

NOV 17 2006

DEPARTMENT OF
WATER RESOURCES

Should questions arise during the processing of this application please contact:
Jo Beeman at Beeman and Associates, P.C. 208-331-0950

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	<u>37-892</u>
Date Received	<u>11-17-06</u>
Receipt Number	<u>C082654</u>

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Upper Wood River Water Users Association, Inc. Phone 208-731-5114
Mailing Address % Bill Sherbine, 153 Baseline Rd, Bellevue Idaho Zip 83313
2. Date of Priority (Only one (1) per claim) September 1, 1920 (See Remark No. 1)
3. Source of water supply (a) Big Wood River
Which is tributary to (b) Malad River
4. a. Location of point of diversion is: Township 01N Range 18E Section 12,
-- ¼ of SE ¼ of SW ¼, Govt. Lot _____, B.M., County of Blaine
Additional points of diversion if any: See Remark No. 2.
b. If instream flow, beginning point of claimed instream flow is: Not Applicable
Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of
_____ ¼, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well This water right is based upon water savings from constructing, maintaining and operating the Baseline Bypass Canal ("Canal") to circumvent a losing reach of the Big Wood River downstream from Bellevue. During the irrigation season, when the Canal can carry the entire flow of the river (up to about 200 cfs), Big Wood River water rights diverting in and downstream of the by-passed losing reach, then in priority without the savings afforded by operating the Canal, are delivered through the Canal. The court has determined that a flow rate of 18 cfs is saved whenever the Canal is operating. The shareholders of Upper Wood River Water Users Association, Inc. ("UWRWUA") take their portions of the 11.232 cfs of this saved water decreed to the UWRWUA from flows delivered through the Canal or from diversions upstream of Magic Reservoir in the Big Wood River Basin.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
 For **Irrigation** purposes from **April 15** to **October 31** amount **11.232** or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) **11.232** (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is **N.A.** acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. **(See Remark No. 3)**

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals		
			NE	NW	SW	SE															
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼			

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? **Blaine County**

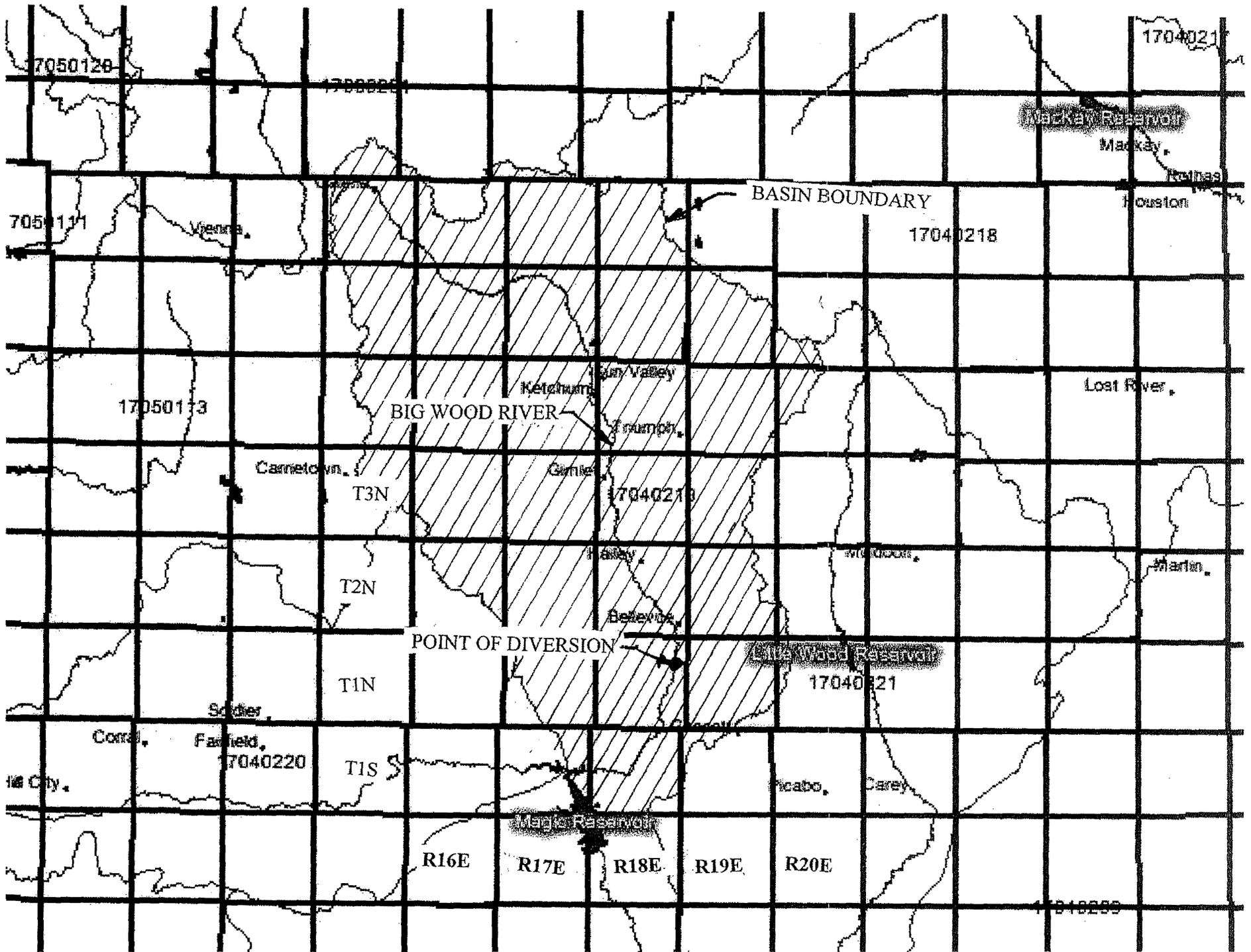
12. Do you own the property listed above as place of use? Yes _____ No _____ **(See Remark No. 3)**
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
(See Remark No. 3) _____ or None ()

