

Top 8 N. R. 31 EBM

Top 8 N. R. 32

CLARK COUNTY

JEFFERSON

①

③

00066A - 3.2 CFS

3.2 x 50 = 160 inches  
4 x 40 = 160 Acres  
160 Acres = 160 inches,  
(or 1 inch per Acre)

00064 - 3.2 CFS

3.2 x 50 = 160 inches  
4 x 40 = 160 Acres  
160 Acres = 160 inches,  
(or 1 inch per Acre)

00066B - 3.2 CFS

3.2 x 50 = 160 inches  
4 x 40 = 160 Acres  
160 Acres = 160 inches,  
(or 1 inch per Acre)

00060A - 1.6 CFS

00080A - 1.6 CFS

3.2 x 50 = 160 ir  
4 x 40 = 160 A  
160 Acres = 160 ir  
(or 1 inch per Acre)

RECEIVED

DEC 20 1999

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 32-00064

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of  
Land Management, Idaho State Office  
Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657  
Daytime Phone: see below  
Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section  
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Reno Ditch Company, Inc.  
Address: P.O. Box 5, Rexburg, ID. 83440  
Name:  
Address: ,  
Name:  
Address: ,  
Name:  
Address: ,

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: See attached

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

**VERIFICATION** (Must be Completed)

State of Idaho )

) ss.

County of Ada )

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

*Fredric W. Price*  
(Signature of person filing objection)

*Larry C. Brown*  
(Attorney signing in representative capacity)

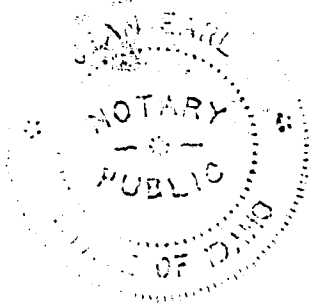
Subscribed and sworn to before me on: December 16, 1999

*Jean Earl*  
Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002



## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on December 17, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Reno Ditch Company, Inc.  
Address: P.O. Box 5, Rexburg, ID. 83440

Name:  
Address: ,

Name:  
Address: ,

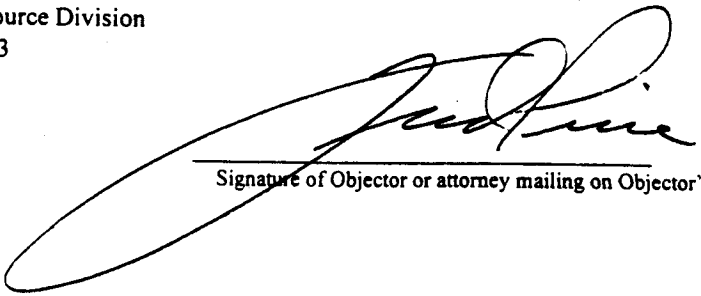
Name:  
Address: ,

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-14-1999  
PAGE: A-40

RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00064

NAME & ADDRESS : RENO DITCH COMPANY INC  
PO BOX 5  
REXBURG ID 83440

SOURCE: BIRCH CREEK

TRIBUTARY: SINKS

QUANTITY: 3.2 CFS  
560.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 11,579.2 AF. RIGHTS OF THE RENO DITCH COMPANY : 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043 & 32-02045.

PRIORITY DATE : 04/01/1907

POINT OF DIVERSION : T09N R30E S34

SESESW

BLM

Within CLARK County

PURPOSE AND  
PERIOD OF USE : PURPOSE OF USE  
IRRIGATIONPERIOD OF USE  
04-01 11-01QUANTITY  
3.2 CFS  
560.0 AFY

## PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS OF THE RENO DITCH COMPANY LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3,427 ACRES IN A SINGLE IRRIGATION SEASON. PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY. TOTAL IRRIGATED ACRES: 5,798.

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.

EXPLANATORY MATERIAL : BASIS OF CLAIM - DECREE

Issues:

Point of diversion on BLM

A review of the Idaho Department of Water Resources shape files for this claim indicates that the following places of use reside on public land administered by the Bureau of Land Management :

T.8N, R.31E, S.12 NESE  
T. 8N, R. 32E, S.02 SWSW  
T.8N, R.32E, S.10 SENE

AJS856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-14-1999  
PAGE: A-41

-----  
RIGHTS FROM :                      SOURCE: BIRCH CREEK                      TRIBUTARY: SINKS  
-----

RIGHT NUMBER :                      32-00064                      (CONT)

EXPLANATORY MATERIAL: (CONT)

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Address:,

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Address:,

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5. ☐ **Point(s) of Diversion**

Should be: \_\_\_\_\_

6. ☐ **Instream Flow Description**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☒ **Place of Use**

Should be: See attached

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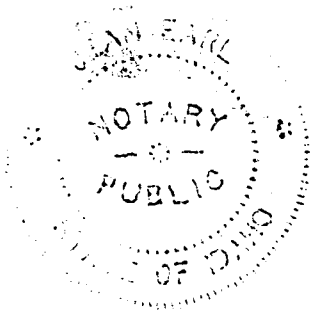
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Fredric W. Price  
(Signature of person filing objection)

Larry A. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 16, 1999



Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002

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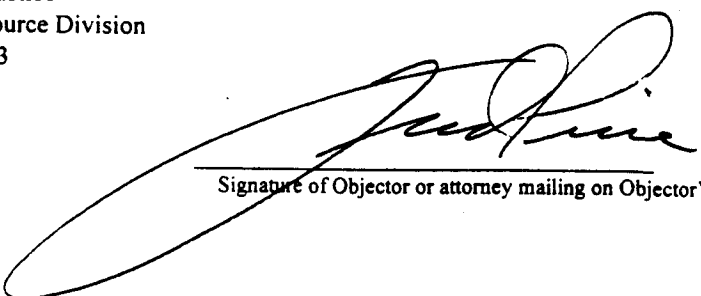
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Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

-----  
RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS  
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RIGHT NUMBER : 32-00064

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PO BOX 5  
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Within CLARK County

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T. 8N, R. 32E, S.02 SWSW  
T.8N, R.32E, S.10 SENE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-14-1999  
PAGE: A-41

-----  
RIGHTS FROM: SOURCE: BIRCH CREEK TRIBUTARY: SINKS  
-----

RIGHT NUMBER: 32-00064 (CONT)

EXPLANATORY MATERIAL: (CONT)

*Easter*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5450

WATER RIGHT NO(S) . 32-00058/32-00059/32-00060/32-00061C/32-00061D  
32-00062/32-00063/32-00064/32-00065/32-00066/32-00068/32-00069  
32-00070A/32-00070B/32-00073/32-00074/32-00075/32-00076/32-00077  
32-00078/32-00079/32-00080/32-00083/32-00085/32-00086/32-00087  
32-00089/32-00090A/32-00091/32-00092/32-00093/32-00101/32-00102  
32-02043 & 32-02045

This is to certify that: **RENO DITCH COMPANY**  
**C/O KENT FOSTER**  
**HOLDEN KIDWELL HAHN & CRAPO**  
**PO BOX 50130**  
**IDAHO FALLS ID 83405**

The requested changes have been reviewed in accordance with the provisions of Section 42-222, Idaho Code, and are hereby approved as hereafter set forth. The rights shall be used as herein described in accordance with the conditions of approval and applicable laws and rules.

