

In the Supreme Court of the State of Idaho

IN RE THE GENERAL ADJUDICATION OF)
 RIGHTS TO THE USE OF WATER FROM)
 THE SNAKE RIVER BASIN WATER SYSTEM)
 -----)

THE STATE OF IDAHO, EX REL. KARL J.)
 DREHER IN HIS OFFICIAL CAPACITY)
 AS DIRECTOR OF THE IDAHO)
 DEPARTMENT OF WATER RESOURCES,)

Petitioner,)

V.)

THE UNITED STATES; THE STATE OF)
 IDAHO: AND ALL CLAIMANTS TO THE)
 USE OF WATER FROM THE SNAKE RIVER)
 BASIN WATER SYSTEM,)

Defendants.)

ORDER APPOINTING INTERIM
 PRESIDING JUDGE

NO. 99143

An ORDER APPOINTING DISTRICT JUDGE AND DETERMINING VENUE OF PETITION FOR GENERAL ADJUDICATION OF WATER RIGHTS IN SNAKE RIVER BASIN was entered June 19, 1987 which appointed District Judge Daniel C. Hurlbutt, Jr. as presiding judge over this action as a general adjudication of the water rights in the Snake River Basin. Judge Hurlbutt has resigned as presiding judge effective December 31, 1998. The Court has determined to appoint an interim judge for this proceeding until a regular presiding judge is appointed. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Administrative District Judge Barry Wood of the Fifth Judicial District, be, and hereby is, APPOINTED the interim presiding judge over the general adjudication of water rights in the Snake River Basin effective January 1, 1999 until a regular presiding judge assumes office and Judge Wood shall have full authority to delegate or assign responsibility for handling matters regarding the general adjudication to other judges of the Fifth Judicial District, in his discretion.

DATED this 22nd day of December, 1998.

By Order of the Supreme Court

/s/ Linda Copple Trout
Linda Copple Trout, Chief Justice

ATTEST:

/s/ Lois Dawson for
Frederick C Lyon, Clerk

cc: Honorable Daniel C. Hurlbutt, Jr.
Honorable Barry Wood
Honorable Alan G. Lance
District Court Clerk Robert Fort
Karl J. Dreher, Dir. Dept. of Water Resources

EXHIBIT

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IT IS HEREBY ORDERED that Administrative District Judge Barry Wood of the Fifth Judicial District, be, and hereby is, APPOINTED the interim presiding judge over the general adjudication of water rights in the Snake River Basin effective January 1, 1999 and ending June 30, 2000. Judge Wood shall have full authority to delegate or assign responsibility for handling matters regarding the general adjudication to other judges of the Fifth Judicial District, in his discretion.

DATED this 9th day of March, 1999 nunc pro tunc December 22, 1998.

By Order of the Supreme Court

/s/ Linda Copple Trout
Linda Copple Trout, Chief Justice

ATTEST:

/s/ Frederick C Lyon
Frederick C. Lyon, Clerk

cc: Honorable Daniel C. Hurlbutt, Jr.
Honorable Barry Wood
Honorable Alan G. Lance
District Court Clerk Robert Fort
Karl J. Dreher, Dir. Dept. of Water Resources

In the Matter of)
) ORDER
NORTH SNAKE GROUND WATZR DISTRICT)

The Gooding County Board of commissioners having canvassed the votes cast in the election held on February 6, 1996, pursuant to a Petition filed 11-16-95 requesting the formation of the North Snake Ground Water District; and notice having been given as provided by law; and an Order by the County Commissioners for said election, find that a two-thirds majority of the votes cast in favor of the creation of a Water District known as the North Snake Ground Water District within the boundaries as set forth in the petition filed with the Board of Commissioners;

HEREBY ORDER AND DECLARE said territory as described in Order is as a water district to be known as the North Snake Ground Water District.

IT IS FURTHER ORDERED THAT THE INITIAL BOARD OF DIRECTORS FOR SAID DISTRICT SHALL BE COMPRISED OF:

- Mike Faulkner ----- Division 1
- Jack Hirai ----- Division 2
- Tom Ambrose ----- Division 3
- John R. Marshall ----- Division 4
- Floyd Kisling ----- Division 5
- Ken Martin ----- Division 6
- Lynn Carlquist ----- Division 7

Said Directors were elected by ballots cast in the February 6, 1996 election pursuant to IC 42-5209.

BOARD OF COMMISSIONERS

/s/ Win Henslee
Win Henslee, Chairman

/s/ Jack Gough
Jack Gough

/s/ Mitchal Arkoosh
Mitch Arkoosh

ATTEST:

/s/ Helen P Edwards
Helen P. Edwards, Clerk

STATE OF IDAHO)
COUNTY OF GOODING) ss.