14. Remarks:

1. The court determined in the matter of "Upper Big Wood River Water Users' Association et al v. S. H. Chapman, dated August 28, 1922, that the water saved under this right has a priority of September 1, 1920, but the water is the "sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation." Diversion and use of water under this right is not subject to regulation according to priority of rights in Big Wood River and Tributaries.

2. The legal description listed in Item 4 is for the present location of the diversion into the Baseline Bypass Canal as shown on the High Resolution Color NAIP map (copy attached) available from IDWR's website, using the Public Land Survey overlay. The recorded point of diversion is the NE¼ SE¼, Section 12, Township 1N, Range 18E. The saved water recognized under this right is diverted through the Baseline Bypass Canal and other points of diversion from Big Wood River and Tributaries above Magic Reservoir through which the shareholders divert and beneficially use water (Ref: Attached copy of Certificate of Approval for Transfer No. 184). Points of diversion/rediversion for using saved water under this right in 1987 are identified in Attachment "i."
3. The place of use for the saved water under this right is land owned by the shareholders of UWRWUA (Ref. Certificate of Approval for Transfer No. 184). All of the land receiving saved water under this right are covered by claims filed in the SRBA for natural flow rights from Big Wood River and tributaries. The UWRWUA operates under the provisions of § 42-219(6), Idaho Code, allowing a generally - described place of use covering the Big Wood River Basin above Magic Reservoir (Ref: Attached affidavit of William Sherbine). Places of use for the saved water in 1987 are identified in Attachment "i."
4. Copies of the following documents are attached:
 - a. "Upper Big Wood River Water Users' Association, et al v. S.H. Chapman decree, dated August 28, 1922, Fourth District Court of Idaho.
 - b. Articles of Incorporation for UWRWUA.
 - c. Certificate approving Transfer No. 184.
 - d. "Saved Water in Bypass Area," spreadsheet 7/31/2002 by ADM.
 - e. Memorandum prepared by Allen D. Merritt, IDWR, dated July 31, 2002.
 - f. Affidavit of William Sherbine.
 - g. NAIP photograph of the Baseline Bypass Canal Diversion location.
 - h. Water District 37 records.
 - i. List of UWRWUA shareholders in 1987, present ownership of those shares, and claims filed by or on behalf of the 1987 shareholders identifying points of diversion/re-diversion and places of use associated with the shareholders for that year.



15. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 37-892

Court Fourth District Court Case Number _____ Decree Date August 28, 1922

Plaintiff vs Defendant Upper Big Wood River Water Users' Association, et al v. S.H. Chapman

16. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." 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 Eight (8)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President _____
Title

of Upper Wood River Water Users Association, Inc., that I have signed the foregoing
Organization

document in the space below as President of Upper Wood River Water Users Association, Inc.,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization President, Upper Wood River Water Users Association, Inc.

Date _____

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

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20 _____

SEAL Notary Public _____

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Josephine P. Beeman 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 _____

Address Beeman and Associates, P.C.; 409 W. Jefferson St., Boise, Idaho 83702

Date _____

Last Name Upper Wood River Water Users Ass'n, Inc. Ident. Number 37-892

37-]
37-0872
37-0875

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR LINCOLN COUNTY.

Upper Big Wood River Water Users'
Association, a corporation; Mutual
Wood River Water Users' Association,
a corporation; Big Wood Canal Company,
a corporation,

Plaintiff

vs.

S. H. Chapman, Watermaster,

Defendant.

D E C R E E

This cause came on for hearing before Honorable H. F. Ensign,
Judge of the Above entitled Court, at Chambers, in Hailey, Idaho,
on the 9th day of August, 1922, and the Plaintiffs appeared by Paul S.
Haddock, one of their attorneys, and the defendant appeared not. Thereupon,
proof of service and of publication as required
by statute was made and the default of the defendant was thereupon
duly entered. Thereupon, the plaintiffs introduced testimony, and the
court, having seen and heard the evidence, finds that the allegations
of plaintiffs' complaint are true.