|                       | <u>PRIORITY</u> | <u>DIVERSION<br/>RATE</u> | <u>ACRES</u> | <u>ANNUAL<br/>VOLUME</u> |
|-----------------------|-----------------|---------------------------|--------------|--------------------------|
| Right No. 32-00058 :  | 04/01/1910      | 1.00 CFS                  | 67.0         | 234.5 AF                 |
| Right No. 32-00059 :  | 05/10/1884      | 6.40 CFS                  | 320.0        | 1120.0 AF                |
| Right No. 32-00060 :  | 05/10/1883      | 3.20 CFS                  | 320.0        | 1120.0 AF                |
| Right No. 32-00080 :  | 05/10/1886      | 3.20 CFS                  | 320.0        | 1120.0 AF                |
| Right No. 32-00061C : | 05/10/1888      | 0.40 CFS                  | 20.0         | 70.0 AF                  |
| Right No. 32-00068 :  | 05/10/1887      | 3.20 CFS                  | 160.0        | 560.0 AF                 |
| Right No. 32-00069 :  | 05/10/1888      | 3.20 CFS                  | 160.0        | 560.0 AF                 |
| Right No. 32-00073 :  | 05/15/1909      | 0.20 CFS                  | 160.0        | 84.9 AF                  |
| Right No. 32-00077 :  | 05/15/1910      | 0.20 CFS                  | 160.0        | 84.9 AF                  |
| Right No. 32-00078 :  | 05/15/1911      | 0.20 CFS                  | 160.0        | 84.9 AF                  |
| Right No. 32-00079 :  | 05/15/1913      | 0.80 CFS                  | 160.0        | 339.6 AF                 |
| Right No. 32-00085 :  | 05/10/1910      | 0.20 CFS                  | 120.0        | 84.9 AF                  |
| Right No. 32-00086 :  | 05/01/1911      | 0.20 CFS                  | 120.0        | 84.9 AF                  |
| Right No. 32-00087 :  | 05/01/1912      | 0.20 CFS                  | 120.0        | 84.9 AF                  |

## TRANSFER NO. 5450

|                     |   |            |          |       |           |
|---------------------|---|------------|----------|-------|-----------|
| Right No. 32-00089  | : | 05/10/1888 | 2.50 CFS | 160.0 | 560.0 AF  |
| Right No. 32-00090A | : | 05/10/1886 | 0.80 CFS | 80.0  | 280.0 AF  |
| Right No. 32-00091  | : | 05/01/1901 | 0.50 CFS | 240.0 | 212.2 AF  |
| Right No. 32-00092  | : | 05/10/1888 | 2.50 CFS | 240.0 | 840.0 AF  |
| Right No. 32-00093  | : | 05/10/1886 | 1.60 CFS | 240.0 | 679.2 AF  |
| Right No. 32-00102  | : | 05/10/1889 | 4.00 CFS | 120.0 | 420.0 AF  |
| Right No. 32-00061D | : | 05/10/1888 | 2.80 CFS | 140.0 | 490.0 AF  |
| Right No. 32-00070A | : | 08/19/1886 | 2.40 CFS | 120.0 | 420.0 AF  |
| Right No. 32-02043  | : | 09/19/1912 | 6.40 CFS | 320.0 | 1120.0 AF |
| Right No. 32-00062  | : | 04/01/1904 | 3.20 CFS | 160.0 | 560.0 AF  |
| Right No. 32-00070B | : | 09/19/1886 | 0.80 CFS | 40.0  | 140.0 AF  |
| Right No. 32-02045  | : | 11/16/1912 | 6.40 CFS | 320.0 | 1120.0 AF |
| Right No. 32-00063  | : | 04/01/1904 | 3.20 CFS | 159.2 | 557.2 AF  |
| Right No. 32-00065  | : | 05/10/1884 | 3.20 CFS | 160.0 | 560.0 AF  |
| Right No. 32-00064  | : | 04/01/1907 | 3.20 CFS | 160.0 | 560.0 AF  |
| Right No. 32-00066  | : | 01/05/1910 | 6.40 CFS | 320.0 | 1120.0 AF |
| Right No. 32-00074  | : | 10/01/1910 | 0.14 CFS | 160.0 | 59.4 AF   |
| Right No. 32-00075  | : | 05/15/1911 | 0.26 CFS | 160.0 | 110.4 AF  |
| Right No. 32-00076  | : | 05/15/1912 | 0.80 CFS | 160.0 | 339.6 AF  |
| Right No. 32-00083  | : | 05/15/1912 | 0.46 CFS | 160.0 | 195.3 AF  |
| Right No. 32-00101  | : | 06/04/1909 | 2.90 CFS | 160.0 | 560.0 AF  |

|         |             |          |              |
|---------|-------------|----------|--------------|
| TOTALS: | * 77.06 CFS | * 3427.0 | * 11579.2 AF |
|---------|-------------|----------|--------------|

BENEFICIAL USE  
IRRIGATION

PERIOD OF USE  
04/01 to 11/01

SOURCE  
BIRCH CREEK

TRIBUTARY OF  
SINKS

## TRANSFER NO. 5450

LOCATION OF POINT(S) OF DIVERSION:      SESW , Sec. 34, Township 09N, Range 30E  
CLARK County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u>   | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u>    | <u>TOTAL</u>    |
|------------|------------|--------------|--------------|--------------|-----------------|-----------------|
| 08N        | 31E        | 12           | SESW 40      | NESE 40      | NWSE 40         |                 |
|            |            |              | SWSE 40      | SESE 40      |                 | 200             |
|            |            | 13           | NENE 40      | NWNE 40      | SWNE 40         |                 |
|            |            |              | SENE 40      | NENW 40      | NWNW 40         |                 |
|            |            |              | SWNW 40      | SENW 40      | NESW 40         |                 |
|            |            |              | NWSW 40      | NESE 40      | NWSE 40         | 480             |
|            |            | 14           | NENE 40      | SENE 40      |                 | 80              |
| 32E        | 1          | Lot 1 (NENE) | 34           | Lot 2 (NWNE) | 34              | SWNE 40         |
|            |            |              | SENE 40      | Lot 3 (NENW) | 34              | Lot 4 (NWNW) 20 |
|            |            |              | SWNW 40      | SENW 40      | NESW 40         |                 |
|            |            |              | NWSW 40      | SWSW 40      | SESW 40         |                 |
|            |            |              | NESE 40      | NWSE 40      | SWSE 40         |                 |
|            |            |              | SESE 40      |              |                 | 602             |
|            | 2          | Lot 1 (NENE) | 2            | SWNE 3       | SENE 30         |                 |
|            |            |              | NESW 3       | SWSW 3       | SESW 30         |                 |
|            |            |              | NESE 40      | NWSE 40      | SWSE 40         |                 |
|            |            |              | SESE 40      |              |                 | 231             |
|            | 10         |              | SENE 15      | NESW 40      | Lot 3 (NWSW) 41 |                 |
|            |            | Lot 4 (SWSW) | 42           | SESW 40      | NESE 40         |                 |
|            |            |              | NWSE 40      | SWSE 40      | SESE 40         | 338             |
|            | 11         |              | NENE 40      | NWNE 40      | SENE 40         |                 |
|            |            |              | NENW 40      | NWNW 20      | SWNW 40         |                 |
|            |            |              | SENW 40      | NESW 40      | NWSW 40         |                 |
|            |            |              | SWSW 40      | SESW 40      |                 | 420             |
|            | 12         |              | NWNE 40      | NENW 40      | NWNW 40         |                 |
|            |            |              | SWNW 40      |              |                 | 160             |
|            | 14         |              | NENW 40      | NWNW 40      |                 | 80              |
|            | 15         |              | NENE 40      | NWNE 40      | SWNE 40         |                 |
|            |            |              | SENE 40      | NENW 40      | Lot 1 (NWNW) 42 |                 |
|            |            | Lot 2 (SWNW) | 42           | SENW 40      |                 | 324             |
| 33E        | 5          | Lot 3 (NENW) | 34           | Lot 4 (NWNW) | 34              | SWNW 40         |
|            |            |              | SENW 40      | NWSW 40      | SWSW 40         | 228             |
|            | 6          | Lot 1 (NENE) | 34           | Lot 2 (NWNE) | 34              | SWNE 40         |
|            |            |              | SENE 40      | Lot 3 (NENW) | 34              | Lot 4 (NWNW) 17 |
|            |            | Lot 5 (SWNW) | 20           | SENW 40      | NESW 40         |                 |
|            |            | Lot 6 (NWSW) | 20           | Lot 7 (SWSW) | 20              | SESW 40         |
|            |            |              | NESE 40      | NWSE 40      | SWSE 40         |                 |
|            |            |              | SESE 40      |              |                 | 539             |
|            | 7          |              | NENE 40      | NWNE 40      | SWNE 40         |                 |
|            |            |              | SENE 40      | NENW 40      | NESE 40         |                 |
|            |            |              | NWSE 40      | SWSE 40      | SESE 40         | 360             |
|            | 8          |              | NENW 40      | NWNW 40      | SWNW 40         |                 |
|            |            |              | SENW 40      | NESW 40      | NWSW 40         |                 |
|            |            |              | SWSW 40      | SESW 40      |                 | 320             |