I hereby certify that the foregoing is a true copy of the original instrument on file in my office.

Dated 2-12 1996
Helen P Edwards
District Court Clerk
By /s/ Penny Watson

[SEAL]

164352
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Gooding County
30 min. past 1 o'clock p.m. this 12th
of February----- 1996 NF
By /s/ Penny Watson Deputy

160411

[Court file stamp]

BEFORE THE BOARD OF COMMISSIONERS OF
GOODING COUNTY, IDAHO

In the Matter of the Petition to form the)	ORDER ON PETITION TO FORM
North Snake Ground Water District)	NORTH SNAKE GROUND WATER
)	DISTRICT
_____)	

DESCRIPTIVE SUMMARY

This order establishes February 6, 1996 as the date for ground water users within described areas of Lincoln, Jerome, and Gooding counties to vote for the organization of the North Snake Ground Water District (the "District") pursuant to the Ground Water District Act in Title 42, Chapter 52 of the Idaho Code.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Thursday, December 28, 1995, the Board of Commissioners for Gooding County met at 7:00 P.M. in the large courtroom of the Gooding County Courthouse to hear the Petition to form the North Snake Ground Water District (the "Petition"). The Petition had been filed and presented earlier and complied with the form, content and signature requirements of the Ground Water District Act.

Although the proposed district encompasses land within Gooding, Jerome, and Lincoln Counties, Gooding County contains the greatest proportion of cubic feet per second of ground water rights of the proposed district, and the Ground Water District Act requires Gooding County to conduct the hearing on the Petition.

Tom Ambrose and others filed the Petition with Helen Edwards, the Gooding County Clerk, on November 16, 1996, and then presented the Petition to the Board of Commissioners for Gooding County on November 30, 1996, following publication of notice on November 22 and November 29 in the *Gooding County Leader*, the *Jerome North Side News*, and *Lincoln County Journal*. The Board of Commissioners for Gooding County set December 28, 1995 as the hearing date for the Petition and the Notice of Hearing on Petition for the Organization of the North Snake Ground Water District was published December 13, December 20, and December

27, 1995 in the *Gooding County Leader*, the *Jerome North Side News*, and the *Lincoln County Journal*.

On December 14, 1995, the Idaho Department of Water Resources filed a report with Helen Edwards, responding to the Petition. An Addendum to the Report was filed December 21, 1995.

During the hearing, the Petitioners, through Tom Ambrose, John R. Marshall, Ken Martin, Lynn Carlquist, Jack Hirai, and Mike Faulkner explained the purposes for organizing the North Snake Ground Water District and the location of the exterior boundaries and the seven proposed district divisions. Tim Luke, a hydrologist from the Idaho Department of Water Resources, stated that the proposed boundaries do not include ground water users between the canyon rim and the Snake River. Mike Branchflower asked what the size of assessments might be (per acre) if the District is formed. Josephine Beeman, an attorney from Boise representing the proposed North Snake Ground Water District, explained that the Ground Water District Act allows the District to be greater than 30 miles long for "good cause."

The Petitioners did not ask to change the proposed boundaries and no one else either at the hearing or in writing asked to be included or excluded from the proposed boundaries. No additional nominations were filed for directors of the proposed District.

The proposed boundaries and divisions are acceptable and proper. There is good cause for the District to be more than 30 miles long. The proceedings have complied with the requirements of the Ground Water District Act.

DECISION AND ORDER

Upon motions duly made, seconded and unanimously adopted, the Board of Commissioners of Gooding County decides and orders that:

1. Boundaries of the proposed district. If the vote of the electors accepts organization of the District, the lands of ground water users within the District will be organized into a ground water district. The boundaries for the proposed North Snake Ground Water District shall include the lands described in the legal notice published December 13, 20, and 27, 1995, as set forth below:

Township 5 South, Range 14 East: the portions of sections 26, 27, 34, 35 and 36 South of the Little Wood River, and the portion of section 33 East of the Malad River and South of the Little Wood River;

Township 5 South, Range 15 East: the portions of sections 25, 32, 33, 35 and 36 South of the Little Wood River;

Township 5 South, Range 16 East: the portions of sections 25 through 32 inclusive South of the Little Wood River, and all of sections 33, 34, 35 and 36;

Township 5 South, Range 17 East: the portions of sections 28 through 30 and 32 through 36 inclusive South of the Little Wood River, and all of section 31;