Court further finds that during the year 1920, the plaintiffs
constructed certain ditches, dams and other devices for the purpose of
diverting all of the waters of the Big Wood River by and around that
portion of Big Wood River located in Blaine County, Idaho, known
as "the dry beds", where great and continuous loss of the waters of
said Big Wood River continually occurred by reason of the same sinking
and disappearing through gravel beds and subterranean outlets. That
the canal so diverting the waters of Big Wood River, hereinafter called
the "By-pass", has a capacity of from one hundred fifty (150) to two
hundred (200) second feet and is sufficient in size to divert all of
the waters of Big Wood River during its normal flow. The point of
diversion of said "By-pass" is at a point in the Southeast Quarter of the
Southwest quarter of Section 13, Township 1 North, Range 18 East, B. M., in
Blaine County, Idaho, about one thousand (1,000) feet north of the Section

PROFILED
DATE 8-27-23

line between sections 13 and 24, of said Township and Range. The "By-pass" follows old Canal #55 in a Southerly dire~~ction~~ about six thousand seven hundred (6,700) feet, thence through an enlargement of the Black ditch to the section line between Sections 25 and 36 of said Township and Range, thence west through a new constructed section to an old slough, a distance of about two thousand seven hundred (2,700) feet, thence in a southerly direction for about two thousand seven hundred (2,700) feet, where it empties into the main channel of Big Wood River.

That from and after the 1st day of September 1920, the plaintiffs have diverted the waters of Big Wood River through said "By-pass", and that by reason of so diverting said waters through said "By-pass", the plaintiffs have saved and developed a continuous flow of eighteen (18) second feet of the water of said Big Wood River, being the waters which formerly sank, disappeared and were wasted in and through the river beds known as the "dry beds".

It is therefore ordered, adjudged and decreed that the plaintiffs are the owners of ^{land} sand entitled to the use of said eighteen (18) second feet of water of Big Wood River, being water saved and developed by said plaintiffs during the irrigation season of each year when the aforesaid "By-pass" is operated and that the various plaintiffs are entitled to the possession and use of the following

37-0892 proportions of said eighteen (18) second feet of water so saved and developed, to wit: The plaintiff, Upper Big Wood River Water Users'

Association is the owner of and entitled to the use of five hundred ^{11.232 cfs} sixty-one and six-tenths (561.6) inches thereof; that the plaintiff

37-0893 Mutual Wood River Users' Association is the owner of and entitled to the use ^{3,492 cfs} of one hundred seventy-four and six-tenths (174.6) inches thereof; that

37-0894 the plaintiff Big Wood River Canal Company is the owner of and entitled to ^{3,276 cfs} the use of one hundred sixty-three and eight-tenths (163.8) inches thereof.

37-0895 That the said waters so saved and developed as aforesaid is, during the winter months, stored for irrigation in the Magic Reservoir in Blaine County, Idaho, the said reservoir being part of the said Big Wood Canal Company's irrigation system, and that said waters, so saved and developed during that portion of the year other than the irrigation season is hereby decreed to be the property of said Big Wood Canal Company.

PROFILED
DATE 2-27-03

That the waters decreed to the plaintiffs herein are the sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation. That the date of appropriation and priority in and to said waters is the 1st day of September, 1920.

Dated this 28th day of August, 1922

H. F. Ensign,

District Judge

Judgment rendered August 9, 1922.

Filed: August 30, 1922

E. A. Bowler, Clerk

By Buelah Guymon, Deputy

State of Idaho)
) ss
County of Lincoln)

I, E. A. Bowler, Clerk of the District Court, and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the decree now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho, in Book 5 of Judgments at page 292.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 7th day of June, A. D. 1922.

E. A. Bowler, Clerk, Ex-Officio Recorder

By /s/ Venetta Albert, Deputy

PROFILED
DATE 2-27-03

ARTICLES OF INCORPORATION
UPPER WOOD RIVER WATER USERS ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, bona fide resident citizens of the State of Idaho, have this day voluntarily associated ourselves, and do hereby and by these articles of incorporation unite and associate ourselves for the purpose of forming a corporation under the laws of the said State of Idaho.

I

The name of this corporate association shall be "UPPER WOOD RIVER WATER USERS ASSOCIATION, Inc."

II

The period of the existence of this corporation shall be perpetual.

III

The location and postoffice address of said corporation's registered office in this state shall be in the city of Hailey, Blaine County, Idaho, and at such office therein as shall from time to time be fixed by its board of directors.

IV

The purposes for which this corporation is formed are as follows:

(1) To take over and carry on the suspended business and activities of a former corporation of similar name, The Upper Wood River Water Users' Association, whose charter has heretofore been forfeited, and of the voluntary association which succeeded it.

(2) To promote and protect the general welfare and rights and interests of the water users out of Big Wood River and

particularly of the stockholders of this corporation, with respect to the rights, use, delivery and distribution of water for irrigation and domestic purposes from Big Wood River and its tributaries, more especially that section of said river above Magic Dam; and to those ends to raise funds, employ counsel and other assistance, prosecute and defend suits, actions and proceedings and generally to operate and maintain a reclamation organization for the mutual protection and benefit of the Upper Big Wood River Valley.

(3) To study and survey various methods of reclaiming arid lands, of preventing waste of water, of distributing the same, and of beneficially applying water to such lands in the Big Wood River Valley; and by itself or in cooperation with other individuals, organizations, corporations, associations, municipal corporations, and governmental agencies to promote, construct, own and use irrigation works and services in, and for the benefit of the water users of, said valley.