## TRANSFER NO. 5450

|                 |         |                 |                 |        |
|-----------------|---------|-----------------|-----------------|--------|
| 09N 31E 31      | NESW 40 | Lot 3 (NWSW) 40 | Lot 4 (SWSW) 40 |        |
|                 | SESW 40 | NESE 40         | NWSE 40         |        |
|                 | SWSE 40 | SESE 40         |                 | 320    |
| 32              | NENE 40 | NWNE 40         | SWNE 40         |        |
|                 | SENE 40 | NENW 40         | NWNW 40         |        |
|                 | SWNW 40 | SENW 40         | NESW 40         |        |
|                 | NWSW 40 | SWSW 40         | SESW 40         | 480    |
| 32E 36          | NENE 40 | NWNE 40         | SWNE 40         |        |
|                 | SENE 40 | NENW 40         | NWNW 40         |        |
|                 | SWNW 40 | SENW 40         | NESW 40         |        |
|                 | NWSW 40 | Lot 4 (SWSW) 35 | Lot 3 (SESW) 41 |        |
|                 | NESE 40 | NWSE 40         | Lot 2 (SWSE) 40 |        |
| Lot 1 (SESE) 40 |         |                 |                 | 636    |
|                 |         |                 |                 | * 5798 |

Permissible Place of Use Acres:

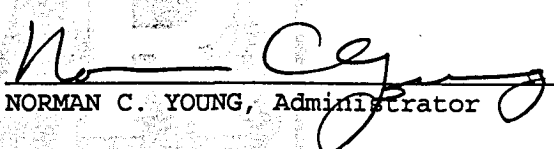
CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Rights 32-00060 and 32-00080 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
8. Rights 32-00073, 32-00077, 32-00078 and 32-00079 when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
9. Rights 32-00085, 32-00086 and 32-00087 when combined shall not exceed the irrigation of 120.0 acres.
10. Rights 32-00089 and 32-00090A when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
11. Rights 32-00091, 32-00092 and 32-00093 when combined shall not exceed the total annual diversion volume of 840.0 af and the irrigation of 240.0 acres

TRANSFER NO. 5450

12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0 af and the irrigation of 960.0 acres.
13. Rights 32-00061D, 32-00070A and 32-02043 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
14. Rights 32-00062, 32-00070B and 32-02045 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
15. Rights 32-00063 and 32-00065 when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
16. Rights 32-00074, 32-00075, 32-00076 when combined shall not exceed the irrigation of 160.0 acres.
- \* 17. All rights under Transfer 5450 when combined shall not exceed a total diversion rate of 77.06 cfs, a total annual maximum diversion volume of 11,579.2 af at the field headgates, and the irrigation of 3,427.0 acres in the place of use described above in a single irrigation season.
18. Approval of Transfer 5450 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 23<sup>RD</sup> day of July, 1999.

  
NORMAN C. YOUNG, Administrator

## MEMORANDUM

**TO:** Files 32-00058/00059/00060/00061C/00061D/00062/00063/00064/00065/00066/  
00068/00069/00070A/00070B/00073/00074/00075/00076/00077/00078/  
00079/00080/00083/00085/00086/00087/00089/00090A/00091/00092/  
00093/00101/00102/02043 & 02045.

**FROM:** Pam Skaggs<sup>CS</sup>/State Office

**SUBJECT:** Transfer 5450

**DATE:** June 29, 1999

---

Transfer 5450 combines the above referenced rights from Birch Creek and creates a 5798-acre permissible place of use for the newly formed Reno Ditch Company. The rights will have a common diversion point and water will be distributed to shareholders within the service area. This transfer resolves previous disputes among the water users.

Region water right and adjudication staff reviewed these rights and provided initial recommendations. Review of the rights as originally decreed and licensed provided further detail to each right. The total combined use under these rights is limited to a diversion rate of 77.06 cfs, a total annual diversion volume of 11,579.2 af, and the irrigation of 3,427 total acres each season within in the permissible place of use.

Season of use was identified as 04-01 to 11-01 under these rights to be consistent with previous transfers. Recommended conditions include watermaster control, measuring device and lockable controlling works, irrigation overlap, permissible place of use limits, combined right limits, and standard transfer conditions.

RECEIVED

JUN 18 1999

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) 32-00060B, 32-00059B, 32-00080B, 32-00070B, 32-00062, 32-02045, 32-00060A, 32-00059A, 32-00065, 32-00080A, 32-00070A, 32-00061D, 32-00063, 32-00064, 32-00058, 32-00066A&B, 32-00074, 32-00076, 32-00083, 32-02043, 32-00090A, 32-00093, 32-00068, 32-00061C, 32-00069, 32-00089, 32-00092, 32-00102, 32-00091, 32-00073, 32-00101, 32-00085, 32-00077, 32-00086, 32-00078, 32-00087, 32-00079, and 32-00075

Adjudication Claim Number(s) \_\_\_\_\_

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county).

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) L2 Limited Partnership, Lewis Newman, General Partner, and L3 Limited Partnership, Lane Newman, General Partner; D&D Enterprises, Inc.; and Birch Creek Ranches, L.L.C.

2941 North 800 East, Montevideo, ID 83435; P.O. Box 5, Rexburg, Idaho 83440; and 5203 South 11th East, Idaho Falls, ID 83404

4. New Owner/Claimant(s) The Reno Ditch Company, Inc.

Name connector (check one): [ ] AND [ ] OR, [ ] AND/OR

New Mailing Address: P.O. Box 5,

City, State and ZIP Code: Rexburg, Idaho 83440

New Telephone Number: (208) \_\_\_\_\_

5. Date you acquired the property \_\_\_\_\_

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_

Cubic Feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Jim D. Newman Date 6/18/99

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attached a Notice of Appearance completed by your attorney.

