho Code Annotated, the rights herein adjudicated having been acquired subsequent to said former decree.

5.

Base Line By-Pass Decree

On the 28th day of August, 1922, this court, sitting in Lincoln County, entered a decree upon the complaint of the Upper Big Wood River Water Users' Association, a corporation, the Mutual Wood River Water Users' Association, a corporation, and the Big Wood Canal Company, a corporation, against S. H. Chapman, the then watermaster of said Big Wood River, wherein the said plaintiffs were decreed eighteen second feet of the waters of Big Wood River, being water saved and developed by said plaintiffs by reason of the so-called

JUN 05 1936

By-Pass constructed by them to divert the waters of Big Wood River around the so-called "Dry Beds". A copy of said decree appears in the records of Blaine County in Book 11 of Judgments at page 230.

For the purpose of more definitely identifying the said By-Pass, it is herein referred to as the "Base Line By-Pass", by which name it is commonly known.

6.

The said Dry Beds are situated generally in Sections 13, 14, 23, 24, 25, 26, and 35, Township 1 North, and Section 2, Township 1 South, Range 16 East, B.M., in said Blaine County.

In the portion of the river so described, the river channel and the ground underlying it are of such character that the surface waters of Big Wood River in great quantity continuously sink and disappear through gravel beds and subterranean outlets, and are unavailable for appropriation and use by the land owners and water users who divert their water from the river channel in the vicinity of and below the Dry Beds.

At times, and particularly during the latter part of the irrigation season, the entire surface flow of said river entirely so disappears and is lost, at which times the said Dry Beds, for the purposes of practical irrigation, divide the river and the flow above said portion is no longer tributary to the stream below said Dry Beds.

368
The decree in said former adjudication in Upper Big Wood River Water Users' Association et al. versus S. H. Chapman, supra, recognized the appropriation of the otherwise lost waters of Big Wood River as an independent source of supply and the watermaster on Big Wood River has administered said decree whenever the flow of the river diminished to a point where the Dry Beds absorbed so much of the flow that it was no longer possible to supply the lower priorities in accordance with the Frost Decree.

JUN 05 1996

7.

Headgate and Canal No. 61

A diversion from the east side of Big Wood River in the South-east quarter of Section 2, Township 1 South, Range 18 East, B.M., is designated as Headgate No. 61, and through it are diverted into Canal No. 61 certain early priorities from said river, known as the "Black" or "Bettis" water rights, as follows, to wit:

11.80	second	feet	as	of	July	10,	1880
3.80	"	"	"	"	July	1,	1881
2.00	"	"	"	"	July	31,	1881
4.20	"	"	"	"	Dec.	19,	1882
5.60	"	"	"	"	May	1,	1883
4.40	"	"	"	"	May	15,	1883
4.90	"	"	"	"	June	28,	1883
1.60	"	"	"	"	May	15,	1884
3.00	"	"	"	"	Oct.	28,	1886.

^{39.70} When the river becomes divided in low water season, as set forth in the preceding finding, the said priorities into Canal No. 61 are and during all the existence of the Extension By-Pass have been diverted at the headgate of the Base Line By-Pass and conveyed through said by-pass and its extension into said Canal No. 61. Nothing in these findings or in this decree is intended to impair or affect said priorities through Canal No. 61.

8.

Extension By-Pass

Between the 14th day of July, 1924, and the 24th day of July, 1924, the plaintiffs, for the purpose of effecting a further and greater saving of the waters so lost in the Dry Beds, by mutual agreement, jointly constructed a canal or ditch, with appurtenant dams and other hydraulic devices, being an extension of the Base Line By-Pass theretofore constructed in the year 1920 by the plain^{tiffs} in said former action, and the same is commonly known as and is herein called the Extension By-Pass.

JUN 05 1936

9.

Extension By-Pass -- Location and Capacity

The said Extension By-Pass is situated in Blaine County, Idaho, on the east side of Big Wood River. It diverts from the Base Line By-Pass at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Twp. 1 North, R. 18 East, B.M., which point is the diversion point of the Brown or Brewer ditch, and runs in a southwesterly direction to a point in the Southeast Quarter of Section 2, Twp. 1 South, R. 18 East, B.M., the point of diversion of the Black ditch, known as Canal No. 61.

The Extension By-Pass has a carrying capacity of thirty-five (35) second feet and is sufficient to carry the waters of Big Wood River saved and developed by plaintiffs as well as the waters thereof which under the Frost Decree are subject to diversion into said Canal No. 61.

10.

Diversion and Use of Waters Saved by Extension By-Pass

Since the 24th day of July, 1924, during the irrigation season of 1924 and of each succeeding year thereafter, the plaintiffs by means of said Extension By-Pass have continuously, uninterruptedly, openly, and notoriously diverted and beneficially used for irrigation, domestic and stock purposes on their respective lands, eighteen second feet of the waters of Big Wood River flowing above the Dry Beds, at all times when said flow became so diminished that it became lost in the Dry Beds and failed to flow across the surface thereof in sufficient quantity to become available for diversion and use in and immediately below the Dry Beds.