(4) To own, hold, sell, lease, and transfer, either in its own name or in trust for its stockholders or Big Wood River water users generally, water rights, canal, ditch and lateral rights, reclamation works, and any form of real or personal property necessary or incidental to the carrying out of the corporate purposes.

(5) This corporation is not organized and shall not be conducted for profit. Any excess of income over expense, incident to its operations, shall be devoted to the promotion of the reclamation needs of the water users and particularly the stockholders.

(6) For the purpose of financing the association's needs, stock herein shall be subject to assessments.

V

The business and prudential affairs of this corporation shall be managed by a board of nine (9) directors, who shall be elected by the stockholders in such manner, at such times and for such terms as shall be provided by the by-laws.

VI

The amount of the authorized capital stock of this corporation shall be seventy-five thousand (\$75,000.00) Dollars, divided into seventy-five thousand (75,000) shares of the par value of One (\$1.00) Dollar each.

So far as practicable, each share of stock shall represent the equivalent of one miner's inch of water owned or controlled by a stockholder who is a user of water from upper Big Wood River Valley.

VII

The following named persons, with the postoffice address of each, are the incorporators hereof, and each has subscribed to the amount of capital stock of this corporation set opposite his name, respectively:

<u>Incorporators and Subscribers</u>	<u>Postoffice Address</u>	<u>Shares Subscribed</u>
James A. Wheeler	Gannett, Idaho	1
Dorothy E. Justus	Hailey, Idaho	1
Irvin E. Rockwell	Bellevue, Idaho	1

In addition the following persons, acting as a committee and as trustees, have subscribed for 4,000 shares of the capital stock of this corporation for the use and benefit of other shareholders in the former corporation of similar name hereinbefore referred to:

<u>Name</u>	<u>Postoffice Address</u>
James A. Wheeler	Cannett, Idaho
Dorothy L. Justus	Hailey, Idaho
Irvin E. Rockwell	Bellevue, Idaho

Witness our hands this 27th day of August, 1942.

James A. Wheeler
Dorothy L. Justus
Irvin E. Rockwell

James A. Wheeler
Dorothy L. Justus
Irvin E. Rockwell

ACKNOWLEDGMENT

State of Idaho, }
 County of Blaine, } ss.

On this 27th day of August 1942, before me B.W. Oppenheim, a notary public in and for said state, personally appeared James A. Wheeler, Dorothy L. Justus, Irvin E. Rockwell

known to me to be the persons whose names are subscribed to the foregoing Articles of Incorporation of Upper Big Wood River Water Users Association, Inc., and acknowledged to me that they executed the same.

Witness my hand and notarial seal.

B.W. Oppenheim
 Notary Public for Idaho

21137

**ARTICLES OF
INCORPORATION OF
UPPER WOOD RIVER WATER
USERS ASSOCIATION, INC.**

STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho

Approved, filed, and admitted to
the records of Articles of Incorporation
of the State of Idaho and
certificate issued.

this 31st day of
August, 1942
at 11 o'clock A.M.

FEE'S PAID

Filing \$ 40.00
License Tax exempt
Recording 2.00
Certificate 3.00

TOTAL \$ 45.00

Geo. H. Curtis

Secretary of State.

By Ross A. Haworth
Corporation Clerk
Assistant Secretary

Card mailed 9-8-42

No. 84693

#####

ARTICLES OF INCORPORATION

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UPPER WOOD RIVER WATER USERS

ASSOCIATION, INC.

#####

State of Idaho, County of Blaine, SS.
I, _____, Clerk of the County,
do hereby certify that the foregoing copy
was filed for record in my office at

the request of _____

Miss Capule

at 1940 TS

Sept 8 A. D. 1942

Recorded _____

and duly filed in Blaine, Idaho

By _____

For State of Idaho

Entered Estimated on Map
Recorded Indexed 1st Party
Compared Incorporated

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED
MARCH 15 1946
STATE ENGINEER
BOISE, IDAHO

In the Matter of the Application of

UPPER WOOD RIVER WATER-USERS ASSOCIATION
Bailey, Idaho

ORDER GRANTING CHANGE

For a Change of Point of Diversion on Big Wood
River, in Water District No. 7-AB, Blaine County,
Idaho

No. 164

WHEREAS, On the 20th day of December, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Upper Wood River Water-Users Association, of Bailey, Idaho, for a change of point of diversion on Big Wood River, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other decreed water right or water user will be injured thereby; and,

WHEREAS, The said change in point of diversion has been approved by the Watermaster of Water District No. 7-AB, Big Wood River; and,

WHEREAS, The proposed change in point of diversion is a more satisfactory arrangement, and will allow a more economical use of the water;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change in Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of March, A. D. 1946.

MARK R. KULP
State Reclamation Engineer

FILED
DATE 2-27-46

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE ON POINT OF DIVERSION OF DECREED WATER RIGHT

No. 184

THIS IS TO CERTIFY THAT UPPER WOOD RIVER WATER-USERS ASSOCIATION, of Hailley, Idaho, is the owner of and using a certain water right, bearing date of priority of September 1, 1920, for 18 cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to said Upper Wood River Water-Users Association, by decree of Judge H. F. Ensign, of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

UPPER BIG WOOD RIVER WATER-USERS ASSOCIATION, et al.,

Plaintiffs,

vs.