QUITCLAIM DEED  
FOR  
WATER RIGHTS

Microfilm No. 040201  
30 Day March 19 99  
At 1:37 O'Clock P M  
CONNIS OWEN  
Clark Co. Recorder  
Fee \$ 9.00  
Marcia Belcher Deputy  
Recorded at Request of  
H, K, H & Co

THIS INDENTURE is made this 12 day of March, 1999, between D&D Enterprises, Inc., referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all of the following described water rights or portions thereof used on lands in the Counties of Clark and Jefferson, State of Idaho, to-wit:

| RIGHT NO. | PRIORITY        | AMOUNT | NATURE OF USE | PERIOD OF USE  |
|-----------|-----------------|--------|---------------|----------------|
| 32-00060A | 10 May, 1883    | 1.60   | Irrigation    | 04/01 to 11/01 |
| 32-00059A | 10 May, 1884    | 0.88   | Irrigation    | 04/01 to 11/01 |
| 32-00065  | 10 May, 1884    | 3.20   | Irrigation    | 04/01 to 11/01 |
| 32-00080A | 10 May, 1886    | 1.60   | Irrigation    | 04/01 to 11/01 |
| 32-00070A | 19 August, 1886 | 2.40   | Irrigation    | 04/01 to 11/01 |
| 32-00061D | 10 May, 1888    | 2.80   | Irrigation    | 04/01 to 11/01 |
| 32-00063  | 1 April, 1904   | 3.20   | Irrigation    | 04/01 to 11/01 |
| 32-00064  | 1 April, 1907   | 3.20   | Irrigation    | 04/01 to 11/01 |

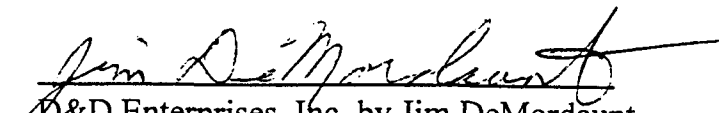
|             |                    |      |            |                |
|-------------|--------------------|------|------------|----------------|
| 32-00058    | 1 April, 1910      | 1.00 | Irrigation | 04/01 to 11/01 |
| 32-00066A&B | 5 January, 1910    | 6.40 | Irrigation | 04/01 to 11/01 |
| 32-00074    | 1 October, 1910    | 0.14 | Irrigation | 04/01 to 11/01 |
| 32-00076    | 15 May, 1912       | 0.80 | Irrigation | 04/01 to 11/01 |
| 32-00083    | 15 May, 1912       | 0.46 | Irrigation | 04/01 to 11/01 |
| 32-02043    | 19 September, 1912 | 6.40 | Irrigation | 04/01 to 11/01 |

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

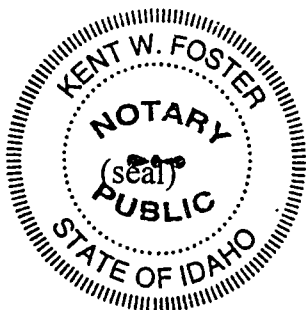
IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

  
D&D Enterprises, Inc. by Jim DeMordaunt,  
its President

STATE OF IDAHO                    )  
                                           )ss.  
 County of Bonneville            )

On the 10<sup>th</sup> day of March, 1999 before me, the undersigned, a notary public in and for said State, personally appeared Jim DeMordaunt, known or identified to me to be the President of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



G:\WPDATA\KWF\5568\QUITCLAIM.D&D:kmc

*Kent W. Foster*  
 Notary Public for Idaho  
 Residing at Idaho Falls, Idaho  
 My Commission Expires: 11/20/2004

02/9/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-64

NAME AND ADDRESS: RENO DITCH COMPANY INC  
PO BOX 5  
REXBURG ID 83440

SOURCE: BIRCH CREEK

TRIBUTARY: SINKS

QUANTITY: 3.20 CFS  
560.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~44,579.2~~ 12,937.2 AF. RIGHTS OF THE RENO DITCH COMPANY:  
32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043, & 32-02045 & 32-11224.

PRIORITY DATE: 04/01/1907

POINT OF DIVERSION:

T09N R30E S34 SESESW Within CLARK County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| IRRIGATION     | 4/01 11/01    | 3.200 CFS<br>560.00 AFY |

PLACE OF USE:

IRRIGATION Within CLARK County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T08N R31E S12       | SESW | 40.0 | T08N R31E S12       | NWSE | 40.0 |
| T08N R31E S12       | SWSE | 40.0 | T08N R31E S12       | SESE | 40.0 |
| T08N R31E S13       | NENE | 40.0 | T08N R31E S13       | NWNE | 40.0 |
| T08N R31E S13       | SWNE | 40.0 | T08N R31E S13       | SENE | 40.0 |
| T08N R31E S13       | NENW | 40.0 | T08N R31E S13       | NWNW | 40.0 |
| T08N R31E S13       | SWNW | 40.0 | T08N R31E S13       | SENW | 40.0 |
| T08N R31E S13       | NESW | 40.0 | T08N R31E S13       | NWSW | 40.0 |
| T08N R31E S13       | NESE | 40.0 | T08N R31E S13       | NWSE | 39.0 |
| T08N R31E S14       | NENE | 39.0 | T08N R31E S14       | SENE | 39.0 |
| T08N R32E S10       | NESW | 40.0 | T08N R32E S10 Lot 3 | NWSW | 41.0 |
| T08N R32E S10 Lot 4 | SWSW | 41.0 | T08N R32E S10       | SESW | 40.0 |
| T08N R32E S10       | NESE | 40.0 | T08N R32E S10       | NWSE | 40.0 |
| T08N R32E S10       | SWSE | 40.0 | T08N R32E S10       | SESE | 40.0 |
| T08N R32E S01 Lot 1 | NENE | 34.0 | T08N R32E S01 Lot 2 | NWNE | 34.0 |
| T08N R32E S01       | SWNE | 40.0 | T08N R32E S01       | SENE | 40.0 |
| T08N R32E S01 Lot 3 | NENW | 34.0 | T08N R32E S01 Lot 5 | NWNW | 22.0 |
| T08N R32E S01       | SWNW | 40.0 | T08N R32E S11       | NENE | 41.0 |
| T08N R32E S11       | NWNE | 41.0 | T08N R32E S11       | SENE | 41.0 |