The diversion of the waters of Big Wood River by plaintiffs through the Base Line By-Pass and the said Extension By-Pass around the Dry Beds has and does effect, in addition to the adjudicated saving through the Base Line By-Pass, a further saving of said waters, which, except for such diversion, would otherwise be lost and disappear in the Dry Beds and be unavailable for use to other appropriators and users of the waters of said stream. The saving so effected amounts to eighteen second feet, in addition to the eighteen second feet heretofore adjudicated to the Base Line By-Pass.

The said diversion and use so made by the plaintiffs, owing to the saving of water theretofore lost, and which, except for such diversion and use would be lost to all users, is equivalent to the development of said water from an independent stream or source of supply. By virtue of said saving and development and the said diversion and use thereof, the said water right of eighteen second feet, with priority date of July 24, 1924, has become and is appurtenant to the said Extension By-Pass for the benefit of the lands of the plaintiff Allred and of the members and stockholders of the plaintiff corporations.

11.

Irrigation Necessary for Lands Served

All of the lands so served by the Extension By-Pass are desert in character and require water for their successful cultivation, and the said developed and saved water is necessary for their proper irrigation.

12.

Relative Interests of Plaintiffs

The plaintiffs herein are the sole and exclusive owners of the right to the use of said developed and saved water and, by virtue of their said diversion and use thereof, are the owners of and entitled to the right to use the said water in the following proportions and amounts:

The plaintiff, Upper Big Wood River Water Users' Association, 525/900 of the water saved and developed by means of the Extension By-Pass.

The plaintiff, Base Line Canal Company, 300/900 of the water saved and developed by means of the Extension By-Pass.

The plaintiff, George Allred, 75/900 of the water saved and developed by means of the Extension By-Pass.

13.

When Stream Flow Above Dry Beds Becomes Non-Tributary

The flow of the waters of Big Wood River, dependent upon the winter snows on its watershed and weather conditions, varies from

year to year. In average years, the river flowing above and into the Dry Beds appreciably diminishes in volume beginning usually in the month of June, followed by substantial disappearance and ultimately total loss through seepage.

In the practical administration of the waters of Big Wood River, water has been and is turned into the Base Line By-Pass whenever the flow in the river above the dry beds has diminished to the point where the capacity of the by-pass is sufficient to carry the entire flow of the river.

Water has been and is turned into the Extension By-Pass whenever the flow in the river above the Dry Beds, as then delivered through the by-pass, is insufficient to supply the right with priority of June 15, 1885, known as the Graf right, diverted in the Dry Beds below the by-pass.

CONCLUSIONS OF LAW

By reason of the foregoing findings, the Court concludes that plaintiffs are entitled to a decree herein substantially as prayed in the complaint.

DECREE

WHEREFORE, IT IS ORDERED, ADJUDGED, and DECREED:

That plaintiffs are the owners of the right to the use for irrigation, domestic and stock purposes, with priority of July 24, 1924, of eighteen second feet of the waters of Big Wood River above the Dry Beds, as described in the foregoing Findings of Fact, subject to diversion through the Extension By-Pass hereinbefore described, whenever during the irrigation season of any year the flowage in said river above the Dry Beds diminishes in amount so that on account of said losses it is insufficient to supply the prior rights diverted in or below the Dry Beds (other than the priorities in Canal No. 61, as in the Findings set forth).

JUN 05 1936

That the right herein adjudicated shall be deemed appurtenant to the said Extension By-Pass for distribution to the lands thereunder owned or served by plaintiffs in the relative proportions set forth in Finding of Fact No. 12.

That the defendant watermaster and his successors in office be and they are hereby directed to permit plaintiffs to divert the waters of Big Wood River herein adjudicated whenever the flow of said river above and into the Dry Beds so diminishes in amount that it is by reason of losses in the Dry Beds unavailable to prior appropriators.

It being difficult accurately to fix the time when the flow of the river above and into the Dry Beds becomes an independent source of supply non-tributary to the stream below the Dry Beds, during the existence of prior rights diverted in the Dry Beds the time during any irrigation season when the right herein adjudicated becomes effective shall be deemed to be when water rights in said stream with priority of June 15, 1883, are shut off; but in the event that the point of diversion of such prior rights is changed from within said Dry Bed area the time during any irrigation season when the right herein adjudicated becomes effective shall be deemed to be when the flow of the river is turned into the Base Line By-Pass and the Extension By-Pass is capable of carrying prior rights deliverable under the First Decree.

Dated this 18th day of July, 1941.

D. H. SUTHERN

District Judge.

JUL 25 1946