S. H. CHAPMAN, WATERMASTER,

Defendant

said decree bearing date of August 23, 1922, and being appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 283.

That now, upon the application of the Upper Big Wood River Water-Users Association for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

18 cubic feet per second of the waters of Big Wood River, with priority of September 1, 1920.

That said water right is appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the water right above described has heretofore been diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

That the water right above described will hereafter be diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

MARK H. KULP

State Reclamation Engineer

FILED

DATE 3-27-46

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 184

THIS IS TO CERTIFY THAT UPPER WOOD RIVER WATER-USERS ASSOCIATION, of Bailly, Idaho, is the owner of and using a certain water right, bearing date of priority of September 1, 1920, for 18 cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to said Upper Wood River Water-Users Association, by decree of Judge H. F. Ensign, of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

UPPER BIG WOOD RIVER WATER-USERS ASSOCIATION, et al.,

Plaintiffs,

vs.

S. H. CHAPMAN, WATERMASTER,

Defendant

said decree bearing date of August 28, 1922, and being appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association,

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 282.

That now, upon the application of the Upper Big Wood River Water-Users Association for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

18 cubic feet per second of the waters of Big Wood River, with priority of September 1, 1920.

That said water right is appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the water right above described has heretofore been diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

That the water right above described will hereafter be diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 1 North, Range 18 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

Mark H. Rulp
MARK H. RULP

State Reclamation Engineer

PROFILED
DATE 2-27-03

Saved Water in Bypass Area

7/31/2002 by ADM

Water Right Records

SRBA Records

Chapman Decree 8/28/1922 (Bypass)

	Inches	cfs	
37-892	561.6	11.232	UBWRWUA
37-894B	159.2	3.184	Sprenger Land Inv Inc
37-894A	179.2	3.584	Big Wood Canal Co
<hr/>			
	900	18	

37-895	900	18	Big Wood Canal Co. (Winter Water)
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Coffin Decree 7/18/1941 (Extension Bypass)

37-891A	525	10.5	UBWRWUA
37-891B	75	1.5	George Allred
37-891C	300	6	Baseline Canal Co
<hr/>			
	900	18	

Coffin Decree 12/31/1942 (Dragline Ditch)

37-890	300	6	UBWRWUA
<hr/>			
	300	6	

	Inches	cfs	
NOT CLAIMED	561.6	11.232	UBWRWUA
37-892A	159.2	3.184	David Sellgren
37-11394	84.6	1.692	Spring of Gladness Ranch
37-893A	84.6	1.692	William Serbine
NOT CLAIMED	10	0.2	Koenig & Grabher
<hr/>			
	900	18	

NOT CLAIMED	900	18	
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NOT CLAIMED	525	10.5	UBWRWUA
NOT CLAIMED	75	1.5	JRJ Inc
37-891B	300	6	Baseline Canal Co
<hr/>			
	900	18	

NOT CLAIMED	300	6	UBWRWUA
<hr/>			
	300	6	

***7/16/2002 Watermaster indicates Dragline ditch has been filled in so no developed water delivered.

RECEIVED

JAN 18 1986

Department of Water Resources

Memorandum

Date: 1/14/86

From: Allen Merritt

To: File 37-0892

Subject: Review of rts 37-0892, 37-0893, 37-0894, 37-0895 & 37-0876 for verification of data base.

In reviewing the Upper Big Wood River Water Users' Assn. et. al. vs. Chapman dated 8/26/1922 it appears that by the construction of the "Baseline By-pass" canal 18 cfs of saved water was awarded to the plaintiffs as follows:

During Irrig. Season

{	37-0892	11,232 cfs	Upper Big Wood River Water Users' Assn.
	37-0893	3,492 cfs	Matural Wood River Users' Assn.
	37-0894	<u>3,276 cfs</u>	Big Wood River Canal Co.
		18,000 cfs	

During Non-Irrig. Season

{	37-0895	18,000 cfs	Big Wood Canal Co. for storage in Agric. Res.
---	---------	------------	---

PROFILED MICROFILMED
DATE 2-27-03 APR 06 2004

On 6/27/1925 in decree of of Big Wood Canal Co. vs. Chapman 37-0893 was reaffirmed by 37-0876.

In 1946 Trans 184 was granted in the Name of the Upper Wood River Water Users Assn. to change P/D for 18 cfs (37-0892, 37-0893, 37-0894) In a phone conversation with Reid Newby the watermaster on 1/13/86 Reid indicated that the 18 cfs is presently being delivered to various users above Magic. Reid indicated that he recalls the Big Wood Canal Co. rti. (37-0894) was traded to the UBWRWUA for maintenance of the bypass which would allow the continued use of the winter right (37-0895). He indicated that the Mutual Wood River Users' Assn. is no longer in existence with their rti. (37-0893) being used by the UBWRWUA

In 1971 Trans. 1750 was granted on 37-0892 allowing Sprenger Land Invest. Co. to move 3,184 cfs upstream. ~~A review of 1985~~ watermaster records indicate that the 18 cfs under 37-0892 (37-0893 & 37-0894 not listed) are delivered as follows:

River Rock Ltd,	3,184 cfs	3.2%
Owen Simpson	0.200 cfs.	
William Sheridan	1,692 cfs	1.7%
Spring of Gladness	1,692 cfs	1.7%
U.B.W.R.W.U.A	11,232	
	<u>18,000 cfs</u>	

PROFILED
DATE 2-27-03

MICROFILMED

2005 2004

37-0892

It appears that Jim Stratos memo regarding
Trans. 184 dated 9/16/83 is incorrect.