Township 5 South, Range 18 East: the portions of sections 13, 14, 22, 23, 24, 27, 28, 29, 31, 32 and 33 South of the Little Wood River, and all of sections 25, 26 and 34 through 36 inclusive;

Township 5 South, Range 19 East: all of sections 13 through 17 and 19 through 36 inclusive, and the portion of section 18 South of the Little Wood River;

Township 5 South, Range 20 East: all of sections 15 through 22, and 27 through 34 inclusive;

Township 6 South, Range 13 East: the portions of sections 25, 26 and 36 South of the Malad River, and the portion of section 35 East of the canyon rim;

Township 6 South, Range 14 East: the portion of section 1 South of the Little Wood River. all of sections 2, 3, 10 through 15, 22 through 27, 31 and 33 through 36 inclusive, the portions of sections 4, 9, 16, 21 and 28 East of the Malad River and the portions of sections 29, 30 and 32 South of the Malad River;

Township 6 South, Range 15 East: all of sections 1 and 7 through 36 inclusive, and the portions of sections 2, 3, 4, 5 and 6 South of the Little Wood River;

Township 6 South, Range 16 East: all of sections 1 through 36 inclusive;

Township 6 South, Range 17 East: all of sections 1 and 3 through 36 inclusive, and the portion of section 2 South of the Little Wood River;

Township 6 South, Range 18 East: all of sections 1 through 36 inclusive;

Township 6 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 6 South, Range 20 East: all of sections 3 through 10, 15 through 22, and 27 through 34 inclusive;

Township 7 South, Range 13 East: the portions of sections 1, 2, 12 and 13 East of the canyon rim;

Township 7 South, Range 14 East: all of sections 1 through 17, 20 through 29, and 33 through 36 inclusive, and the portions of sections 18, 19, 30, 31 and 32 East of the canyon rim;

Township 7 South, Range 15 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 16 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 17 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 18 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 7 South, Range 20 East: all of sections 2 through 11, 14 through 23, and 26 through 35 inclusive;

Township 8 South, Range 14 East: all of sections 1 through 4, 9 through 16, 22 through 27 and 34 through 36 inclusive, the portions of sections 5, 8, 17, 20 and 33 East of the canyon rim, the portions of sections 21 and 29 North of the canyon rim, and the portions of sections 27 and 28 above the canyon rim;

Township 8 South, Range 15 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 16 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 17 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 18 East: all of sections 1 through 36 inclusive;

Township 8 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 8 South Range 20 East: all of sections 2 through 11, 14 through 23, and 26 through 35 inclusive;

Township 9 South, Range 14 East: the portions of sections 1 through 4 inclusive North of the canyon rim;

Township 9 South, Range 15 East: all of sections 1 and 2, and the portions of sections 3 through 6, and 10 through 12 inclusive North of the canyon rim;

Township 9 South, Range 16 East: all of sections 1 through 6, and 8 through 13 inclusive, and the portions of sections 7, 14, 15, 16, 17, 23 and 24 North of the canyon rim;

Township 9 South, Range 17 East: all of sections 1 through 18, and 21 through 27 inclusive, and the portions of sections 19, 20, 28, 29, 34, 35 and 36 North of the canyon rim;

Township 9 South, Range 18 East: all of sections 1 through 30, and 34 through 36 inclusive, and the portions of sections 31, 32 and 33 North of the canyon rim;

Township 9 South, Range 19 East: all of sections 1 through 36 inclusive;

Township 9 South, Range 20 East: all of sections 2 through 11, 14 through 23, and 25 through 36 inclusive;

Township 10 South, Range 18: East: all of sections 1 and 2, and the portions of sections 3, 4, 10, 11 and 12 North of the canyon rim;

Township 10 South, Range 19 East: all of sections 1 through 6 and 8 through 14 inclusive, and the portions of sections 7, 15, 16, 17, 23 and 24 North of the canyon rim, and the portion of section 25 East of the canyon rim;

Township 10 South, Range 20 East: all of sections 1 through 24, 27, 28, 29 and 32 inclusive, the portions of sections 25, 26, 33, 34 and 35 North of the canyon rim, and the portion of section 31 East of the canyon rim;

Township 10 South, Range 21 East: all of sections 7 through 20 inclusive, and the portions of sections 21 through 30 inclusive North of the canyon rim; and

Township 11 South, Range 20 East: the portions of sections 4, 5 and 6 North of the canyon rim.

