

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: A37-07919

Date Received: 7/26/1990

Receipt No: CO18452

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE, ID 83720 208-327-7900

2. Date of Priority: JUN 19, 1981

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	SW	NW			BLAINE
04N	17E	13	SE	NW			BLAINE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINIMUM INSTREAM FLOW	01/01	12/31	70.000		

7. Total Quantity Appropriated is:
70.000 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
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11. Place of use in counties:

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Date: 07/26/90

MICROFILMED
FEB 24 1993

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

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE = REACH BETWEEN POINTS OF DIVERSION.
THE USE OF WATER UNDER THIS PERMIT IS SUBJECT TO ALL PRIOR
RTS., WITH THE EXCEPTION OF RT. 37-7866. THIS MIN. STREAM
FLOW PERMIT SHALL BE CONSIDERED IN THE EVALUATION OF
APPLICATIONS FOR PERMIT TO APPROPRIATE WATERS FROM THE BIG
WOOD R. & TRIB. FILED AFTER 6/19/81.
UPON THE FUTURE FINDING & ORDER OF THE DIRECTOR
THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED
MIN. FLOW ON BIG WOOD R., SUCH MEAS. DEVICES SHALL BE
PERMANENTLY INSTALLED & MAINTAINED AS SPECIFIED BY THE DEPT.
PROOF OF INSTREAM B/U OF THE MIN. STREAM FLOW APPROPRIATED
SHALL BE SUBMITTED IN A MANNER APPROVED BY THE DEPT. WITHIN
5 YRS. AFTER THE PERMIT APPROVAL IS FINALLY EFFECTIVE AS
HEREIN PROVIDED. THE PROOF SUBMITTED SHALL INCLUDE AT LEAST
3 YEARS OF FLOW DATA FOR THE WATER COURSE. THE PROPOSED
FREQUENCY OF THE DATA ACCUMULATION MUST BE SUBMITTED TO THE
DIRECTOR FOR REVIEW & APPROVAL.
THE APPLICATION HEREBY APPROVED BY THE DIRECTOR SHALL BE
SUBMITTED TO THE IDAHO LEGISLATURE BY THE 5TH DAY OF THE
NEXT REGULAR LEGISLATIVE SESSION, & THE DIRECTOR'S APPROVAL
SHALL NOT BECOME FINALLY EFFECTIVE UNTIL APPROVED BY THE
LEGISLATURE PURSUANT TO THE PROCEDURE PROVIDED BY
SEC. 42-1503, IDAHO CODE.
THE DIRECTOR RETAINS JURISDICTION TO REVIEW & AMEND ANY &
ALL PARAMETERS OF THIS PERMIT & SUBSEQUENT LICENSE. PRIOR TO
UNDERTAKING A REVIEW OF THE WATER RT., THE DIRECTOR SHALL
IDENTIFY THE REASONS FOR EXERCISING RETAINED JURISDICTION
UNDER THIS CONDITION, & GIVE NOTICE THEREOF TO THE PUBLIC
GENERALLY & TO SPECIFIC PERSONS OR PARTIES KNOWN BY THE
DIRECTOR TO BE INTERESTED. THE DIRECTOR SHALL THEREAFTER
CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE
MINIMUM STREAMFLOW SHOULD BE MODIFIED OR AMENDED IN THE
PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL
BE UPON THE PERSON OR PARTY SEEKING TO ESTABLISH THAT A
PARTICULAR PARAMETER OF THE WATER RT. SHOULD BE MODIFIED OR
AMENDED TO SATISFY THE PUBLIC INTEREST. REVIEW OF THE WATER
RT. UNDER THIS CONDITION MAY NOT OCCUR PRIOR TO 15 YRS.
AFTER ISSUANCE OF EITHER THE PERMIT OR THE LICENSE.
PENDING A GENERAL READJUDICATION OF THE BIG WOOD STREAM
SYSTEM, THE USE OF WATER UNDER THIS PERMIT SHALL RECOGNIZE
& ALLOW THE CONTINUED BENEFICIAL DIVERSION, BOTH WITHIN &
UPSTREAM FROM THE MIN. FLOW REACH, OF WATER FOR IRRIG. &
OTHER PURPOSES UNDER ANY PRIOR EXISTING WATER RT.
ESTABLISHED BY DIVERSION & APPLICATION TO A BENEFICIAL USE
OR BY APPLICATION, PERMIT OR LICENSE ON FILE OR ISSUED BY

14. Remarks: Continued

THE DIRECTOR UNDER PROVISIONS OF CHAP. 2, TITLE 42, I.C.,
WITH A PRIORITY OF WATER RT. DATE EARLIER THAN 6/16/81.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Chairman of
Idaho Water Resource Board, that I have signed the foregoing
document in the space below as Chairman of
Idaho Water Resource Board and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Chairman Idaho Water Resource Board
Title and Organization

8/3/90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3 day

of August 19 90

[Signature]
Notary Public

Seal

Residing at Emmett

My Commission Expires 5/30/92

11/12/2006

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

RIGHT NUMBER: 37-7919

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 70.000 CFS

PRIORITY DATE: 06/19/1981

This right is subject to all prior rights, with the exception of Right No. 37-07866.