I propose to code the entire 18 cts in
37-0892 and have 37-0893, 37-0894,
and 37-0876 refer to 37-0892. Rt.
37-0895 will remain unchanged.

PROFILED
DATE 2-27-03

MICROFILMED

APR 06 2003

AFFIDAVIT OF WILLIAM SHERBINE

STATE OF IDAHO)
) ss:
COUNTY OF _____)

I, William Sherbine, after first being duly sworn upon oath, states as follows:

1. I have lived in the Bellevue area and been acquainted with the existence and operation of the Baseline Bypass and Extension Bypass Canals since _____, have been a shareholder in the Upper Wood River Water Users Association (UWRWUA) for _____ years, and have been the chairman of UWRWUA for _____ years.

2. The UWRWUA holds rights No. 37-891A, 37-891C and 37-892 for the benefit of its shareholders. Shareholders use saved water to “firm up” water supplies for land receiving water under natural flow water rights from Big Wood River and tributaries.

3. Some of the shareholders receive their portion of the saved water through the Baseline Bypass Canal and/or the Extension Bypass Canal. Other shareholders divert their portion of the saved water through other diversions from Big Wood River and tributaries above Magic Reservoir. Some of the saved water is used at and upstream from Ketchum.

4. The Baseline Bypass Canal and Extension Bypass Canals were operated in 1987 and every year prior to 1987 of which the affiant has knowledge and saved water has been used by shareholders during those years. Water is diverted into the Baseline Bypass Canal each summer when the flow of the river drops so that the entire flow can be carried in the canal. Diversions continue in the canal for the remainder of the irrigation season as long as the canal can carry the entire flow of the river.

5. The operation of the Baseline Bypass and Extension Bypass Canals and the diversion of saved water is coordinated with the Water District 37 Watermaster. UWRWUA shareholders have been allowed to rotate saved water with other shareholders and to move the point of diversion and place of use as they determine necessary within

the Big Wood River basin upstream from Magic Reservoir without the requirement of processing a transfer under Section 42-222, Idaho Code.

6. The UWRWUA maintains and operates the Baseline Bypass Canal and Extension Bypass Canal to carry Big Wood River flows to achieve water savings as provided in "Upper Big Wood River Water Users' Association, et al v. S. H. Chapman," August 28, 1922 and "Tom Hughes, et al v Mans H. Coffin," July 18, 1941. Shareholders are assessed each year for the cost of maintenance of the canals and water district assessments.

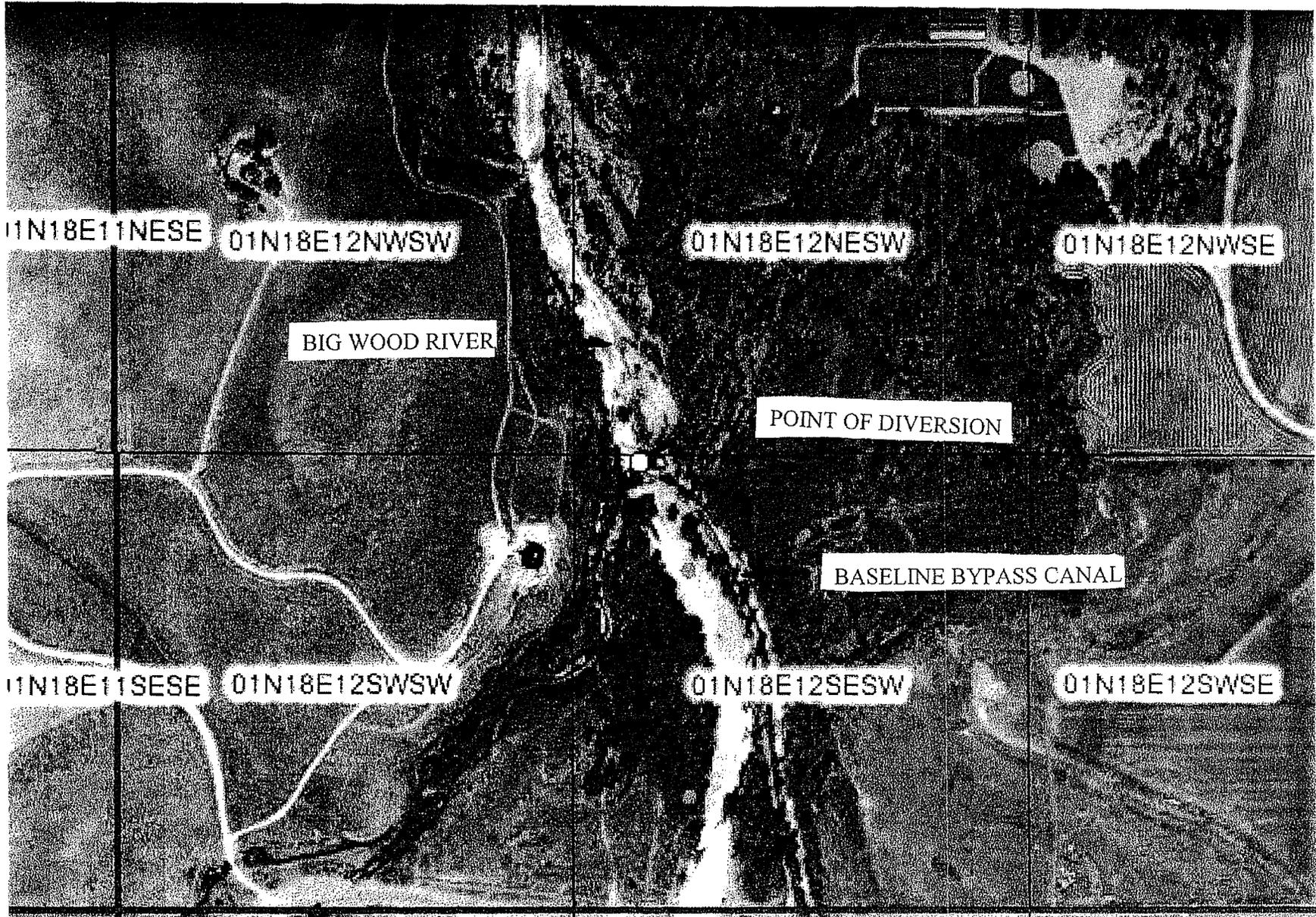
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this _____ day of November 2006.