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T08N R32E S11       | NENW | 41.0 | T08N R32E S11       | NWNW | 28.0 |
| T08N R32E S01       | SENW | 40.0 | T08N R32E S11       | SWNW | 41.0 |
| T08N R32E S11       | SENW | 41.0 | T08N R32E S11       | NESW | 41.0 |
| T08N R32E S11       | NWSW | 41.0 | T08N R32E S11       | SWSW | 41.0 |
| T08N R32E S11       | SESW | 41.0 | T08N R32E S01       | NESW | 40.0 |
| T08N R32E S01       | NWSW | 40.0 | T08N R32E S01       | SWSW | 40.0 |
| T08N R32E S01       | SESW | 40.0 | T08N R32E S01       | NESE | 40.0 |
| T08N R32E S01       | NWSE | 40.0 | T08N R32E S01       | SWSE | 40.0 |
| T08N R32E S12       | NWNE | 40.0 | T08N R32E S12       | NENW | 40.0 |
| T08N R32E S12       | NWNW | 40.0 | T08N R32E S01       | SESE | 40.0 |
| T08N R32E S12       | SWNW | 40.0 | T08N R32E S14       | NENW | 40.0 |
| T08N R32E S14       | NWNW | 40.0 | T08N R32E S15       | NENE | 40.0 |
| T08N R32E S15       | NWNE | 40.0 | T08N R32E S15       | SWNE | 40.0 |
| T08N R32E S15       | SENE | 40.0 | T08N R32E S15       | NENW | 40.0 |
| T08N R32E S15 Lot 1 | NWNW | 42.0 | T08N R32E S15 Lot 2 | SWNW | 42.0 |
| T08N R32E S15       | SENW | 40.0 | T08N R32E S02       | SENE | 24.0 |
| T08N R32E S02       | SESW | 26.0 | T08N R32E S02       | NESE | 40.0 |
| T08N R32E S02       | NWSE | 24.0 | T08N R32E S02       | SWSE | 40.0 |
| T08N R32E S02       | SESE | 40.0 | T08N R33E S05 Lot 3 | NENW | 34.0 |
| T08N R33E S05 Lot 4 | NWNW | 34.0 | T08N R33E S05       | SWNW | 40.0 |
| T08N R33E S05       | SENW | 40.0 | T08N R33E S05       | NWSW | 40.0 |
| T08N R33E S05       | SWSW | 40.0 | T08N R33E S06 Lot 1 | NENE | 34.0 |
| T08N R33E S06 Lot 2 | NWNE | 34.0 | T08N R33E S06       | SWNE | 40.0 |
| T08N R33E S06       | SENE | 40.0 | T08N R33E S06 Lot 3 | NENW | 34.0 |
| T08N R33E S06 Lot 4 | NWNW | 17.0 | T08N R33E S06 Lot 5 | SWNW | 20.0 |
| T08N R33E S06       | SENW | 40.0 | T08N R33E S06       | NESW | 40.0 |
| T08N R33E S06 Lot 6 | NWSW | 20.0 | T08N R33E S06 Lot 7 | SWSW | 20.0 |
| T08N R33E S06       | SESW | 40.0 | T08N R33E S06       | NESE | 40.0 |
| T08N R33E S06       | NWSE | 40.0 | T08N R33E S06       | SWSE | 40.0 |
| T08N R33E S06       | SESE | 40.0 | T08N R33E S07       | NENE | 40.0 |
| T08N R33E S07       | NWNE | 40.0 | T08N R33E S07       | SWNE | 40.0 |
| T08N R33E S07       | SENE | 40.0 | T08N R33E S07       | NENW | 40.0 |
| T08N R33E S07       | NESE | 40.0 | T08N R33E S07       | NWSE | 40.0 |
| T08N R33E S07       | SWSE | 40.0 | T08N R33E S07       | SESE | 40.0 |
| T08N R33E S08       | NENW | 40.0 | T08N R33E S08       | NWNW | 40.0 |
| T08N R33E S08       | SWNW | 40.0 | T08N R33E S08       | SENW | 40.0 |
| T08N R33E S08       | NESW | 40.0 | T08N R33E S08       | NWSW | 40.0 |
| T08N R33E S08       | SWSW | 40.0 | T08N R33E S08       | SESW | 40.0 |
| T09N R32E S36       | NENE | 40.0 | T09N R32E S36       | NWNE | 40.0 |
| T09N R32E S36       | SWNE | 40.0 | T09N R32E S36       | SENE | 40.0 |
| T09N R32E S36       | NENW | 40.0 | T09N R32E S36       | NWNW | 40.0 |
| T09N R32E S36       | SWNW | 40.0 | T09N R32E S36       | SENW | 40.0 |
| T09N R32E S36       | NESW | 40.0 | T09N R32E S36       | NWSW | 40.0 |
| T09N R32E S36 Lot 4 | SWSW | 37.0 | T09N R32E S36 Lot 3 | SESW | 40.0 |

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| <u>T09N R32E S36 NESE 40.0</u>       | <u>T09N R32E S36 NWSE 40.0</u>       |
| <u>T09N R32E S36 Lot 2 SWSE 40.0</u> | <u>T09N R32E S36 Lot 1 SESE 40.0</u> |
| <u>T09N R33E S31 NESW 40.0</u>       | <u>T09N R33E S31 Lot 3 NWSW 40.0</u> |
| <u>T09N R33E S31 Lot 4 SWSW 40.0</u> | <u>T09N R33E S31 SESW 40.0</u>       |
| <u>T09N R33E S31 NESE 40.0</u>       | <u>T09N R33E S31 NWSE 40.0</u>       |
| <u>T09N R33E S31 SWSE 40.0</u>       | <u>T09N R33E S31 SESE 40.0</u>       |
| <u>T09N R33E S32 NENE 40.0</u>       | <u>T09N R33E S32 NWNW 40.0</u>       |
| <u>T09N R33E S32 SWNE 40.0</u>       | <u>T09N R33E S32 SENE 40.0</u>       |
| <u>T09N R33E S32 NENW 40.0</u>       | <u>T09N R33E S32 NWNW 40.0</u>       |
| <u>T09N R33E S32 SWNW 40.0</u>       | <u>T09N R33E S32 SENW 40.0</u>       |
| <u>T09N R33E S32 NESW 40.0</u>       | <u>T09N R33E S32 NWSW 40.0</u>       |
| <u>T09N R33E S32 SWSW 40.0</u>       | <u>T09N R33E S32 SESW 40.0</u>       |

5723 ACRES TOTAL

USE OF THE RIGHTS OF THE RENO DITCH COMPANY LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~3,427~~ 3,815 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

~~PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY. TOTAL IRRIGATED ACRES 5798.~~

THE USE OF WATER WITHIN T08NR32E S02 SESW, NWSE AND SENE, AND S11 NWNW DOES NOT INCLUDE ANY FEDERAL PUBLIC LANDS.

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.

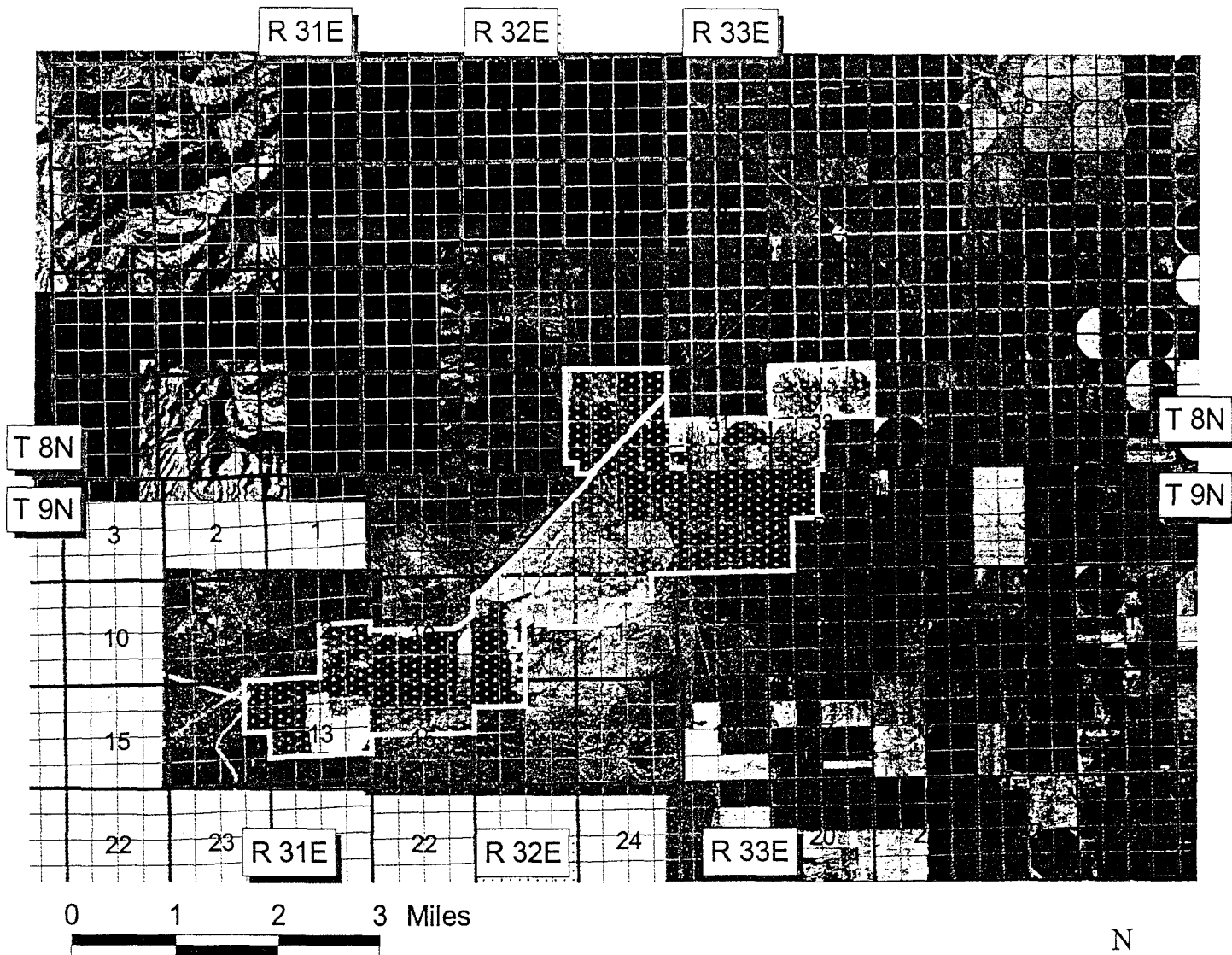
EXPLANATORY MATERIAL: Decreed

# IDAHO DEPARTMENT OF WATER RESOURCES

## The Reno Ditch Company, Inc

Water Right Numbers: 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043, 32-02045

