

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: A37-08307  
Date Received: 7/ 8/1993  
Receipt No: *Batch Stars Payment*  
Received By: *AD 8/31/93*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: OCT 16, 1987

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 |
|----------------------------------|-------|---------|-------------------|------|--------|
| Beginning Point of Instream Flow |       |         |                   |      |        |
| 04N                              | 17E   | 13      | SE                | NW   | BLAINE |
| Ending Point of Instream Flow    |       |         |                   |      |        |
| 02N                              | 18E   | 36      | SW                | NW 3 | BLAINE |

5. Description of diverting works:  
MINIMUM INSTREAM FLOW

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 | 119.000 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
FISH, WILDLIFE, WATER QUALITY, AESTHETICS

MICROFILMED

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? YES

13. Other Water Rights Used:

37-7919, 37-8258

14. Remarks:

THIS PERMIT IS SUBORDINATE TO DEVELOPMENT OF GROUND WATER FOR DOMESTIC AND MUNICIPAL USES AS DEFINED BY THE MANAGEMENT PLAN FOR THE BIG WOOD GROUND WATER MANAGEMENT AREA.

RIVER REACH EXTENDS FROM WARM SPRINGS CREEK TO THE BELLEVUE DIVERSION.

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 \_\_\_\_\_ Title

Idaho Water Resource Board \_\_\_\_\_, that I have signed the foregoing Organization

document in the space below as \_\_\_\_\_ Chairman \_\_\_\_\_ of Title

Idaho Water Resource Board \_\_\_\_\_ and that the statements contained in the Organization

foregoing document are true and correct.

*F. Dave Rydalch*

Signature of Authorized Agent

F. DAVE RYDALCH, Chairman

Idaho Water Resource Board

Title and Organization

July 29, 1993

Date

**MICROFILMED**

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 29<sup>th</sup> day

of July 19 93

Dale Fager  
Notary Public

Seal

Residing at Boise ID

My Commission Expires 11-14-1998

**MICROFILMED**  
**OCT 25 1994**

11/12/2006

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

RIGHT NUMBER: 37-8307

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: 119.000 CFS

PRIORITY DATE: 10/16/1987

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 10/16/87, the priority of this right.

This right is subordinate to development of groundwater for domestic and municipal uses as defined by the management plan for the Big Wood River Ground Water Management Area.

POINT OF DIVERSION:

T02N R18E S36 SWNW Lot 3 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 Bellevue diversion 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           | 119.000 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 the ending point described above.

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

11/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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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, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

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