WILLIAM SHERBINE

SUBSCRIBED AND SWORN to before me this _____ day of November 2006.

Notary Public in and for the State of Idaho
Residing at: _____
My Commission Expires: _____



WATER DISTRICT #37 & 37-M

DAILY DISCHARGE IN SECOND FEET OF BASELINE CANAL #55-C FOR THE YEAR ENDING SEPTEMBER 30, 1987

DAY	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
1		52	97	48	24	6
2		52	88	46	21	6
3		42	89	51	20	6
4		35	86	46	19	7
5		48	85	42	16	7
6		61	89	41	15	7
7	35	72	89	33	13	6
8	42	82	50	30	11	6
9	40	78	109	28	10	6
10	39	80	97	30	10	6
11	46	79	89	33	12	6
12	48	78	80	28	16	6
13	45	76	64	26	20	6
14	45	83	118	27	22	6
15	48	85	111	34	21	6
16	54	83	104	30	10	7
17	57	65	72	37	6	7
18	50	59	63	68	6	7
19	38	61	53	73	6	7
20	31	72	56	60	6	7
21	38	72	55	56	6	7
22	41	50	51	71	6	7
23	38	74	45	73	6	6
24	35	98	35	61	7	6
25	38	121	33	50	8	6
26	44	126	33	42	7	6
27	50	123	34	35	7	8
28	56	124	38	35	7	9
29	59	121	45	37	6	9
30	55	114	48	34	6	9
31		109		30	6	
24 HOUR CFS	1072	2474	2106	1335	356	201
MEAN	44.7	79.8	70.2	43.0	11.0	7.0
ACRE FEET	2144	4948	4212	2670	712	402
TOTAL 24 HOUR CFS	<u>7,544.0</u>			YEARLY MEAN	<u>43.0</u>	
TOTAL NO. OF DAYS	<u>177</u>			YEARLY ACRE FEET	<u>15,088.0</u>	

13140955

WATER DISTRICT 37 & 37-M

=====							
CANAL NAME	BASELINE		STATION NUMBER 55-C			YEAR	1988
=====							
DAILY DISCHARGE IN SECOND FEET							
=====							
DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
=====							
1		47.00	67.00	30.00		DRY	1
2		42.00	68.00	24.00			2
3		29.00	63.00	20.00	9.00		3
4		23.00	91.00	30.00	8.00		4
5	25.00	19.00	142.00	25.00	7.50		5
6	25.00	37.00	128.00	23.00	7.00		6
7	29.00	44.00	91.00	23.00	8.00		7
8	33.00	36.00	74.00	23.00	8.50		8
9	32.00	34.00	66.00	24.00	8.50		9
10	31.00	31.00	79.00	23.00	5.20		10
11	32.00	30.00	78.00	24.00	4.90		11
12	38.00	42.00	75.00	19.00	5.60		12
13	70.00	76.00	70.00	16.00	6.00		13
14	61.00	83.00	69.00	13.00	4.90		14
15	68.00	82.00	70.00	16.00	2.80		15
16	69.00	42.00	72.00	14.00	1.40		16
17	72.00	37.00	69.00	6.00	DRY		17
18	70.00	30.00	68.00	4.00			18
19	49.00	35.00	66.00	12.00			19
20	61.00	42.00	63.00	12.00			20
21	60.00	56.00	58.00	12.00			21
22	40.00	73.00	54.00	10.00		6.00	22
23	33.00	77.00	44.00	8.00		6.00	23
24	26.00	73.00	40.00	7.00		8.00	24
25	28.00	80.00	47.00	5.00		9.00	25
26	42.00	75.00	44.00	3.00		9.00	26
27	37.00	75.00	40.00	3.00		10.00	27
28	34.00	66.00	31.00	3.00		12.00	28
29	35.00	75.00	44.00	2.00		12.00	29
30	24.00	75.00	40.00	1.00		9.00	30
31		71.00		1.00			31
=====							
TOTAL	1124.00	1637.00	2011.00	436.00	87.30	81.00	