*Original  
Claim sent  
to court  
12-17-99  
w*

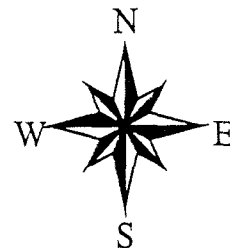


 1/4 1/4 Section Lines

 Section Lines

 Place of Use Boundary

Townships 8N and 9N  
Ranges 31E, 32E and 33E



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Bryce A. Contor  
Date: August, 1999

11/14/2000

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

RIGHT NUMBER: 32-64

NAME AND ADDRESS: RENO DITCH COMPANY INC  
PO BOX 5  
REXBURG, ID 83440

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 3.2 CFS  
560 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~11,579.2~~ 12,937.2 AF. RIGHTS OF THE RENO DITCH COMPANY: 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043, & 32-02045 & ~~32-11224~~.

PRIORITY DATE: 04/01/1907

POINT OF DIVERSION: T09N R30E S34 SESESW Within CLARK County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY              |
|----------------|---------------|-----------------------|
| IRRIGATION     | 4-01 11-01    | 3.20 CFS<br>560.0 AFY |

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN THE ~~PLACE OF USE DESCRIBED ABOVE~~ BOUNDARY OF THE RENO DITCH COMPANY IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS OF THE RENO DITCH COMPANY LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~3,427~~ 3,815 ACRES IN A SINGLE IRRIGATION SEASON.

PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY. TOTAL IRRIGATED ACRES: ~~5,798~~ 5,740.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

| OWNER<br>CODE    | NAME & ADDRESS                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | RENO DITCH COMPANY INC<br>PO BOX 5<br>REXBURG ID 83440 | 04/01/1907       | IRRIGATION | 04-01 11-01           | 3.200 CFS         | 560.00 AFA          |
| TOTAL DIVERSION: |                                                        |                  |            |                       | 3.200 CFS         | 560.00 AFA          |

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T09N R30E S34 SESESW CLARK County

Place of use Legal Description for: IRRIGATION

| NE          |     |      |    |       |    |       |    |    |    | NW    |    |       |    |       |    |       |    |    |    | SW   |    |      |       |      |       |      |       |        |    | SE   |    |      |       |       |       |       |       |  |  |  |
|-------------|-----|------|----|-------|----|-------|----|----|----|-------|----|-------|----|-------|----|-------|----|----|----|------|----|------|-------|------|-------|------|-------|--------|----|------|----|------|-------|-------|-------|-------|-------|--|--|--|
| NENE        |     | NWNE |    | SWNE  |    | SENE  |    |    |    | NENW  |    | NWNW  |    | SWNW  |    | SENW  |    |    |    | NESW |    | NWSW |       | SWSW |       | SESW |       |        |    | NESE |    | NWSE |       | SWSE  |       | SESE  |       |  |  |  |
| T           | R   | S    | Lt | Ac    | Lt | Ac    | Lt | Ac | Lt | Ac    | Lt | Ac    | Lt | Ac    | Lt | Ac    | Lt | Ac | Lt | Ac   | Lt | Ac   | Lt    | Ac   | Lt    | Ac   | Lt    | Ac     | Lt | Ac   | Lt | Ac   | Lt    | Ac    | SUM   |       |       |  |  |  |
| 08N         | 31E | 12   | :  |       |    |       |    |    |    | :     |    |       |    |       |    |       |    |    |    | :    |    |      |       |      |       |      |       |        |    |      |    |      |       |       |       | 200.0 |       |  |  |  |
| 08N         | 31E | 13   | :  | 40    |    | 40    |    | 40 |    | 40    | :  | 40    |    | 40    |    | 40    |    | 40 |    | :    | 40 |      | 40    |      |       |      |       | 40     |    | 40   |    |      |       |       | 480.0 |       |       |  |  |  |
| 08N         | 31E | 14   | :  | 40    |    |       |    | 40 |    | :     |    |       |    |       |    |       |    |    |    | :    |    |      |       |      |       |      |       |        |    |      |    |      |       |       | 80.0  |       |       |  |  |  |
| 08N         | 32E | 1    | :  | 01-34 |    | 02-34 |    | 40 |    | 40    | :  | 03-34 |    | 04-20 |    | 40    |    | 40 |    | :    | 40 |      | 40    |      | 40    |      | 40    |        | 40 |      | 40 |      | 40    |       | 602.0 |       |       |  |  |  |
| 08N         | 32E | 2    | :  | 01-02 |    |       |    | 03 |    | 30    | :  |       |    |       |    |       |    |    |    | :    | 03 |      |       |      | 03    |      | 30    |        | 40 |      | 40 |      | 40    |       | 231.0 |       |       |  |  |  |
| 08N         | 32E | 10   | :  |       |    |       |    | 15 |    | :     |    |       |    |       |    |       |    |    |    | :    | 40 |      | 03-41 |      | 04-42 |      | 40    |        | 40 |      | 40 |      | 40    |       | 338.0 |       |       |  |  |  |
| 08N         | 32E | 11   | :  | 40    |    | 40    |    | 40 |    | 40    | :  | 40    |    | 20    |    | 40    |    | 40 |    | :    | 40 |      | 40    |      | 40    |      | 40    |        |    |      |    |      |       | 420.0 |       |       |       |  |  |  |
| 08N         | 32E | 12   | :  |       |    | 40    |    |    |    | 40    | :  | 40    |    | 40    |    | 40    |    |    |    | :    |    |      |       |      |       |      |       |        |    |      |    |      |       | 160.0 |       |       |       |  |  |  |
| 08N         | 32E | 14   | :  |       |    |       |    |    |    | 40    | :  | 40    |    | 40    |    |       |    |    |    | :    |    |      |       |      |       |      |       |        |    |      |    |      |       | 80.0  |       |       |       |  |  |  |
| 08N         | 32E | 15   | :  | 40    |    | 40    |    | 40 |    | 40    | :  | 40    |    | 42    |    | 42    |    | 40 |    | :    |    |      |       |      |       |      |       |        |    |      |    |      |       | 324.0 |       |       |       |  |  |  |
| 08N         | 33E | 5    | :  |       |    |       |    |    |    | 03-34 | :  | 04-34 |    | 40    |    | 40    |    |    |    | :    |    |      | 40    |      | 40    |      |       |        |    |      |    |      |       | 228.0 |       |       |       |  |  |  |
| 08N         | 33E | 6    | :  | 01-34 |    | 02-34 |    | 40 |    | 40    | :  | 03-34 |    | 04-17 |    | 05-20 |    | 40 |    | :    | 40 |      | 06-20 |      | 07-20 |      | 40    |        | 40 |      | 40 |      | 40    |       | 539.0 |       |       |  |  |  |
| 08N         | 33E | 7    | :  | 40    |    | 40    |    | 40 |    | 40    | :  | 40    |    |       |    |       |    |    | :  |      |    |      |       |      |       |      | 40    |        | 40 |      | 40 |      | 40    |       | 360.0 |       |       |  |  |  |
| 08N         | 33E | 8    | :  |       |    |       |    |    |    | 40    | :  | 40    |    | 40    |    | 40    |    | 40 |    | :    | 40 |      | 40    |      | 40    |      | 40    |        |    |      |    |      |       | 320.0 |       |       |       |  |  |  |
| 09N         | 31E | 31   | :  |       |    |       |    |    |    |       | :  |       |    |       |    |       |    |    |    | :    | 40 |      | 03-40 |      | 04-40 |      | 40    |        | 40 |      | 40 |      | 40    |       | 320.0 |       |       |  |  |  |
| 09N         | 31E | 32   | :  | 40    |    | 40    |    | 40 |    | 40    | :  | 40    |    | 40    |    | 40    |    | 40 |    | :    | 40 |      | 40    |      | 40    |      | 40    |        |    |      |    |      |       | 480.0 |       |       |       |  |  |  |
| 09N         | 32E | 36   | :  | 40    |    | 40    |    | 40 |    | 40    | :  | 40    |    | 40    |    | 40    |    | 40 |    | :    | 40 |      | 40    |      | 03-35 |      | 04-41 |        | 40 |      | 40 |      | 02-40 |       | 01-40 |       | 636.0 |  |  |  |
| TOTAL ACRES |     |      |    |       |    |       |    |    |    |       |    |       |    |       |    |       |    |    |    |      |    |      |       |      |       |      |       | 5798.0 |    |      |    |      |       |       |       |       |       |  |  |  |