POINT OF DIVERSION:

T02N R18E S36 SWNW End of Stream Flow Within BLAINE County

T04N R17E S13 SENW Begin of Stream Flow Within BLAINE County

This minimum stream flow reach is from the confluence with Warm Springs Creek in the SENW, S13, T4N, R17E downstream approximately 18 miles to the point of diversion of the Bellevue Canal in the SWNW, S36, T2N, R18E.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINIMUM STREAM FLOW	1/01 12/31	70.000 CFS
Use of water under this right shall be non-consumptive.		

PLACE OF USE:

The place of use is within the designated stream reach from the beginning point to ending point described above.

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 Director retains jurisdiction to review and amend any and all parameters of this right. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of the license.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This minimum stream flow right shall be considered in the evaluation of applications for permit to appropriate waters from the Big Wood River and tributaries filed after 6/19/81.

Use of water under this right is subject to control by the watermaster of State Water District No. 37.

Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum flow on Big Wood River, such measuring devices shall be permanently installed and maintained as specified by the Department.

BEFORE THE WATER RESOURCE BOARD
OF THE STATE OF IDAHO

IN THE MATTER OF THE)
SNAKE RIVER BASIN WATER)
RIGHT ADJUDICATION)

A RESOLUTION TO FILE
ADJUDICATION CLAIMS AND
PAY FILING FEES

WHEREAS, the Snake River Basin Water Right Adjudication has been commenced by order of the Court dated November 19, 1987; and,

WHEREAS, under the provisions of Chapter 15, Title 42, Idaho Code, the Idaho Water Resource Board is the holder of certain instream water rights; and,

WHEREAS, the Idaho Water Resource Board desires to file claims in the Snake River Basin Adjudication for all water right permits held by the Board as provided by Section 42-1421, Idaho Code; and,

WHEREAS, all claims filed with the Director of the Idaho Department of Water Resources as a part of the adjudication must be accompanied by the appropriate filing fee as set out in Section 42-1414, Idaho Code; and,

WHEREAS, by Resolution of June 23, 1989 the Board directed that annual budget requests be made to the Legislature for an appropriation to pay adjudication claim fees for water rights held by the Board and that upon receipt of the necessary funds the Board will file the appropriate adjudication claims; and,

WHEREAS, the Legislature did appropriate \$74,200 to be used by the Board during fiscal year 1991 to pay the first installment of the filing fees for the claims listed below.

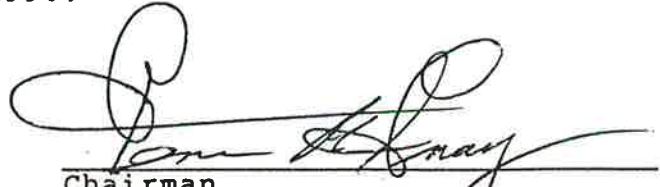
NOW, THEREFORE BE IT RESOLVED that the Idaho Water Resource Board, through its Chairman, files the following claims to water rights as part of the Snake River Basin Adjudication and directs the fees for those claims be taken from the money appropriated for that purpose to be paid to the Department of Water Resources.

<u>Number</u>	<u>Instream Right</u>
21-07282	Henrys Fork
-36-07820	Blind Canyon Springs
73-07045	Pahsimeroi River
-41-07046	Rock Creek, East Fork
-37-07849	Silver Creek
-37-07919	Big Wood River
-37-07920	Malad River (Big Wood)
22-07370	Bitch Creek
21-07283	Warm River
-41-07074	Rock Creek, East Fork
21-07355	Warm River
65-12733	Payette River, SF & Main
-36-08307	Minnie Miller Springs

- 36-08330
- 47-08073
- 36-08337
- 36-08374

Crystal Springs
Shoshone Creek
Box Canyon Springs
Crystal Springs

DATED this 3 day of August, 1990.


Chairman
Idaho Water Resource Board

ATTEST


Secretary