YEARLY C.F.S. 5376.30

YEARLY ACRE FEET 10663.35

TOTAL NUMBER OF DAYS 143.00

YEARLY MEAN 37.60

**ATTACHMENT i. LIST OF CLAIMS FOR UPPER WOOD RIVER
WATER USERS ASSOCIATION SHAREHOLDERS IN 1987
IDENTIFYING PLACES OF USE AND POINTS OF DIVERSION/RE-
DIVERSION FOR SAVED WATER FOR THAT YEAR.**

Share Holder (1987)	Share Holder (Present)	Number of Shares	Claims (1) 37-()	Acres
Arkoosh, Michael	_____	390	Delinquent in 1987- dropped from rolls.	_____
Barker, Curtis	Barker, Patrick	1552	21341, 21587	10
Beck, Thomas	Beck, Thomas	148.5	11566	97
Board, Mill and Sunset Ranch	Board, Mill and Sunset Ranch	200	2055	80
Reinheimer Ranch (Bowcutt, Myrle)	Idaho Found. Parks and Land	240	457B	107
Brown, John	Brown Ranch, Inc.	4287	203	570
Cal-Pacifico	Rosekrans, Kate (Duininck)	350	20936, 20944, 21229, 21230	90
Chapman, John	Rinker, Harry	1050	833T	274.6
Campagna, John	Dropped/ Relinquished.	200	No rights identified.	_____
Clark, Gary	Unpaid on shareholder list.	40	20587, 20588	5
Cropper, David	Cropper, David	60	577BS, 21956	24
Disbennett, Otis	Brown Ranch, Inc.	200	886L	3.2
Divine, Muriel	Eccles, Spencer	100	886K	1
Drexler, John	Knight, Mary Ann	416	4D, 21130, 21131	67.9
Drussel, Harold	Sherbine, Rocky	2488	11773	137
Eakin, James	Eakin, James (Estate)	790	111, 665L, 21806	217
Eccles, Spencer	Eccles, Spencer	980	917	675

Ernie, Arthur	Dropped/ Relinquished.	200	No rights located.	_____
Gardner, Robert	Gardner, Robert	1010	115B, 665H, 666F, 667K, 11671	1065.5
Hellyer, Kenneth	Eakin, James (Estate)	610	4341	30
Hillside Ranch (William Norris)	Dropped/ Relinquished	440	577AK	40
J R J Development	M V Properties	455	26	427
Jefferson, Ray	Eakin, James (Estate)	60	111, 665L, 21806 (Eakin Property)	
Kerr Land & Livestock	Silver Springs Ranch (O'Gara)	690	113C	918
Knott, Dave	Sherbine, Rocky	640	115D (Rocky Sherbine property)	197
Justus, Don	Justus, Don	170	155 (Sheri and Grant Stevens listed as claimants.)	60
Lewis, Leroy	Lewis, Leroy	90	311	44
McGonigal, John	Spring of Gladness Ranch	375	104	163
Mizer, Dale	Mizer, Dale	240	912 (Claim may need to be filed.)	120
Molyneux, A. W.	Molyneux, John	3463.5	20570	591
Nisson, Warren	Dropped/ Relinquished	6	90C (Silver Ck)	74.9
Quigley Canyon Ranch	Rinker, Harry	429	905, 2784A (Right 905 not claimed on behalf of Quigley Canyon Ranch because it was sold in mid-1980's. Right 2784A from Quigley Creek covers place of use.)	154 (based upon 2784A)
Quesnell, Edmund	Dropped/ Relinquished. Sub-divided	780	429A, 429B	48.8
Red Top Meadows (Linman, Inc.)	The Meadows	260	48A	80
Rinker, Harry	Rinker, Harry	951	113K	141
Schodde, Walter	O'Connor, Gerry	260	2207A, 21473, 21793 , 21794	108
Schoessler,	Sherbine,	389	436C	198

Carl	William			
Sherbine, William	Sherbine, William	410.5	468, 21457E	476
Spaulding Estate	Cove Ranch, Redstone	6210	481B	1572
Stewart, Craig (George)		75	2083, 20832 (Claims are for gw for land formerly owned by Craig Stewart).	18
Sweet, John	Eakin, James (Estate)	625	111, 665L, 21806 (Eakin Property)	
Sun Valley Co.	Sun Valley Co.	2827	415	516.3
Van der Muelen, Pete	Van der Muelen, Pete (Glendale Farms LLC)	293	29	392
Weyyakin Partners	Weyyakin Partners	630	289	65.9
Wise, George & Kathleen	Wise, George & Kathleen	225	579	6
Wood River Ranch	Wood River Ranch	663	63B, 11811, 11816, 11821	883
Yanke, Sheldon (Y 3 Ranch)	Yanke, Sheldon (Y 3 Ranch)	200	1231	280

(1) Not a comprehensive list of claims filed by each of the shareholders. The claims listed identify the points of diversion/re-diversion and places of use available to the shareholder to beneficially use the saved water.