POU County: CLARK, JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 11,579.2 AF. RIGHTS OF THE RENO DITCH COMPANY: 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043 & 32-02045.

|               |                                   |                               |                              |
|---------------|-----------------------------------|-------------------------------|------------------------------|
| <b>Dates:</b> | <b>Exam Made Date:</b>            | <b>Verified Date:</b>         | <b>Objection Filed Date:</b> |
| <b>Misc:</b>  | <b>Water District Number: 32D</b> | <b>Field Inspection Flag:</b> |                              |
|               |                                   | <b>Presumption Flag:</b>      |                              |

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: A32-00064  
Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_

FIRST AMENDMENT TO NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: D & D ENTERPRISES, INC. 208-523-4650  
Address: C/O PETERSEN, MOSS & OLSEN  
485 "E" STREET  
IDAHO FALLS, ID 83402

D & D Enterprises, Inc. ("Applicant") adopts in total as part of this First Amendment to Notice of Claim to a Water Right acquired under State Law ("First Amendment") those certain original paragraphs (1-9 both inclusive and 11-15 both inclusive) from the original Notice of Claim to a Water Right acquired under State Law, filed by Applicant in the above-entitled action on the 29th day of June, 1988 assigned identification number A32-00064, and by reference hereof, said original paragraphs (1-9 both inclusive and 11-15 both inclusive) are incorporated in total herein and made a part of this First Amendment as if set out verbatim herein. As to the original paragraph 10 to said original Notice of Claim, that is, paragraph 10 that reads as follows:

"10. Place of Use:

| Township | Range | Section | 1/4 of 1/4    | Lot | Use | Acres  |
|----------|-------|---------|---------------|-----|-----|--------|
| 08N      | 31E   | 12      | SE SW         |     | IRR | 32.0   |
|          |       |         | SW SE         |     | IRR | 32.0   |
|          |       |         | Section Acres |     |     | 64.0   |
| Township | Range | Section | 1/4 of 1/4    | Lot | Use | Acres  |
| 08N      | 32E   | 15      | SW NE         |     | IRR | 31.0   |
|          |       |         | SE NE         |     | IRR | 34.0   |
|          |       |         | Section Acres |     |     | 65.0   |
|          |       |         | Total Acres   |     |     | 129.0" |

Said above quoted paragraph is hereby cancelled in total and replaced by a new substituted paragraph 10 that reads as follows:

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 08N           | 31E   | 12      | SE SW      |     | IRR | 40.0  |
|               |       |         | NW SE      |     | IRR | 40.0  |
|               |       |         | SW SE      |     | IRR | 40.0  |
|               |       |         | SE SE      |     | IRR | 40.0  |
| Section Acres |       |         |            |     |     | 160.0 |
| Total Acres   |       |         |            |     |     | 160.0 |

THIS AMENDMENT IS NOT INTENDED TO MODIFY IN ANY MANNER WHATSOEVER ANY OF THOSE CERTAIN ORIGINAL REFERENCED PARAGRAPHS (1-9 BOTH INCLUSIVE AND 11-15 BOTH INCLUSIVE) THAT ARE ADOPTED IN TOTAL AND MADE A PART OF SAID THIS FIRST AMENDMENT; AND AS TO PARAGRAPH 10 QUOTED ABOVE, AND THE AMENDMENT THERETO, SAID AMENDMENT TO PARAGRAPH 10 TAKES THE PLACE OF AND BECOMES THE NEW PARAGRAPH 10 FOR SAID FIRST AMENDMENT; AND FURTHER ALL OF THE TERMS, CONDITIONS, AND PROVISIONS THEREOF, UNLESS SPECIFICALLY MODIFIED HEREIN, ARE TO APPLY HERETO AND ARE MADE A PART HEREOF, THE SAME AS THOUGH THEY WERE EXPRESSLY REWRITTEN, INCORPORATED AND INCLUDED IN TOTAL HEREIN.

(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:   2  

I do solemnly swear or affirm that I am President of D & D Enterprises, Inc., that I have signed the foregoing document in the space below as President of D & D Enterprises, Inc., and that the statements contained in the foregoing document are true and correct.

  
 James S. DeMordaunt  
 President, D & D Enterprises, Inc.  
 Date:   12-18-94

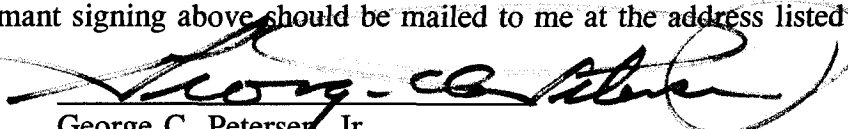
STATE OF IDAHO )  
 ) ss.  
County of Bonneville )

SUBSCRIBED AND SWORN (or affirmed) before me this 18<sup>th</sup> day of December, 1996.