2. Proposed District divisions. The proposed North Snake Ground Water District shall be divided into seven (7) divisions, as drawn on Exhibit C (the map) to the Petition. The nominations for directors contained the requisite 6 signatures for the Ground Water District Act. The nominated directors and their divisions shall be as follows:

Division 1	Mike Faulkner
Division 2	Jack Hirai
Division 3	Tom Ambrose
Division 4	John R. Marshall
Division 5	Floyd Kisling
Division 6	Ken Martin
Division 7	Lynn Carlquist

3. Election. In accordance with Idaho Code §§ 42-5209 and 34-106, Tuesday, February 6, 1996 shall be the date set for the election to determine whether the North Snake Ground Water District shall be organized and who shall be its initial directors. Notice shall be published as required by the Ground Water District Act.

4. Authorization. The chairman of the board is authorized to sign this order on behalf of the board.

DATED this 4 day of January, 1996.

/s/ Win Henslee
WIN HENSLEE
Chairman
Board of Commissioners
Gooding County, Idaho

[SEAL]

ATTEST:

/s/ Helen Edwards
HELEN EDWARDS
County Clerk
Gooding County

MAKE CHECK PAYABLE TO:
 GOODING COUNTY TAX COLLECTOR
 FAE CHRISTOPHERSON 934-5673
 P.O. BOX 326
 GOODING, IDAHO 83330

1999 TAX BILL/RECEIPT

PARCEL NUMBER
 RP06S16E066561A

BILL # 8007 CODE AREA 5-1 L 14,279
 I 72,078

	1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	86,357	
TAX	344.91	TAX	344.91	TAX	689.82	HM-- 34,561
LATE		LATE		LATE		
INT		INT		INT		NET MV 51,796
COST		COST		COST		
TOT		TOT		TOT		TOT ACS 12,970

WOOD RODERICK BARRY
 1900 SOUTH 2400 EAST
 GOODING ID 83330

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.003756806	194.58
GDG SCH #231	.006060393	313.90
GDY HWY DIST	.000979198	50.72
GOODING CEM.	.000178712	9.26
GDG FIRE	.000518794	26.86
GOODING HOSP	.000715211	37.04
GDG REC. DIST.	.000375641	19.46
DISTRICT TOTAL	.012584755	651.82
LANDFILL FEE		38.00
AMOUNT DUE		689.82

T 6S R 16E SEC 6
 LOT 7 SO OF HWY;
 "MH"

1900 S 2400 E 83330

*** IMPORTANT ***

PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

FH/F DATE _____ CK/CASH _____ BY _____

SH DATE _____ CK/CASH _____ BY _____

**EXHIBIT
 D**

[COURT FILE STAMP]

AFFIDAVIT OF JANE SABALA

State of Idaho)
) ss.
County of Lincoln)

JANE SABALA, being first duly sworn upon oath, deposes and states is follows:

1. That I am the office manager of the Big Wood Canal Company located in Shoshone Idaho. In conjunction with my duties as office manager I am the custodian of, and have access to, the business records of the Big Wood Canal Company.

2. That I have been requested to conduct a search of the business records of the Big Wood Canal Company to determine whether Roderick Barry Wood of Gooding, Idaho, is presently or has ever been in the past, a registered owner of any shares of stock in the Big Wood Canal Company.

3. That I have conducted a thorough search of said records of the Big Wood Canal Company, and concluded that mr. Wood is not registered as the owner of any shares of stock thereof. that further, according to the record search, mr. Wood has never been billed an assessment fee for Big wood Canal Company shares, nor has the Big Wood Canal Company ever received any such fees from Mr. Wood.

4. That the records of the Big Wood Canal Company indicate that a certain parcel of land owned by Roderick Barry Wood and located in Gooding County, such parcel being more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is encumbered by an easement for a Big Wood Canal Company ditch that crosses the northeast portion of said parcel.

**EXHIBIT
E, page 1**

5. That there are no headgates or other re-diversion devices on this ditch located on or about the area where such ditch passes through the parcel of land described in Exhibit A.

6. That the parcel of land described in Exhibit A is not irrigated by Big Wood Canal Company Water.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/S/ Jane Sabala
Jane Sabala
Office Manager, Big Wood Canal Company

SUBSCRIBED AND SWORN to before me this 8 day of February 2000

[seal]

/s/ Mary Kay Bennett
Notary Public for the State of Idaho
Residing at: Shoshone ID
My commission expires: 2-23-2000

EXHIBIT "A"

That part of Lot 7 lying South of the U.S. Highway 20-26, in Section 6, Township 6 South, Range 16 East of the Boise Meridian, Gooding County, Idaho. The U.S. Highway 20-26 land is referred to as Project No. F-2351(3), and is described in a Deed, dated May 6, 1965, recorded June 24, 1965, as Instrument No. 15175, records of Gooding County, Idaho.