(SEAL)

  
Notary Public for State of Idaho  
Residing at: Shelley  
My Commission Expires: 6-27-2000

Notice is hereby given that I, George C. Petersen, Jr., 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: 

George C. Petersen, Jr.  
485 "E" Street  
Idaho Falls, ID 83402

Date: 12-18-96

POINT OF DIVERSION

T9N

T8N

DITCH TO  
POWER  
PLANT

R30E

A32-00064

Tr. 8 N. R. 31 EBM

Tr. 8 N. R. 32

CLARK COUNTY

JEFFERSON

①

③

00066A - 3.2 CFS

3.2 x 50 = 160 inches  
4 x 40 = 160 Acres  
160 Acres = 160 inches,  
(or 1 inch per Acre)

Borrow  
Pit

00064 - 3.2 CFS

3.2 x 50 = 160 inches  
4 x 40 = 160 Acres  
160 Acres = 160 inches,  
(or 1 inch per Acre)

00066B - 3.2 CFS

3.2 x 50 = 160 inches  
4 x 40 = 160 Acres  
160 Acres = 160 inches,  
(or 1 inch per Acre)

00060A - 1.6 CFS

00080A - 1.6 CFS

3.2 x 50 = 160 in  
4 x 40 = 160 A  
160 Acres = 160 in  
(or 1 inch per Acre)

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: A32-00064  
Date Received: 6/28/1988  
Receipt No: 6000583  
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: D & D ENTERPRIZES, INC. 208-523-4650  
Address: C/O PETERSEN, MOSS & OLSEN  
485 E STREET  
IDAHO FALLS, ID 83402

2. Date of Priority: APR 01, 1907

3. Source: BIRCH CREEK Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 08N      | 30E   | 3       | NE     | NE     | NW     |     | CLARK  |

5. Description of diverting works:  
HEADWORKS OF SORENSEN HYDRO PROJECT

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.200  |      |        |

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

8. Total consumptive use is 365.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 08N      | 31E   | 12      | SE     | SW     |     | IRR | 32.0  |
|          |       |         | SE     | SW     |     | IRR | 32.0  |

A32-00064

Page 1

Date: 06/28/88

MICROFILMED

NOV 18 1992

A3200064



10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 08N      | 31E   | 12      | SW     | SE  |     | IRR           | 32.0  |
|          |       |         |        |     |     | Section Acres | 96.0  |
|          | 32E   | 15      | SW     | NE  |     | IRR           | 31.0  |
|          |       |         | SE     | NE  |     | IRR           | 34.0  |
|          |       |         |        |     |     | Section Acres | 65.0  |
|          |       |         |        |     |     | Total Acres   | 161.0 |

11. Place of use in counties: CLARK, JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:  
SEE A32-00060A

15. Basis of Claim: DECREED  
Water Right Number:  
Case Number:  
Court :  
Decree date: 9/06/1922

AGNES B. RENO, ET. AL.  
Decree Plaintiff

vs

J. R. RICHARDS, ET. AL.  
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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

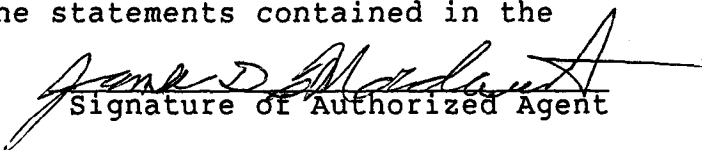
I do solemnly swear or affirm that I am \_\_\_\_\_ President \_\_\_\_\_ of \_\_\_\_\_ Title \_\_\_\_\_

D & D ENTERPRISES, INC. \_\_\_\_\_, that I have signed the foregoing Organization \_\_\_\_\_

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

D & D ENTERPRISES, INC. \_\_\_\_\_ and that the statements contained in the Organization \_\_\_\_\_

foregoing document are true and correct.

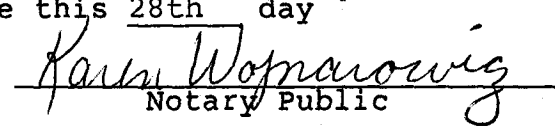
  
Signature of Authorized Agent

President, D & D ENTERPRISES, INC.  
Title and Organization

June 28, 1988  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 28th day  
of June 19 88

  
Notary Public

Seal

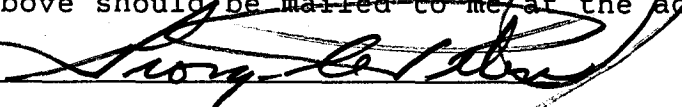
Residing at Idaho Falls, Idaho

My Commission Expires 9/18/91

17. Notice of Appearance:

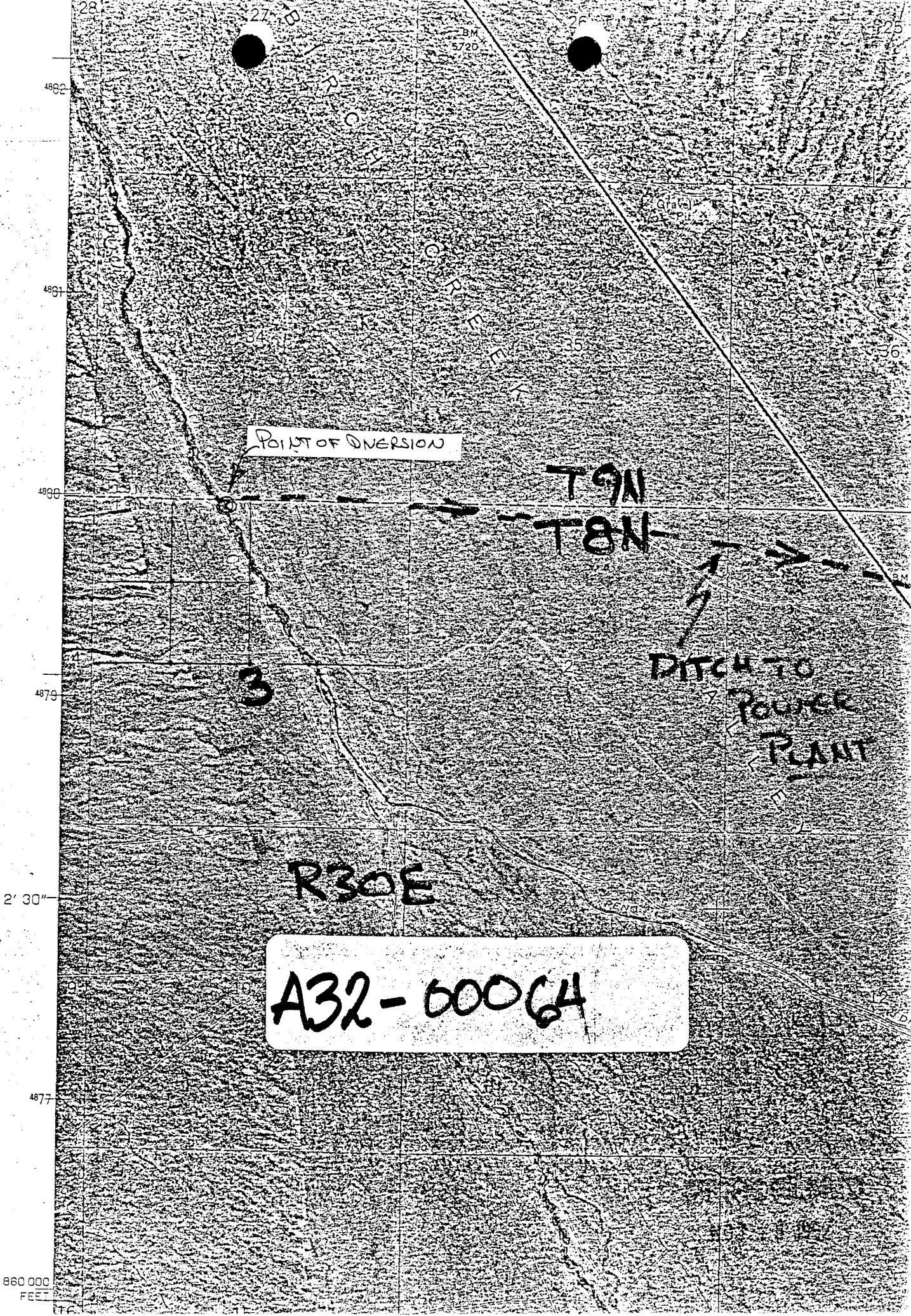
Notice is hereby given that I, George C. Petersen, Jr. will be  
Print Name

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 485 "E" Street, Idaho Falls, ID 83402

Date June 28, 1988



R32F

123

~~NOV - 18 - 1992~~

# TESTING STATION

4923

CLARK CO  
JEFFERSON CO

1605

TO IDAHO 28

79c

365

366

3617

368